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# HOUSE BILL No. 2049

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-1-9; IC 36-1-3-8.5.

**Synopsis:** Legal actions involving firearms. Prohibits the state or a municipal corporation, including a county, municipality, township, school corporation, or any other separate local governmental entity that may sue and be sued, from bringing an action against a firearms or ammunition manufacturer, trade association, or seller for: (1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, or sale of a firearm or ammunition for a firearm; or (2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

**Effective:** July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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# HOUSE BILL No. 2049



A BILL FOR AN ACT to amend the Indiana Code concerning state and local government.

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

1 SECTION 1. IC 4-1-9 IS ADDED TO THE INDIANA CODE AS  
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2001]:  
 4 **Chapter 9. Legal Actions Involving Firearms and Ammunition**  
 5 **Manufacturers, Trade Associations, and Sellers**  
 6 **Sec. 1. As used in this chapter, "firearm" has the meaning set**  
 7 **forth in IC 35-47-1-5.**  
 8 **Sec. 2. Except as provided in sections 3 and 4 of this chapter, the**  
 9 **state may not bring an action against a firearms or ammunition**  
 10 **manufacturer, trade association, or seller for:**  
 11 **(1) recovery of damages resulting from, or injunctive relief or**  
 12 **abatement of a nuisance relating to, the lawful:**  
 13 **(A) design;**  
 14 **(B) manufacture;**  
 15 **(C) marketing; or**  
 16 **(D) sale;**  
 17 **of a firearm or ammunition for a firearm; or**



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(2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

Sec. 3. (a) The state may bring an action described in section 2 of this chapter if the action is approved in advance by the general assembly in a concurrent resolution or by enactment of a law.

(b) This section does not create a cause of action.

Sec. 4. Nothing in this chapter may be construed to prohibit the state from bringing an action against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages for the following:

- (1) Breach of contract or warranty concerning firearms or ammunition purchased by the state.
- (2) Damage or harm to property owned or leased by the state caused by a defective firearm or ammunition.
- (3) Personal injury or death, if the action arises from the state's claim for subrogation.
- (4) Injunctive relief to enforce a valid statute, rule, or ordinance.

SECTION 2. IC 36-1-3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.5. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) Except as provided in subsections (c) and (d), a municipal corporation may not bring an action against a firearms or ammunition manufacturer, trade association, or seller for:

- (1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful:
  - (A) design;
  - (B) manufacture;
  - (C) marketing; or
  - (D) sale;

of a firearm or ammunition for a firearm; or

(2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

(c) A municipal corporation may bring an action described in subsection (b) if the action is approved in advance by the general assembly in a concurrent resolution or by enactment of a law. This subsection does not create a cause of action.

(d) Nothing in this section may be construed to prohibit a municipal corporation from bringing an action against a firearms

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1 or ammunition manufacturer, trade association, or seller for  
2 recovery of damages for the following:  
3 (1) Breach of contract or warranty concerning firearms or  
4 ammunition purchased by the municipal corporation.  
5 (2) Damage or harm to property owned or leased by the  
6 municipal corporation caused by a defective firearm or  
7 ammunition.  
8 (3) Personal injury or death, if the action arises from the  
9 municipal corporation's claim for subrogation.  
10 (4) Injunctive relief to enforce a valid statute, rule, or  
11 ordinance.

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