

HOUSE BILL No. 1299

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-47-4.

Synopsis: Surrender of firearms for domestic violence crimes. Provides that a person who: (1) has been convicted of a crime of domestic violence; and (2) knowingly or intentionally possesses a firearm; commits a Class A misdemeanor. Specifies defenses. Requires a court to issue an order, upon entry of a judgment of conviction for domestic battery or a crime of domestic violence, that: (1) prohibits ownership or possession of a firearm; (2) requires the defendant to surrender: (A) any firearm owned or possessed by the defendant; and (B) any license or permit to carry a handgun (license) owned or possessed by the defendant; and (3) requires confiscation, within 72 hours, of any firearm or license owned or possessed by the defendant. Provides that a domestic batterer who knowingly or intentionally fails to surrender a certain firearm or license commits a Class A misdemeanor, enhanced to a Level 6 felony in specific instances. Provides defenses. Specifies how a confiscated firearm or license shall be returned or disposed of if a person's right to possess a firearm is restored.

Effective: July 1, 2026.

Smith V

January 6, 2026, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1299

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-31.5-2-78, AS AMENDED BY P.L.175-2022,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 78. "Crime of domestic violence", for purposes of
4 IC 5-2-6.1, IC 35-38-9, IC 35-47-2-1.5, and ~~IC 35-47-4-7~~, **IC 35-47-4**,
5 means an offense or the attempt to commit an offense that:
6 (1) has as an element the:
7 (A) use of physical force; or
8 (B) threatened use of a deadly weapon; and
9 (2) is committed against a family or household member, as
10 defined in section 128 of this chapter.
11 SECTION 2. IC 35-31.5-2-103.3 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2026]: **Sec. 103.3. "Domestic batterer", for**
14 **purposes of IC 35-47-4-6.3, has the meaning set forth in**
15 **IC 35-47-4-6.3(a)(2).**
16 SECTION 3. IC 35-31.5-2-183, AS AMENDED BY P.L.127-2025,
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 183. (a) "Law enforcement agency," for purposes of receiving information concerning a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking), means:

(1) an agency or department of:

(A) the state; or

(B) a political subdivision of the state;

whose principal function is the apprehension of criminal offenders; and

(2) the attorney general.

(b) "Law enforcement agency", for purposes of IC 35-33-4.5, **IC 35-47-4**, and IC 35-47-15, has the meaning set forth in IC 35-47-15-2.

SECTION 4. IC 35-31.5-2-187.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 187.2. "License", for purposes of IC 35-47-4-6.3 and IC 35-47-4-6.4, has the meaning set forth in IC 35-47-4-6.3(a)(3).**

SECTION 5. IC 35-31.5-2-275.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 275.5. "Residence", for purposes of IC 35-47-4-6.3, has the meaning set forth in IC 35-47-4-6.3(a)(4).**

SECTION 6. IC 35-31.5-2-319.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 319.5. "Surrender", for purposes of IC 35-47-4-6.3 and IC 35-47-4-6.4, has the meaning set forth in IC 35-47-4-6.3(a)(5).**

SECTION 7. IC 35-47-4-6, AS AMENDED BY P.L.118-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A person who has been convicted of:

(1) domestic battery under IC 35-42-2-1.3; or

(2) **a crime of domestic violence (as defined in IC 35-31.5-2-78);**

and who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a domestic batterer, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that:

(1) the person's right to possess a firearm has been restored under ~~IC 35-47-4-7~~ **section 7 of this chapter; or**

(2) **the person, at the time of the commission of the offense, was:**

(A) **subject to a written court order under section 6.4(a) of this chapter; and**



(B) awaiting the confiscation of the firearm by an appropriate law enforcement agency or law enforcement officer as described in section 6.4(b) of this chapter.

SECTION 8. IC 35-47-4-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.3. (a) The following definitions apply throughout this section:

(1) "Crime of domestic violence" has the meaning set forth in IC 35-31.5-2-78.

(2) "Domestic batterer" means a person:

(A) who has been convicted of domestic battery (IC 35-42-2-1.3) or a crime of domestic violence; and

(B) whose right to possess a firearm has not been restored under section 7 of this chapter.

(3) "License" means any license or permit to carry a handgun.

(4) "Residence" means one (1) or more of the following:

(A) The location where a person spends most of the person's time, including a residence owned or leased by another person if the person:

(i) does not own or lease a residence; or

(ii) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the person.

(B) A particular location where a person spends more than three (3) nights in a thirty (30) day period.

(5) "Surrender" means to make available for confiscation by a law enforcement agency or law enforcement officer having jurisdiction over one (1) or more of the following:

(A) The location of the offense.

(B) The location of the defendant's residence at any time between the defendant's arrest and the conclusion of the defendant's sentence.

(b) A domestic batterer who knowingly or intentionally fails to surrender any:

(1) firearm; or

(2) license;

owned or possessed by the domestic batterer commits unlawful retention of a firearm or license by a domestic batterer, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction for an offense under this section.

(c) It is a defense to a prosecution under this section that:



(1) a court did not issue a written order described in section 6.4(a) of this chapter before the domestic batterer's failure to surrender any firearm or license owned or possessed by the domestic batterer; or

(2) the appropriate law enforcement agency or law enforcement officer failed to confiscate a firearm or license eligible for confiscation under this section in a timely manner.

(d) It is not a defense to a prosecution under this section that a firearm or license subject to confiscation by a law enforcement agency or law enforcement officer under this section was in the possession of a third party not specified in the court order described in section 6.4(a) of this chapter.

(e) Nothing in this chapter shall be construed to prevent a person who is:

(1) the rightful owner of a firearm confiscated under this section; and

(2) not otherwise disqualified or prohibited from owning or possessing a firearm under state or federal law;

from reclaiming a confiscated firearm from the law enforcement agency or law enforcement officer responsible for originally confiscating the firearm.

SECTION 9. IC 35-47-4-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.4. (a) A court, upon entering a judgment of conviction for domestic battery or a crime of domestic violence, shall issue a written order that does the following:

(1) Prohibits the defendant from owning or possessing a firearm.

(2) Requires the defendant to surrender all firearms and licenses owned or possessed by the defendant.

(3) Orders an appropriate law enforcement:

(A) agency; or

(B) officer;

to confiscate all firearms and all licenses owned or possessed by the defendant.

(4) Advises the defendant of the rights described in section 7 of this chapter.

(b) A law enforcement agency or law enforcement officer subject to a written court order described in subsection (a) shall comply with subsection (a) not later than seventy-two (72) hours after receipt of the written court order described in subsection (a).

SECTION 10. IC 35-47-4-7, AS AMENDED BY P.L.181-2014,



SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding IC 35-47-2, IC 35-47-2.5, the restoration of the right to serve on a jury under IC 33-28-5-18, the restoration of the right to vote under IC 3-7-13-5, or the expungement of a crime of domestic violence under IC 35-38-9, and except as provided in subsections (b), (c), and (f), a person who has been convicted of a crime of domestic violence may not possess a firearm.

(b) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

- (1) Whether the person has been subject to:
 - (A) a protective order;
 - (B) a no contact order;
 - (C) a workplace violence restraining order; or
 - (D) any other court order that prohibits the person from possessing a firearm.
- (2) Whether the person has successfully completed a substance abuse program, if applicable.
- (3) Whether the person has successfully completed a parenting class, if applicable.
- (4) Whether the person still presents a threat to the victim of the crime.
- (5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to satisfy a specified condition under subsection (c) or whether the person has committed a subsequent offense.

(c) The court may condition the restoration of a person's right to possess a firearm upon the person's satisfaction of specified conditions.

(d) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed after the filing of the most recent petition.

(e) A person has not been convicted of a crime of domestic violence for purposes of subsection (a) if the person has been pardoned.

(f) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on postconviction review at the earlier of the following:

- (1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
- (2) Ninety (90) days after the final disposition of the appeal or the



1 postconviction proceeding.
2 **(g) If a person's right to possess a firearm is restored under this**
3 **section, any:**
4 **(1) written court order issued under section 6.4 of this chapter**
5 **shall be vacated;**
6 **(2) firearm confiscated under section 6.4 of this chapter shall**
7 **be:**
8 **(A) disposed of; or**
9 **(B) returned to the rightful owner;**
10 **in the manner described in IC 35-47-3; and**
11 **(3) valid license confiscated under section 6.4 of this chapter**
12 **shall be made available to the person not later than**
13 **seventy-two (72) hours after the person's right to possess a**
14 **firearm has been restored.**

