

INTRODUCED: 6/5/2023

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillors Robinson, Osili, Adamson and Lewis

DIGEST: amends Chapter 451 of the Revised Code, regarding public health and welfare (specifically weapons), and adopts gun safety measures to take effect and be enforceable only upon the removal or repeal of restrictions imposed by state or federal law

SOURCE:

Initiated by: Office of Corporation Counsel

Drafted by: Office of Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: June 1, 2023

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2023

A PROPOSAL FOR A GENERAL ORDINANCE to add additional gun safety measures to Revised Code Chapter 451, Weapons, conditioned on the repeal or abrogation of state prohibitions or other legal restrictions on local regulation.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title III, Chapter 451 of the "Revised Code of the Consolidated City and County," regarding public health and welfare, hereby is amended add the following section:

“Sec. 451-7. – Gun Safety Measures (Conditional).

(a) The Council recognizes that the provisions of subsections (b) through (e) below are currently unenforceable under the Indiana statute restricting most forms of gun regulation by local governments, Ind. Code Ch. 35-47-11.1, and by other relevant provisions of state law. Therefore, subsections (b) through (e) below shall not take effect, and shall not be enforced, unless and until the Corporation Counsel certifies in a written notice to the President of the Council that all or part of subsections (b) through (e) have become enforceable and are not preempted by or in conflict with the United States Constitution, the Indiana Constitution, federal statute, and/or Indiana statute. The written notice from the Corporation Counsel shall specify the measure(s) herein that have become enforceable, and such measure(s) shall take effect only after ninety (90) days have elapsed since the Corporation Counsel’s written notice and the Council has taken no action to revise or rescind such measure(s).

(b) Notwithstanding any other provision of this chapter or the Revised Code, it shall be unlawful in Marion County to buy, sell, possess, display, carry, brandish, or discharge a semiautomatic assault weapon, as that term is defined in the proposed federal Assault Weapons Ban of 2023 (S.25), Section 2(a), as introduced in the United States Senate on January 23, 2023.

(c) It shall be unlawful in Marion County for a person under twenty-one (21) years of age to purchase a firearm. It shall be unlawful in Marion County to sell a firearm to a person under twenty-one (21) years of age. As used in this section, the term firearm has the definition set forth in Ind. Code § 35-47-1-5.

(d) No person shall carry a handgun in Marion County without having applied for and received a handgun license by following the license application procedure set forth in Ind. Code § 35-47-2-3. It shall be unlawful for a person to carry a handgun in Marion County with a license that has expired or has been suspended or revoked pursuant to Ind. Code Chapter 35-47-2. As used in this section, the term handgun has the definition set forth in Ind. Code § 35-47-1-6.

(e) Notwithstanding subsection (d) above, no person shall carry a concealed firearm in Marion County. As used in this section, the term firearm has the definition set forth in Ind. Code § 35-47-1-5.”

SECTION 2. The full definition of semiautomatic assault weapon, as referred to in section 1(b) above, is reproduced in Appendix A to this ordinance.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason after having taken effect, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, but only after the preconditions stated in Section 1(a) above have been satisfied.

The foregoing was passed by the City-County Council this ____ day of _____, 2023, at ____ p.m.

ATTEST:

Vop Osili
President, City-County Council

Yulonda Winfield
Clerk, City-County Council

Presented by me to the Mayor this ____ day of _____, 2023.

Yulonda Winfield
Clerk, City-County Council

Approved and signed by me this ____ day of _____, 2023.

Joseph H. Hogsett, Mayor

Appendix A – Definition of Semiautomatic Assault Weapon

The term “semiautomatic assault weapon” means any of the following, regardless of country of manufacture or caliber of ammunition accepted:

- (A) A semiautomatic rifle that—
 - (i) has the capacity to accept a detachable ammunition feeding device; and
 - (ii) has any 1 of the following:
 - (I) A pistol grip.
 - (II) A forward grip.
 - (III) A folding, telescoping, or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability, of the weapon.
 - (IV) A grenade launcher.
 - (V) A barrel shroud.
 - (VI) A threaded barrel.
- (B) A semiautomatic rifle that has a fixed ammunition feeding device with the capacity to accept more than 10 rounds, except for an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.
- (C) Any part, combination of parts, component, device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semiautomatic firearm but not convert the semiautomatic firearm into a machinegun.
- (D) A semiautomatic pistol that—
 - (i) has an ammunition feeding device that is not a fixed ammunition feeding device; and
 - (ii) has any 1 of the following:
 - (I) A threaded barrel.
 - (II) A second pistol grip.
 - (III) A barrel shroud.
 - (IV) The capacity to accept a detachable ammunition feeding device at some location outside of the pistol grip.
 - (V) A semiautomatic version of an automatic firearm.
 - (VI) A manufactured weight of 50 ounces or more when unloaded.
 - (VII) A buffer tube, stabilizing brace or similar component that protrudes horizontally behind the pistol grip, and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder.
- (E) A semiautomatic pistol with a fixed ammunition feeding device that has the capacity to accept more than 10 rounds.
- (F) A semiautomatic shotgun that—
 - (i) has the capacity to accept a detachable ammunition feeding device or a fixed ammunition feeding device that has the capacity to accept more than 5 rounds; and
 - (ii) has any 1 of the following:
 - (I) A folding, telescoping, or detachable stock.
 - (II) A pistol grip or bird's head grip.
 - (III) A forward grip.
 - (IV) A grenade launcher.

(G) Any shotgun with a revolving cylinder.

(H) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:

(i) All AK types, including the following:

(I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM.

(II) IZHMAASH Saiga AK.

(III) MAADI AK47 and ARM.

(IV) Norinco 56S, 56S2, 84S, and 86S.

(V) Poly Technologies AK47 and AKS.

(VI) SKS with a detachable ammunition feeding device.

(ii) All AR types, including the following:

(I) AR-10.

(II) AR-15.

(III) Alexander Arms Overmatch Plus 16.

(IV) Armalite M15 22LR Carbine.

(V) Armalite M15-T.

(VI) Barrett REC7.

(VII) Beretta AR-70.

(VIII) Black Rain Ordnance Recon Scout.

(IX) Bushmaster ACR.

(X) Bushmaster Carbon 15.

(XI) Bushmaster MOE series.

(XII) Bushmaster XM15.

(XIII) Chiappa Firearms MFour rifles.

(XIV) Colt Match Target rifles.

(XV) CORE Rifle Systems CORE15 rifles.

(XVI) Daniel Defense M4A1 rifles.

(XVII) Devil Dog Arms 15 Series rifles.

(XVIII) Diamondback DB15 rifles.

(XIX) DoubleStar AR rifles.

(XX) DPMS Tactical rifles.

(XXI) DSA Inc. ZM-4 Carbine.

(XXII) Heckler & Koch MR556.

(XXIII) High Standard HSA-15 rifles.

(XXIV) Jesse James Nomad AR-15 rifle.

(XXV) Knight's Armament SR-15.

(XXVI) Lancer L15 rifles.

(XXVII) MGI Hydra Series rifles.

(XXVIII) Mossberg MMR Tactical rifles.

- (XXIX) Noreen Firearms BN 36 rifle.
- (XXX) Olympic Arms.
- (XXXI) POF USA P415.
- (XXXII) Precision Firearms AR rifles.
- (XXXIII) Remington R-15 rifles.
- (XXXIV) Rhino Arms AR rifles.
- (XXXV) Rock River Arms LAR-15.
- (XXXVI) Sig Sauer SIG516 rifles and MCX rifles.
- (XXXVII) Smith & Wesson M&P15 rifles.
- (XXXVIII) Stag Arms AR rifles.
- (XXXIX) Sturm, Ruger & Co. SR556 and AR-556 rifles.
- (XL) Uselton Arms Air-Lite M-4 rifles.
- (XLI) Windham Weaponry AR rifles.
- (XLII) WMD Guns Big Beast.
- (XLIII) Yankee Hill Machine Company, Inc. YHM-15 rifles.
- (iii) Barrett M107A1.
- (iv) Barrett M82A1.
- (v) Beretta CX4 Storm.
- (vi) Calico Liberty Series.
- (vii) CETME Sporter.
- (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
- (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
- (x) Feather Industries AT-9.
- (xi) Galil Model AR and Model ARM.
- (xii) Hi-Point Carbine.
- (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- (xiv) IWI TAVOR, Galil ACE rifle.
- (xv) Kel-Tec Sub-2000, SU-16, and RFB.
- (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551, and SIG MCX.
- (xvii) Springfield Armory SAR-48.
- (xviii) Steyr AUG.
- (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF.
- (xx) All Thompson rifles, including the following:
 - (I) Thompson M1SB.
 - (II) Thompson T1100D.
 - (III) Thompson T150D.
 - (IV) Thompson T1B.
 - (V) Thompson T1B100D.
 - (VI) Thompson T1B50D.

- (VII) Thompson T1BSB.
 - (VIII) Thompson T1–C.
 - (IX) Thompson T1D.
 - (X) Thompson T1SB.
 - (XI) Thompson T5.
 - (XII) Thompson T5100D.
 - (XIII) Thompson TM1.
 - (XIV) Thompson TM1C.
 - (xxi) UMAREX UZI rifle.
 - (xxii) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.
 - (xxiii) Valmet M62S, M71S, and M78.
 - (xxiv) Vector Arms UZI Type.
 - (xxv) Weaver Arms Nighthawk.
 - (xxvi) Wilkinson Arms Linda Carbine.
- (I) All of the following pistols, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:
- (i) All AK types, including the following:
 - (I) Centurion 39 AK pistol.
 - (II) CZ Scorpion pistol.
 - (III) Draco AK–47 pistol.
 - (IV) HCR AK–47 pistol.
 - (V) IO Inc. Hellpup AK–47 pistol.
 - (VI) Krinkov pistol.
 - (VII) Mini Draco AK–47 pistol.
 - (VIII) PAP M92 pistol.
 - (IX) Yugo Krebs Krink pistol.
 - (ii) All AR types, including the following:
 - (I) American Spirit AR–15 pistol.
 - (II) Bushmaster Carbon 15 pistol.
 - (III) Chiappa Firearms M4 Pistol GEN II.
 - (IV) CORE Rifle Systems CORE15 Roscoe pistol.
 - (V) Daniel Defense MK18 pistol.
 - (VI) DoubleStar Corporation AR pistol.
 - (VII) DPMS AR–15 pistol.
 - (VIII) Jesse James Nomad AR–15 pistol.
 - (IX) Olympic Arms AR–15 pistol.
 - (X) Osprey Armament MK–18 pistol.
 - (XI) POF USA AR pistols.
 - (XII) Rock River Arms LAR 15 pistol.
 - (XIII) Uselton Arms Air-Lite M–4 pistol.

- (iii) Calico pistols.
- (iv) DSA SA58 PKP FAL pistol.
- (v) Encom MP-9 and MP-45.
- (vi) Heckler & Koch model SP-89 pistol.
- (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9.
- (viii) IWI Galil Ace pistol, UZI PRO pistol.
- (ix) Kel-Tec PLR 16 pistol.
- (x) All MAC types, including the following:
 - (I) MAC-10.
 - (II) MAC-11.
 - (III) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, and MPA Mini Tactical Pistol.
 - (IV) Military Armament Corp. Ingram M-11.
 - (V) Velocity Arms VMAC.
- (xi) Sig Sauer P556 pistol.
- (xii) Sites Spectre.
- (xiii) All Thompson types, including the following:
 - (I) Thompson TA510D.
 - (II) Thompson TA5.
- (xiv) All UZI types, including Micro-UZI.
- (J) All of the following shotguns, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:
 - (i) DERYA Anakon MC-1980, Anakon SD12.
 - (ii) Doruk Lethal shotguns.
 - (iii) Franchi LAW-12 and SPAS 12.
 - (iv) All IZHMASH Saiga 12 types, including the following:
 - (I) IZHMASH Saiga 12.
 - (II) IZHMASH Saiga 12S.
 - (III) IZHMASH Saiga 12S EXP-01.
 - (IV) IZHMASH Saiga 12K.
 - (V) IZHMASH Saiga 12K-030.
 - (VI) IZHMASH Saiga 12K-040 Taktika.
 - (v) Streetsweeper.
 - (vi) Striker 12.
- (K) All belt-fed semiautomatic firearms, including TNW M2HB and FN M2495.
- (L) Any combination of parts from which a firearm described in subparagraphs (A) through (K) can be assembled.
- (M) The frame or receiver of a rifle or shotgun described in subparagraph (G), (H), (J), or (K).