



**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 413**

**Citations Affected:** IC 35-47.

**Synopsis:** Firearms matters. Provides that a person may not sell, trade, or transfer a firearm to another person unless: (1) the person transacts the sale, trade, or transfer of the firearm through a dealer; and (2) the dealer: (A) contacts the National Instant Criminal Background Check System (NICS); and (B) receives authorization from NICS; to complete the requested sale, trade, or transfer. Provides that a person who knowingly or intentionally makes a materially false statement to a dealer, seller, or transferor of a firearm for the purpose of completing such a transaction commits a Class A misdemeanor. Provides that a person who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation certain provisions commits a Class A misdemeanor. Provides that a person may not sell, rent, trade, or otherwise transfer a handgun to another person on the state fairgrounds until the person does both of the following: (1) Contacts, or has a third person or dealer contact, the NICS to request a background check on the person who will receive the handgun. (2) Receives authorization from the NICS to transfer the handgun to the person who will receive the handgun. Specifies that a person who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of the state fairgrounds provision commits a Class A misdemeanor. Defines "assault weapon". Provides that a person may not: (1) distribute; (2) transport; (3) import into Indiana; (4) offer or expose for sale; or (5) give; an assault weapon to any person. Makes conforming amendments. **(This conference committee report deletes the provisions pertaining to education in ESB 413 and inserts the provisions pertaining to the sale, trade, rental, distribution, transport, import, keeping, giving, or transfer of firearms.)**

**Effective:** July 1, 2021.



## CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 413 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
- 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2021]: Sec. 1. (a) Sections 2, 3, 4, and through 5 of this
- 8 chapter do not apply to the following:
- 9 (1) Transactions between persons who are licensed as firearms
- 10 importers or collectors or firearms manufacturers or dealers under
- 11 18 U.S.C. 923.
- 12 (2) Purchases by or sales to a law enforcement officer or agent of
- 13 the United States, the state, or a county or local government.
- 14 (3) Indiana residents licensed to carry handguns under
- 15 IC 35-47-2-3.
- 16 (b) Notwithstanding any other provision of this chapter, the state
- 17 shall participate in the NICS if federal funds are available to assist the
- 18 state in participating in the NICS. If:
- 19 (1) the state participates in the NICS; and
- 20 (2) there is a conflict between:
- 21 (A) a provision of this chapter; and

1 (B) a procedure required under the NICS;  
 2 the procedure required under the NICS prevails over the conflicting  
 3 provision of this chapter.

4 SECTION 2. IC 35-47-2.5-4.5 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2021]: **Sec. 4.5. A person may not sell, trade,  
 7 or transfer a firearm to another person unless:**

8 (1) the person transacts the sale, trade, or transfer of the  
 9 firearm through a dealer; and

10 (2) the dealer:

11 (A) contacts the NICS; and

12 (B) receives authorization from the NICS;

13 to complete the requested sale, trade, or transfer.

14 SECTION 3. IC 35-47-2.5-12, AS AMENDED BY P.L.158-2013,  
 15 SECTION 585, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2021]: **Sec. 12. (a)** A person who knowingly or  
 17 intentionally makes a materially false statement on Form 4473  
 18 completed under section 3 of this chapter commits a Level 6 felony.

19 **(b)** A person who knowingly or intentionally makes a materially  
 20 false statement to a dealer, seller, or transferor of a firearm for the  
 21 purpose of completing a transaction described in section 4.5 of this  
 22 chapter commits a Class A misdemeanor.

23 SECTION 4. IC 35-47-2.5-13 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13.** Except as otherwise  
 25 provided in this chapter, a dealer or person who knowingly or  
 26 intentionally sells, rents, trades, or transfers a handgun in violation of  
 27 this chapter commits a Class A misdemeanor.

28 SECTION 5. IC 35-47-2.7 IS ADDED TO THE INDIANA CODE  
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2021]:

31 **Chapter 2.7. Sale of Handguns on State Fairgrounds Property**

32 **Sec. 1.** As used in this chapter, "fairgrounds" means the real  
 33 estate owned by the state fair commission established by  
 34 IC 15-13-2-1 that was originally conveyed to the state by the  
 35 Indiana state board of agriculture by warranty deed dated May 31,  
 36 1921, and recorded in the office of the recorder of Marion County  
 37 on April 21, 1923, in Land Record 74, page 347.

38 **Sec. 2.** As used in this chapter, "NICS" has the meaning set  
 39 forth in IC 35-47-2.5-2.5.

40 **Sec. 3.** A person may not sell, rent, trade, or otherwise transfer  
 41 a handgun to another person on the fairgrounds until the person  
 42 does both of the following:

43 (1) Contacts, or has a third person or dealer contact, the NICS  
 44 to request a background check on the person who will receive  
 45 the handgun.

46 (2) Receives authorization from the NICS to transfer the  
 47 handgun to the person who will receive the handgun.

48 **Sec. 4.** A person who knowingly or intentionally sells, rents,  
 49 trades, or transfers a handgun in violation of this chapter commits  
 50 a Class A misdemeanor.

51 SECTION 6. IC 35-47-5-14 IS ADDED TO THE INDIANA CODE

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2021]: Sec. 14. (a) As used in this section, "assault weapon"  
3 includes any of the following:

4 (1) Any selective-fire firearm capable of fully automatic,  
5 semiautomatic or burst fire at the option of the user, or any of  
6 the following specified semiautomatic firearms:

7 Algimec Agmi  
8 Armalite AR-180  
9 Australian Automatic Arms SAP Pistol  
10 Auto-Ordnance Thompson type  
11 Avtomat Kalashnikov AK-47 type  
12 Barrett Light-Fifty model 82A1  
13 Beretta AR-70  
14 Bushmaster Auto Rifle and Auto Pistol  
15 Calico models M-900, M-950, and 100-P  
16 Chartered Industries of Singapore SR-88  
17 Colt AR-15 and Sporter  
18 Daewoo K-1, K-2, Max-1, and Max-2  
19 Encom MK-IV, MP-9, and MP-45  
20 Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC  
21 FAMAS MAS 223  
22 Feather AT-9 and Mini-AT  
23 Federal XC-900 and XC-450  
24 Franchi SPAS-12 and LAW-12  
25 Galil AR and ARM  
26 Goncz High-Tech Carbine and High-Tech Long Pistol  
27 Heckler & Koch HK-91, HK-93, HK-94, and SP-89  
28 Holmes MP-83  
29 MAC-10, MAC-11, and MAC-11 Carbine type  
30 Intratec TEC-9 and Scorpion  
31 Iver Johnson Enforcer model 3000  
32 Ruger Mini-14/5F folding stock model only  
33 Scarab Skorpion  
34 SIG 57 AMT and 500 series  
35 Spectre Auto Carbine and Auto Pistol  
36 Springfield Armory BM59, SAR-48, and G-3  
37 Sterling MK-6 and MK-7  
38 Steyr AUG  
39 Street Sweeper and Striker 12 revolving cylinder shotguns  
40 USAS-12  
41 UZI Carbine, Mini-Carbine and Pistol  
42 Weaver Arms Nighthawk  
43 Wilkinson "Linda" Pistol.

44 (2) A part or combination of parts designed or intended to  
45 convert a firearm into an assault weapon, as defined in  
46 subdivision (1), or any combination of parts from which an  
47 assault weapon, as defined in subdivision (1), may be rapidly  
48 assembled if those parts are in the possession or under the  
49 control of the same person.

50 (3) Any of the following specified semiautomatic centerfire  
51 rifles, or copies or duplicates thereof with the capability of

1 any such rifles, that were in production before or on July 1,  
2 2021:  
3 AK-47  
4 AK-74  
5 AKM  
6 AKS-74U  
7 AR-10  
8 AR-15  
9 ARM  
10 Armalite M15  
11 Barrett REC7  
12 Barrett M107A1  
13 Beretta Storm  
14 Bushmaster ACR Rifles  
15 Bushmaster MOE Rifles  
16 Bushmaster Carbon 15  
17 Bushmaster XM15  
18 Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I  
19 Tactical, II and II Tactical Rifles  
20 Colt Match Target Rifles  
21 Daewoo AR 100 and AR 110C  
22 Doublestar AR Rifles  
23 DPMS Tactical Rifles  
24 Fabrique Nationale/FN 308 Match and L1A1 Sporter  
25 Galil and Galil Sporter  
26 Hi-Point Carbine Rifles  
27 HK-PSG-1  
28 HK USC  
29 IZHMAASH Saiga AK  
30 Kel-Tec Sub-2000, SU Rifles, and RFB  
31 MAADI AK47  
32 MAK90  
33 MISR  
34 NHM90 and NHM91  
35 Norinco 56, 56S, 84S, and 86S  
36 Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16,  
37 K48, K8, and K9 Rifles  
38 Poly Technologies AKS and AK47  
39 Remington Tactical Rifle Model 7615  
40 Rock River Arms LAR-15  
41 SAR-8, SAR-4800, and SR9  
42 SA 85  
43 SA 93  
44 SIG Sauer 551-A1, 556, 516, 716, and M400 Rifles  
45 SLG 95  
46 SLR 95 or 96  
47 Smith and Wesson M&P15 Rifles  
48 TNW M230 and M2HB  
49 VEPR  
50 WASR-10  
51 Wilkinson Arms Linda Carbine

1           WUM  
 2           Rock River Arms LAR-47  
 3           Valmet M62S, M71S, and M78S  
 4           Vector Arms AK-47  
 5           Vector Arms UZI.

6           **(4) Any of the following specified semiautomatic pistols, or**  
 7           **copies or duplicates thereof with the capability of any such**  
 8           **pistols, that were in production before or on July 1, 2021:**

9           American Spirit AR-15  
 10          Bushmaster Carbon 15  
 11          Calico Liberty III and III Tactical Pistols  
 12          Centurion 39 AK  
 13          Colefire Magnum  
 14          Doublestar Corporation AR  
 15          DPMS AR-15  
 16          Draco AK-47  
 17          DSA SA58 PKP FAL  
 18          German Sport 522 PK and Chiappa Firearms Mfour-22  
 19          HCR AK-47  
 20          Intratec TEC-DC9 and AB-10  
 21          I.O. Inc. PPS-43C  
 22          IO Inc. Hellpup AK-47  
 23          Kel-Tec PLR-16 Pistol  
 24          Masterpiece Arms MPA Pistols and Velocity Arms VMA  
 25          Pistols  
 26          Mini-Draco AK-47  
 27          Olympic Arms AR-15  
 28          Rock River Arms LAR 15  
 29          Sig Sauer P516 and P556 Pistols  
 30          Thompson TA5 Pistols  
 31          Yugo Krebs Krink.

32          **(5) Any of the following semiautomatic shotguns, or copies or**  
 33          **duplicates thereof with the capability of any such shotguns,**  
 34          **that were in production before or on July 1, 2021:**

35               All IZHMASH Saiga 12 Shotguns.

36          **(6) Any semiautomatic firearm regardless of whether such**  
 37          **firearm is listed in subdivisions (1) through (5), including this**  
 38          **subdivision, and regardless of the date such firearm was**  
 39          **produced, that meets the following criteria:**

40               **(A) a semiautomatic, centerfire rifle that has an ability to**  
 41               **accept a detachable magazine and has at least one (1) of**  
 42               **the following:**

43                   **(i) a folding or telescoping stock;**

44                   **(ii) any grip of the weapon, including a pistol grip, a**  
 45                   **thumbhole stock, or any other stock, the use of which**  
 46                   **would allow an individual to grip the weapon, resulting**  
 47                   **in any finger on the trigger hand in addition to the**  
 48                   **trigger finger being directly below any portion of the**  
 49                   **action of the weapon when firing;**

50                   **(iii) a forward pistol grip;**

51                   **(iv) a flash suppressor; or**

- 1 (v) a grenade launcher or flare launcher; or  
 2 (B) a semiautomatic, centerfire rifle that has a fixed  
 3 magazine with the ability to accept more than ten rounds;  
 4 or  
 5 (C) a semiautomatic, centerfire rifle that has an overall  
 6 length of less than thirty inches; or  
 7 (D) a semiautomatic pistol that has an ability to accept a  
 8 detachable magazine and has at least one of the following:  
 9 (i) an ability to accept a detachable ammunition  
 10 magazine that attaches at some location outside of the  
 11 pistol grip;  
 12 (ii) a threaded barrel capable of accepting a flash  
 13 suppressor, forward pistol grip or silencer;  
 14 (iii) a shroud that is attached to, or partially or  
 15 completely encircles, the barrel and that permits the  
 16 shooter to fire the firearm without being burned, except  
 17 a slide that encloses the barrel; or  
 18 (iv) a second hand grip; or  
 19 (E) a semiautomatic pistol with a fixed magazine that has  
 20 the ability to accept more than ten rounds; or  
 21 (F) a semiautomatic shotgun that has both of the following:  
 22 (i) a folding or telescoping stock; and  
 23 (ii) any grip of the weapon, including a pistol grip, a  
 24 thumbhole stock, or any other stock, the use of which  
 25 would allow an individual to grip the weapon, resulting  
 26 in any finger on the trigger hand in addition to the  
 27 trigger finger being directly below any portion of the  
 28 action of the weapon when firing; or  
 29 (G) a semiautomatic shotgun that has the ability to accept  
 30 a detachable magazine; or  
 31 (H) a shotgun with a revolving cylinder.  
 32 (7) A part or combination of parts designed or intended to  
 33 convert a firearm into an assault weapon, as defined in any  
 34 provision of subdivisions (3) through (6), or any combination  
 35 of parts from which an assault weapon, as defined in any  
 36 provision of subdivisions (3) through (6), may be assembled if  
 37 those parts are in the possession or under the control of the  
 38 same person.  
 39 (b) A person may not:  
 40 (1) distribute;  
 41 (2) transport;  
 42 (3) import into Indiana;  
 43 (4) offer or expose for sale; or  
 44 (5) give;  
 45 an assault weapon to any person.  
 (Reference is to ESB 413 as reprinted April 13, 2021.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 413**

**S**igned by:

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Senator Raatz  
Chairperson

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Representative Behning



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Senator Melton



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Representative DeLaney

**Senate Conferees**



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**House Conferees**