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# **JOINT COMMITTEE ON JUDICIARY AND PUBLIC POLICY**

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**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**Monday October 30, 2017**

# INDIANA LEGISLATIVE COUNCIL

2017

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# JOINT COMMITTEE ON JUDICIARY AND PUBLIC POLICY

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## Membership Roster

### Senate

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Chairperson

Michael Delph  
Senate District 29

Aaron Freeman  
Senate District 32

Susan Glick  
Senate District 13

Eric Koch  
Senate District 44

Timothy Lanane  
Senate District 25

Lonnie Randolph  
Senate District 2

Greg Taylor  
Senate District 33

Michael Young  
Senate District 35

Joseph Zakas  
Senate District 11

### House

Ben Smaltz  
Vice-Chairperson

Terri Jo Austin  
House District 36

Charlie Brown  
House District 3

Edward Clere  
House District 72

Sean Eberhart  
House District 57

Philip GiaQuinta  
House District 80

Todd Huston  
House District 37

Chris Judy  
House District 83

Matt Lehman  
House District 79

Jim Lucas  
House District 69

Peggy Mayfield  
House District 60

Vanessa Summers  
House District 99

Timothy Wesco  
House District 21

**Staff**

Akash Burney  
Chris Baker  
Andrew Hedges

## FINAL REPORT

### **Joint Committee on Judiciary and Public Policy**

#### **I. STATUTORY DIRECTIVE**

The Joint Committee on Judiciary and Public Policy is authorized under IC 2-5-1.3-14. The Committee is required under IC 2-5-1.3-14 to study issues assigned by the Legislative Council within the appropriate subject matter of the Committee.

#### **II. INTRODUCTION AND REASONS FOR STUDY**

The Committee was charged with the following:

(A) Studying a repeal of the laws that require a person to obtain a license to carry a handgun in Indiana. This topic includes the following issues:

- (i) The fiscal impact of a repeal of Indiana's handgun licensure laws.
- (ii) The issuance and use of reciprocity licenses.
- (iii) Any persons who should be prohibited from possessing or carrying a handgun.
- (iv) The rate in which handguns are used in suicides in Indiana.
- (v) The rate in which handguns are used in criminal acts in Indiana.

(Source: HEA 1071-2017, SECTION 4.)

(B) The following topics:

- (i) Reduction of firearms violence in Indiana, including requiring background checks to be conducted by all gun show vendors at gun shows in Indiana.
- (ii) Increasing the number of law enforcement officers employed by local units of government in Indiana.

(Source: HB 1071-2017, House Motion #5.)

#### **III. SUMMARY OF WORK PROGRAM**

##### **August 22, 2017**

The committee held its first meeting on August 22, 2017. At this meeting, the committee heard testimony on the topic of repealing Indiana's handgun licensure laws. The discussion included the following issues:

- (i) The fiscal impact of a repeal of Indiana's handgun licensure laws.
- (ii) The issuance and use of reciprocity licenses.
- (iii) Any persons who should be prohibited from possessing or carrying a handgun.
- (iv) The rate in which handguns are used in suicides in Indiana.
- (v) The rate in which handguns are used in criminal acts in Indiana.

The minutes for the Committee's first meeting can be found at:

<https://iga.in.gov/documents/91872e69>

##### **September 7, 2017**

The Committee held its second meeting on September 7, 2017. At this meeting, the committee heard testimony on the following topics:

(A) Repeal of Indiana's handgun licensure laws. The discussion included the following topics:

- (i) The fiscal impact of a repeal of Indiana's handgun licensure laws.
- (ii) The issuance and use of reciprocity licenses.
- (iii) Any persons who should be prohibited from possessing or carrying a handgun.
- (iv) The rate in which handguns are used in suicides in Indiana.
- (v) The rate in which handguns are used in criminal acts in Indiana.

(B) Reduction of firearms violence in Indiana, including requiring background checks to be conducted by all gun show vendors at gun shows.

The minutes for the Committee's second meeting can be found at:

<https://iga.in.gov/documents/3aa2f83a>

### **October 30, 2017**

The committee held its third meeting on October 30, 2017. At this meeting, the committee heard testimony on the following topics:

(A) Repeal of Indiana's handgun licensure laws. The discussion included the following topics:

- (i) The fiscal impact of a repeal of Indiana's handgun licensure laws.
- (ii) The issuance and use of reciprocity licenses.
- (iii) Any persons who should be prohibited from possessing or carrying a handgun.
- (iv) The rate in which handguns are used in suicides in Indiana.
- (v) The rate in which handguns are used in criminal acts in Indiana.

(B) Increasing the number of law enforcement officers employed by local units of government in Indiana.

The minutes for the Committee's third meeting can be found at: (link forthcoming)

The archived video of each Committee meeting may be accessed directly from this report by doing the following:

(1) Download the report.

(2) Click on the link within the report:

[https://iga.in.gov/information/archives/2017/video/committee\\_judiciary\\_and\\_public\\_policy/](https://iga.in.gov/information/archives/2017/video/committee_judiciary_and_public_policy/)

(3) After opening the linked web page, select the date of the meeting to begin viewing the video.

## **IV. COMMITTEE FINDINGS AND RECOMMENDATIONS**

### **Findings:**

The Committee made the following findings:

Indiana does not require handgun owners to be licensed or to register individual handguns. Indiana only requires a license if an individual desires to carry a handgun in public.

The current system for obtaining a license to carry a handgun requires an online application, fingerprinting, local law enforcement agency processing, and paying state and local fees.

Indiana is a "shall" issue state which means that so long as an individual is not statutorily prohibited from possessing a handgun, an individual will be issued a license to carry a handgun in public if the proper application steps are followed.

Both state and federal law specify those individuals who are prohibited from possessing a handgun. For example, in Indiana serious violent felons and convicted domestic batterers are prohibited from possessing a handgun. However, the lists of prohibited persons in state and federal law are not identical.

The collected state and local fees help cover the costs associated with processing applications and help pay for additional law enforcement related activities, such as officer training.

At least 30 states currently recognize Indiana's license to carry a handgun for reciprocity purposes.

Indiana's license to carry a handgun provides law enforcement with a tool that helps identify those who are legally allowed to carry a handgun in public, and prosecute those individuals who are prohibited from carrying a handgun in public.

**Recommendations:**

The General Assembly should provide law enforcement with better tools that utilize technology to help identify individuals who are statutorily prohibited from possessing handguns. These tools should include ways to identify mental health issues without infringing on Hoosiers' State and Federal Constitutional rights.

Indiana's list of those individuals who are statutorily prohibited from possessing a handgun should be aligned with the federal list of individuals who are statutorily prohibited from possessing a handgun including, all persons convicted of felonies and also including persons with domestic battery and stalking convictions.

The General Assembly should remove hurdles that restrict the ability of law abiding Hoosiers to exercise their State and Federal Constitutional Rights to bear arms and defend themselves.

The General Assembly should maintain the current licensing system for individuals who desire to obtain a license for reciprocity purposes. Further, the General Assembly should consider creating an additional license to carry a handgun that would allow reciprocity in additional states.

The General Assembly should work with state and local officials to find ways to make up for any decline in revenue that may occur as a result of enacting these recommendations.

The General Assembly should continue to identify ways to reduce gun violence in Indiana by:

- (A) working to prevent the diversion of firearms from authorized routes of sale and transfer;
- (B) improving access to and availability of mental health resources; and
- (C) providing law enforcement officials with the means to identify and prosecute prohibited persons in possession of a firearm.

**WITNESS LIST**

Reverend M. Ajabu,  
Oscar Anderson, League of Women Voters of Indianapolis  
Sheriff Mark Bowen, Indiana Sheriffs Association  
Nakia Bowens  
Melissa Bruhn  
Steve Buschmann, Indiana State Police Alliance  
Julia Chester, Moms Demand Action  
Morris Clapper  
Jennifer Crossley  
Prosecutor Terry Curry, Marion County Prosecutor  
Bill Dowden  
Luke Entelis, Everytown for Gun Safety  
Gloria Fields

Kirk Freeman  
Christopher Kopacki, National Rifle Association  
Professor Jody Madeira, Indiana University – Maurer School of Law  
Kelly Myers  
William Owensby, Fraternal Order of Police  
Guy Relford  
Jean Scallon, Bloomington Meadows Hospital  
Edmond Smith, Hoosiers Concerned About Gun Violence  
Michael Solari, (organizational affiliation forthcoming)  
Sheriff Tim Troyer, Indiana Sheriffs Association  
Major Michael White, Indiana State Police  
Chief Rob Wiley, Indiana Association of Chiefs of Police  
Deandra Yates