

SENATE BILL No. 301

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-2-2.5; IC 7.1-3-26; IC 7.1-5-7-8; IC 9-21-8-56; IC 9-24-11-8; IC 9-26-1-1.1; IC 9-30-5; IC 14-15-4-4; IC 35-47-2-1.

Synopsis: Lookback periods. Provides that if certain criminal penalties are increased (or, in the case of an infraction, imposed) due to a prior conviction or infraction committed by a defendant, the new offense must have been committed not later than seven years from the later of the date: (1) of the conviction or infraction judgment; or (2) the person was released from incarceration, probation, or parole. Excludes certain crimes and classes of crimes from the seven year lookback period. (The introduced version of this bill was prepared by the interim study committee on corrections and criminal code.)

Effective: July 1, 2020; July 1, 2021.

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January 9, 2020, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 301

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 1-1-2-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 2.5. (a) This section applies to every crime in which
4 proof that a person has a prior conviction or judgment for an
5 infraction increases:**
6 (1) the class or level of the crime;
7 (2) the penalty for the crime from a misdemeanor to a felony;
8 or
9 (3) the penalty for an infraction to a misdemeanor or felony.
10 (b) This section does not apply to a sentencing provision that
11 increases the penalty that may be imposed for an infraction or
12 crime but does not increase:
13 (1) the class or level of the crime;
14 (2) the penalty for the crime from a misdemeanor to a felony;
15 or
16 (3) the penalty for an infraction to a misdemeanor or felony;
17 including IC 35-50-2-8 (habitual offenders), IC 35-50-2-9 (death



1 penalty sentencing), and IC 35-50-2-14 (repeat sexual offender).

2 (c) This section does not apply to a crime that contains a specific
3 lookback period for a prior conviction or judgment for an
4 infraction.

5 (d) Subject to subsection (e), and except as provided in
6 subsection (f), a prior conviction or a prior judgment for an
7 infraction increases the class or level of the crime, the penalty for
8 the crime from a misdemeanor to a felony, or the penalty for an
9 infraction to a misdemeanor or felony only if the current crime was
10 committed not later than seven (7) years from the date the
11 defendant was:

12 (1) convicted of the prior crime, if the defendant was not
13 sentenced to a term of incarceration or probation;

14 (2) adjudicated to have committed the infraction; or

15 (3) released from a term of incarceration, probation, or parole
16 imposed for the prior conviction;

17 whichever occurred last.

18 (e) If a crime described in subsection (a) requires proof of more
19 than one (1) criminal conviction or judgment for an infraction, the
20 increased penalty applies only if the current crime was committed
21 not later than seven (7) years from the date the defendant was:

22 (1) convicted of one (1) of the prior crimes, if the person was
23 not sentenced to a term of incarceration or probation;

24 (2) adjudicated to have committed one (1) of the infractions;
25 or

26 (3) released from a term of incarceration, probation, or parole
27 imposed for one (1) of the prior convictions;

28 whichever occurred last.

29 (f) This section does not apply if the crime described in
30 subsection (a) is one (1) or more of the following:

31 (1) A crime of violence (as defined by IC 35-50-1-2).

32 (2) A crime that results in bodily injury or death to a victim.

33 (3) A sex offense (as defined by IC 11-8-8-5.2).

34 (4) Domestic battery (IC 35-42-2-1.3).

35 (5) Strangulation (IC 35-42-2-9).

36 (6) Operating while intoxicated with a prior conviction for
37 operating while intoxicated that resulted in death, serious
38 bodily injury, or catastrophic injury (IC 9-30-5-3(b)).

39 SECTION 2. IC 7.1-3-26-5, AS AMENDED BY P.L.159-2014,
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2020]: Sec. 5. (a) A person located within Indiana or outside
42 Indiana that wants to sell and ship wine directly to a consumer must be



1 the holder of a direct wine seller's permit and comply with this chapter.
 2 A person that sells and ships wine directly to a consumer without
 3 holding a valid direct wine seller's permit commits a Class A infraction.

4 (b) The offense described in subsection (a) is:

5 (1) a Class A misdemeanor if the seller:

6 (A) knowingly or intentionally violates this section; and

7 (B) has one (1) prior unrelated conviction or judgment for an
 8 infraction under this chapter; ~~for an act or omission that~~
 9 ~~occurred not more than ten (10) years before the act or~~
 10 ~~omission that is the basis for the most recent conviction or~~
 11 ~~judgment for an infraction;~~ and

12 (2) a Level 6 felony if the seller:

13 (A) knowingly or intentionally violates this section; and

14 (B) has at least two (2) prior unrelated convictions or
 15 judgments for infractions under this chapter. ~~for acts or~~
 16 ~~omissions that occurred not more than ten (10) years before~~
 17 ~~the act or omission that is the basis for the most recent~~
 18 ~~conviction or judgment for an infraction.~~

19 SECTION 3. IC 7.1-3-26-6, AS AMENDED BY P.L.107-2015,
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 6. (a) A seller may sell and ship wine directly only
 22 to a consumer who meets all of the following requirements:

23 (1) The consumer is at least twenty-one (21) years of age.

24 (2) The consumer has an Indiana address.

25 (3) The consumer intends to use wine purchased under this
 26 chapter for personal use only and not for resale or other
 27 commercial purposes.

28 (b) A seller who violates this section commits a Class A infraction.
 29 However, the offense is:

30 (1) a Class A misdemeanor if the seller:

31 (A) knowingly or intentionally violates this section; and

32 (B) has one (1) prior unrelated conviction or judgment for an
 33 infraction under this chapter; ~~for an act or omission that~~
 34 ~~occurred not more than ten (10) years before the act or~~
 35 ~~omission that is the basis for the most recent conviction or~~
 36 ~~judgment for an infraction;~~ and

37 (2) a Level 6 felony if the seller:

38 (A) knowingly or intentionally violates this section; and

39 (B) has at least two (2) prior unrelated convictions or
 40 judgments for infractions under this chapter. ~~for acts or~~
 41 ~~omissions that occurred not more than ten (10) years before~~
 42 ~~the act or omission that is the basis for the most recent~~



- 1 conviction or judgment for an infraction:
 2 SECTION 4. IC 7.1-3-26-10, AS AMENDED BY P.L.159-2014,
 3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2020]: Sec. 10. (a) Except as provided in subsection (b), the
 5 holder of a farm winery brandy distiller's permit that ships brandy
 6 produced under this title to a consumer commits a Class A infraction.
 7 (b) The offense described in subsection (a) is:
 8 (1) a Class A misdemeanor if the seller:
 9 (A) knowingly or intentionally violates this section; and
 10 (B) has one (1) prior unrelated conviction or judgment for an
 11 infraction under this chapter; ~~for an act or omission that~~
 12 ~~occurred not more than ten (10) years before the act or~~
 13 ~~omission that is the basis for the most recent conviction or~~
 14 ~~judgment for an infraction; and~~
 15 (2) a Level 6 felony if the seller:
 16 (A) knowingly or intentionally violates this section; and
 17 (B) has at least two (2) prior unrelated convictions or
 18 judgments for infractions under this chapter. ~~for acts or~~
 19 ~~omissions that occurred not more than ten (10) years before~~
 20 ~~the act or omission that is the basis for the most recent~~
 21 ~~conviction or judgment for an infraction:~~
 22 SECTION 5. IC 7.1-5-7-8, AS AMENDED BY P.L.32-2019,
 23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2020]: Sec. 8. (a) It is a Class B misdemeanor for a person to
 25 recklessly, knowingly, or intentionally sell, barter, exchange, provide,
 26 or furnish an alcoholic beverage to a minor.
 27 (b) However, the offense described in subsection (a) is:
 28 (1) a Class A misdemeanor if the person has a prior unrelated
 29 conviction under this section; and
 30 (2) a Level 6 felony if the consumption, ingestion, or use of the
 31 alcoholic beverage is the proximate cause of the serious bodily
 32 injury or death of any person.
 33 (c) A person who knowingly or intentionally:
 34 (1) rents property; or
 35 (2) provides or arranges for the use of property;
 36 for the purpose of allowing or enabling a minor to consume an
 37 alcoholic beverage on the property commits a Class C infraction.
 38 However, the violation is a Class B misdemeanor if the person has a
 39 prior unrelated adjudication or conviction for a violation of this section.
 40 ~~within the previous five (5) years:~~
 41 (d) This section shall not be construed to impose civil liability upon
 42 any postsecondary educational institution, including public and private



1 universities and colleges, business schools, vocational schools, and
 2 schools for continuing education, or its agents for injury to any person
 3 or property sustained in consequence of a violation of this section
 4 unless the institution or its agent:

5 (1) sells, barter, exchanges, provides, or furnishes an alcoholic
 6 beverage to a minor; or

7 (2) either:

8 (A) rents property; or

9 (B) provides or arranges for the use of property;

10 for the purpose of allowing or enabling a minor to consume an
 11 alcoholic beverage on the property.

12 SECTION 6. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
 13 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 56. (a) For purposes of this section, "highway
 15 work zone" has the meaning set forth in IC 8-23-2-15.

16 (b) Except as provided in subsections (f) through (h), a person who
 17 recklessly operates a vehicle in the immediate vicinity of a highway
 18 work zone when workers are present commits a Class A misdemeanor.

19 (c) Except as provided in subsections (f) through (h), a person who
 20 knowingly or intentionally operates a motor vehicle in the immediate
 21 vicinity of a highway work zone when workers are present with the
 22 intent to:

23 (1) damage traffic control devices; or

24 (2) inflict bodily injury on a worker;

25 commits a Class A misdemeanor.

26 (d) Except as provided in subsections (f) through (h), a person who
 27 knowingly, intentionally, or recklessly engages in:

28 (1) aggressive driving, as defined in section 55 of this chapter; or

29 (2) a speed contest, as prohibited under IC 9-21-6-1;

30 in the immediate vicinity of a highway work zone when workers are
 31 present commits a Class A misdemeanor.

32 (e) Except as provided in subsections (f) through (h), a person who
 33 recklessly fails to obey a traffic control device or flagman, as
 34 prohibited under section 41 of this chapter, in the immediate vicinity
 35 of a highway work zone when workers are present commits a Class A
 36 misdemeanor.

37 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
 38 felony if the person who commits the offense:

39 (1) has a prior unrelated conviction under this section; ~~in the~~
 40 ~~previous five (5) years;~~ or

41 (2) is operating the vehicle in violation of IC 9-30-5-1 or
 42 IC 9-30-5-2.



1 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
2 felony if the offense results in bodily injury to a worker in the worksite.

3 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
4 felony if the offense results in the death of a worker in the worksite.

5 (i) A person who knowingly, intentionally, or recklessly engages in
6 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
7 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
8 highway work zone when workers are present commits a Class B
9 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
10 judgments for an infraction under this subsection shall be transferred
11 to the Indiana department of transportation to pay the costs of hiring off
12 duty police officers to perform the duties described in IC 8-23-2-15(b).

13 SECTION 7. IC 9-24-11-8, AS AMENDED BY P.L.198-2016,
14 SECTION 487, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Except as provided in
15 subsections (b) and (c), an individual who violates this chapter
16 commits a Class C infraction.

17 (b) An individual who:

18 (1) has been issued a permit or driver's license on which there is
19 a printed or stamped restriction as provided under section 7 of this
20 chapter; and

21 (2) operates a motor vehicle in violation of the restriction;
22 commits a Class C infraction.

23 (c) An individual who causes serious bodily injury to or the death
24 of another individual when operating a motor vehicle after knowingly
25 or intentionally failing to take prescribed medication, the taking of
26 which was a condition of the issuance of the restricted driver's license
27 under section 7 of this chapter, commits a Class A misdemeanor.
28 However, the offense is a Level 6 felony if, within the ~~five (5)~~ **seven**
29 **(7)** years preceding the commission of the offense, the individual had
30 a prior unrelated conviction under this subsection.

31 (d) An individual who violates subsection (c) commits a separate
32 offense for each individual whose serious bodily injury or death is
33 caused by the violation of subsection (c).

34 SECTION 8. IC 9-24-11-8, AS AMENDED BY P.L.178-2019,
35 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2021]: Sec. 8. (a) Except as provided in subsections (b) and
37 (c), an individual who violates this chapter commits a Class C
38 infraction.

39 (b) An individual who:

40 (1) has been issued a permit or driver's license on which there is
41 a notated restriction as provided under section 7 of this chapter;
42



1 and

2 (2) operates a motor vehicle in violation of the restriction;
3 commits a Class C infraction.

4 (c) An individual who causes serious bodily injury to or the death
5 of another individual when operating a motor vehicle after knowingly
6 or intentionally failing to take prescribed medication, the taking of
7 which was a condition of the issuance of the restricted driver's license
8 under section 7 of this chapter, commits a Class A misdemeanor.
9 However, the offense is a Level 6 felony if, within the ~~five (5)~~ **seven**
10 **(7)** years preceding the commission of the offense, the individual had
11 a prior unrelated conviction under this subsection.

12 (d) An individual who violates subsection (c) commits a separate
13 offense for each individual whose serious bodily injury or death is
14 caused by the violation of subsection (c).

15 SECTION 9. IC 9-26-1-1.1, AS AMENDED BY P.L.184-2019,
16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]: Sec. 1.1. (a) The operator of a motor vehicle involved
18 in an accident shall do the following:

19 (1) Except as provided in section 1.2 of this chapter, the operator
20 shall immediately stop the operator's motor vehicle:

21 (A) at the scene of the accident; or

22 (B) as close to the accident as possible;

23 in a manner that does not obstruct traffic more than is necessary.

24 (2) Remain at the scene of the accident until the operator does the
25 following:

26 (A) Gives the operator's name and address and the registration
27 number of the motor vehicle the operator was driving to any
28 person involved in the accident.

29 (B) Exhibits the operator's driver's license to any person
30 involved in the accident or occupant of or any person attending
31 to any vehicle involved in the accident.

32 (3) If the accident results in the injury or death of another person,
33 the operator shall, in addition to the requirements of subdivisions
34 (1) and (2):

35 (A) provide reasonable assistance to each person injured in or
36 entrapped by the accident, as directed by a law enforcement
37 officer, medical personnel, or a 911 telephone operator; and

38 (B) as soon as possible after the accident, immediately give
39 notice of the accident, or ensure that another person gives
40 notice of the accident, by the quickest means of
41 communication to one (1) of the following:

42 (i) The local police department, if the accident occurs within



- 1 a municipality.
- 2 (ii) The office of the county sheriff or the nearest state police
- 3 post, if the accident occurs outside a municipality.
- 4 (iii) A 911 telephone operator.
- 5 (4) If the accident involves a collision with an unattended vehicle
- 6 or damage to property other than a vehicle, the operator shall, in
- 7 addition to the requirements of subdivisions (1) and (2):
- 8 (A) take reasonable steps to locate and notify the owner or
- 9 person in charge of the damaged vehicle or property of the
- 10 damage; and
- 11 (B) if after reasonable inquiry the operator cannot find the
- 12 owner or person in charge of the damaged vehicle or property,
- 13 the operator must contact a law enforcement officer or agency
- 14 and provide the information required by this section.
- 15 (b) An operator of a motor vehicle who knowingly or intentionally
- 16 fails to comply with subsection (a) commits leaving the scene of an
- 17 accident, a Class B misdemeanor. However, the offense is:
- 18 (1) a Class A misdemeanor if the accident results in bodily injury
- 19 to another person;
- 20 (2) a Level 6 felony if:
- 21 (A) the accident results in moderate or serious bodily injury to
- 22 another person; or
- 23 (B) ~~within the five (5) years preceding the commission of the~~
- 24 ~~offense~~, the operator had a previous conviction of any of the
- 25 offenses listed in IC 9-30-10-4(a);
- 26 (3) a Level 4 felony if the accident results in the death or
- 27 catastrophic injury of another person; and
- 28 (4) a Level 3 felony if the operator knowingly or intentionally
- 29 fails to stop or comply with subsection (a) during or after the
- 30 commission of the offense of operating while intoxicated causing
- 31 serious bodily injury (IC 9-30-5-4) or operating while intoxicated
- 32 causing death or catastrophic injury (IC 9-30-5-5).
- 33 (c) An operator of a motor vehicle who commits an offense under
- 34 subsection (b)(1), (b)(2), (b)(3), or (b)(4) commits a separate offense
- 35 for each person whose injury or death was a result of the accident.
- 36 (d) A court may order terms of imprisonment imposed on a person
- 37 convicted of more than one (1) offense described in subsection (b)(1),
- 38 (b)(2), (b)(3), or (b)(4) to run consecutively. Consecutive terms of
- 39 imprisonment imposed under this subsection are not subject to the
- 40 sentencing restrictions set forth in IC 35-50-1-2(c) through
- 41 IC 35-50-1-2(d).
- 42 SECTION 10. IC 9-30-5-3, AS AMENDED BY P.L.184-2019,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), a
3 person who violates section 1 or 2 of this chapter commits a Level 6
4 felony if:

5 (1) the person has a previous conviction of operating while
6 intoxicated; ~~that occurred within the seven (7) years immediately~~
7 ~~preceding the occurrence of the violation of section 1 or 2 of this~~
8 ~~chapter;~~ or

9 (2) the person:

10 (A) is at least twenty-one (21) years of age;

11 (B) violates section 1(b) or 2(b) of this chapter; and

12 (C) operated a vehicle in which at least one (1) passenger was
13 less than eighteen (18) years of age.

14 (b) A person who violates section 1 or 2 of this chapter or
15 subsection (a)(2) commits a Level 5 felony if:

16 (1) the person has a previous conviction of operating while
17 intoxicated causing death or catastrophic injury (IC 9-30-5-5); or

18 (2) the person has a previous conviction of operating while
19 intoxicated causing serious bodily injury (IC 9-30-5-4).

20 SECTION 11. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2020]: Sec. 4. (a) A person who causes serious bodily injury
23 to another person when operating a vehicle:

24 (1) with an alcohol concentration equivalent to at least
25 eight-hundredths (0.08) gram of alcohol per:

26 (A) one hundred (100) milliliters of the person's blood; or

27 (B) two hundred ten (210) liters of the person's breath;

28 (2) with a controlled substance listed in schedule I or II of
29 IC 35-48-2 or its metabolite in the person's blood; or

30 (3) while intoxicated;

31 commits a Level 5 felony. However, the offense is a Level 4 felony if
32 the person has a previous conviction of operating while intoxicated
33 within the ~~five (5)~~ **seven (7)** years preceding the commission of the
34 offense.

35 (b) A person who violates subsection (a) commits a separate offense
36 for each person whose serious bodily injury is caused by the violation
37 of subsection (a).

38 (c) It is a defense under subsection (a)(2) that the accused person
39 consumed the controlled substance in accordance with a valid
40 prescription or order of a practitioner (as defined in IC 35-48-1) who
41 acted in the course of the practitioner's professional practice.

42 SECTION 12. IC 14-15-4-4, AS AMENDED BY P.L.195-2014,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2020]: Sec. 4. A person who knowingly or intentionally
3 violates section 1, 2, or 3 of this chapter commits a Class C
4 misdemeanor. However, the offense is:

5 (1) a Class A misdemeanor if the accident or collision results in
6 an injury to a person;

7 (2) a Level 6 felony if:

8 (A) the accident or collision results in serious bodily injury to
9 a person; or

10 (B) ~~within the five (5) years preceding the commission of the~~
11 ~~offense~~, the person had a previous conviction of any of the
12 offenses listed in IC 9-30-10-4(a), IC 35-46-9-6, or
13 IC 14-15-8-8 (before its repeal); or

14 (3) a Level 5 felony if the accident or collision results in the death
15 of a person.

16 SECTION 13. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2020]: Sec. 1. (a) Except as provided in subsections (b) and
19 (c) and sections 2 through 2.1 of this chapter, a person shall not carry
20 a handgun in any vehicle or on or about the person's body without
21 being licensed under this chapter to carry a handgun.

22 (b) Except as provided in subsection (c), a person may carry a
23 handgun without being licensed under this chapter to carry a handgun
24 if:

25 (1) the person carries the handgun on or about the person's body
26 in or on property that is owned, leased, rented, or otherwise
27 legally controlled by the person;

28 (2) the person carries the handgun on or about the person's body
29 while lawfully present in or on property that is owned, leased,
30 rented, or otherwise legally controlled by another person, if the
31 person:

32 (A) has the consent of the owner, renter, lessor, or person who
33 legally controls the property to have the handgun on the
34 premises;

35 (B) is attending a firearms related event on the property,
36 including a gun show, firearms expo, gun owner's club or
37 convention, hunting club, shooting club, or training course; or

38 (C) is on the property to receive firearms related services,
39 including the repair, maintenance, or modification of a
40 firearm;

41 (3) the person carries the handgun in a vehicle that is owned,
42 leased, rented, or otherwise legally controlled by the person, if the



- 1 handgun is:
- 2 (A) unloaded;
- 3 (B) not readily accessible; and
- 4 (C) secured in a case;
- 5 (4) the person carries the handgun while lawfully present in a
- 6 vehicle that is owned, leased, rented, or otherwise legally
- 7 controlled by another person, if the handgun is:
- 8 (A) unloaded;
- 9 (B) not readily accessible; and
- 10 (C) secured in a case;
- 11 (5) the person carries the handgun:
- 12 (A) at a shooting range (as defined in IC 14-22-31.5-3);
- 13 (B) while attending a firearms instructional course; or
- 14 (C) while engaged in a legal hunting activity; or
- 15 (6) the person is permitted to carry a handgun without a license
- 16 under section 2.1 of this chapter (persons protected by a
- 17 protection order).
- 18 (c) Unless the person's right to possess a firearm has been restored
- 19 under IC 35-47-4-7, a person who has been convicted of domestic
- 20 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
- 21 (d) This section may not be construed:
- 22 (1) to prohibit a person who owns, leases, rents, or otherwise
- 23 legally controls private property from regulating or prohibiting the
- 24 possession of firearms on the private property;
- 25 (2) to allow a person to adopt or enforce an ordinance, resolution,
- 26 policy, or rule that:
- 27 (A) prohibits; or
- 28 (B) has the effect of prohibiting;
- 29 an employee of the person from possessing a firearm or
- 30 ammunition that is locked in the trunk of the employee's vehicle,
- 31 kept in the glove compartment of the employee's locked vehicle,
- 32 or stored out of plain sight in the employee's locked vehicle,
- 33 unless the person's adoption or enforcement of the ordinance,
- 34 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
- 35 (3) to allow a person to adopt or enforce a law, statute, ordinance,
- 36 resolution, policy, or rule that allows a person to possess or
- 37 transport a firearm or ammunition if the person is prohibited from
- 38 possessing or transporting the firearm or ammunition by state or
- 39 federal law.
- 40 (e) A person who knowingly or intentionally violates this section
- 41 commits a Class A misdemeanor. However, the offense is a Level 5
- 42 felony:



- 1 (1) if the offense is committed:
 2 (A) on or in school property;
 3 (B) within five hundred (500) feet of school property; or
 4 (C) on a school bus; or
 5 (2) if the person:
 6 (A) has a prior conviction of any offense under:
 7 (i) this section; or
 8 (ii) section 22 of this chapter; or
 9 (B) ~~has been convicted of a felony within fifteen (15) years~~
 10 ~~before the date of the offense: a prior unrelated felony~~
 11 ~~conviction.~~
 12 SECTION 14. [EFFECTIVE JULY 1, 2020] **(a) It is the intent of**
 13 **the general assembly that IC 9-24-11-8, as amended by**
 14 **P.L.198-2016, SECTION 487, as amended by this act, is effective**
 15 **until July 1, 2021.**
 16 **(b) It is the intent of the general assembly that IC 9-24-11-8, as**
 17 **amended by P.L.198-2016, SECTION 487, and as amended by**
 18 **P.L.178-2019, SECTION 51, as amended by this act, is effective**
 19 **July 1, 2021.**
 20 **(c) This SECTION expires July 1, 2023.**

