



February 23, 2005

# HOUSE BILL No. 1692

DIGEST OF HB 1692 (Updated February 22, 2005 1:16 pm - DI 103)

**Citations Affected:** IC 34-6; IC 34-28.

**Synopsis:** Firearms in locked vehicles. Prohibits the adoption or enforcement of a policy or rule that prohibits or has the effect of prohibiting an individual from legally possessing a firearm that is locked in the individual's motor vehicle while the motor vehicle is in or on the person's property. Excepts possession of a firearm: (1) on school property or a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; and (4) when permitted under federal law. Provides that a person who does not adopt or enforce such a policy or rule is not liable for resulting damages. Authorizes a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation.

**Effective:** July 1, 2005.

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**Koch, Ruppel, Bischoff**

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January 19, 2005, read first time and referred to Committee on Public Safety and Homeland Security.  
February 22, 2005, amended, reported — Do Pass.

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February 23, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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## HOUSE BILL No. 1692

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A BILL FOR AN ACT to amend the Indiana Code concerning civil law.

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

1 SECTION 1. IC 34-6-2-46.7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 46.7. "Firearm", for  
3 purposes of **IC 34-28-7 and** IC 34-30-20, has the meaning set forth in  
4 IC 35-47-1-5.

5 SECTION 2. IC 34-6-2-103 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 103. (a) "Person", for  
7 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

8 (b) "Person", for purposes of IC 34-24-4 **and IC 34-28-7**, means:  
9 (1) an individual;  
10 (2) a governmental entity;  
11 (3) a corporation;  
12 (4) a firm;  
13 (5) a trust;  
14 (6) a partnership; or  
15 (7) an incorporated or unincorporated association that exists  
16 under or is authorized by the laws of this state, another state, or a  
17 foreign country.

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- 1 (c) "Person", for purposes of section 44.8 of this chapter, means an
- 2 adult or a minor.
- 3 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
- 4 in IC 35-41-1-22.
- 5 (e) "Person", for purposes of IC 34-30-5, means any of the
- 6 following:
- 7 (1) An individual.
- 8 (2) A corporation.
- 9 (3) A partnership.
- 10 (4) An unincorporated association.
- 11 (5) The state (as defined in IC 34-6-2-140).
- 12 (6) A political subdivision (as defined in IC 34-6-2-110).
- 13 (7) Any other entity recognized by law.
- 14 (f) "Person", for purposes of IC 34-30-6, means an individual, a
- 15 corporation, a limited liability company, a partnership, a
- 16 unincorporated association, or a governmental entity that:
- 17 (1) has qualifications or experience in:
- 18 (A) storing, transporting, or handling a hazardous substance or
- 19 compressed gas;
- 20 (B) fighting fires;
- 21 (C) emergency rescue; or
- 22 (D) first aid care; or
- 23 (2) is otherwise qualified to provide assistance appropriate to
- 24 remedy or contribute to the remedy of the emergency.
- 25 (g) "Person", for purposes of IC 34-30-18, includes:
- 26 (1) an individual;
- 27 (2) an incorporated or unincorporated organization or association;
- 28 (3) the state of Indiana;
- 29 (4) a political subdivision (as defined in IC 36-1-2-13);
- 30 (5) an agency of the state or a political subdivision; or
- 31 (6) a group of such persons acting in concert.
- 32 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
- 33 chapter, means an individual, an incorporated or unincorporated
- 34 organization or association, or a group of such persons acting in
- 35 concert.
- 36 (i) "Person", for purposes of IC 34-30-10.5, means the following:
- 37 (1) A political subdivision (as defined in IC 36-1-2-13).
- 38 (2) A volunteer fire department (as defined in IC 36-8-12-2).
- 39 (3) An employee of an entity described in subdivision (1) or (2)
- 40 who acts within the scope of the employee's responsibilities.
- 41 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
- 42 acting for a volunteer fire department.

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1 (5) After March 31, 2002, a corporation, a limited liability  
2 company, a partnership, an unincorporated association, or any  
3 other entity recognized by law.

4 SECTION 3. IC 34-28-7 IS ADDED TO THE INDIANA CODE AS  
5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
6 1, 2005]:

7 **Chapter 7. Possession of Firearms on Certain Property**

8 **Sec. 1. This chapter applies only to possession of a firearm by an  
9 individual who may legally possess a firearm.**

10 **Sec. 2. (a) Notwithstanding any other law and except as  
11 provided in subsection (b), a person may not adopt or enforce a  
12 policy or rule that prohibits or has the effect of prohibiting an  
13 individual from possessing a firearm that is locked in the  
14 individual's motor vehicle while the motor vehicle is in or on the  
15 person's property.**

16 **(b) Subsection (a) does not apply to an individual who possesses  
17 a firearm:**

18 **(1) on school property or on a school bus in violation of  
19 IC 20-8.1-5.1-10 or IC 35-47-9;**

20 **(2) on the property of:**

- 21 **(A) a child caring institution;**
- 22 **(B) an emergency shelter care child caring institution;**
- 23 **(C) a private secure facility;**
- 24 **(D) a group home; or**
- 25 **(E) an emergency shelter care group home;**

26 **in violation of 470 IAC 3-11-80, 470 IAC 3-12-79, 470  
27 IAC 3-13-80, 470 IAC 3-14-78, or 470 IAC 3-15-77;**

28 **(3) on the property of a penal facility (as defined in  
29 IC 35-41-1-21); or**

30 **(4) in violation of federal law.**

31 **Sec. 3. (a) An individual may bring a civil action to enforce  
32 section 2 of this chapter.**

33 **(b) If a person violates section 2 of this chapter, the court, in an  
34 action brought under subsection (a), may do the following:**

35 **(1) Award:**

- 36 **(A) actual damages; and**
  - 37 **(B) court costs and attorney's fees;**
- 38 **to the prevailing individual.**

39 **(2) Enjoin further violations of this chapter.**

40 **Sec. 4. This chapter does not limit a person's rights or remedies  
41 under any other state or federal law.**

42 **Sec. 5. A person is not liable for any injury or damage resulting**

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1 from the person's compliance with section 2 of this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1692, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 17, after "firearm" insert ":

(1)".

Page 3, line 17, after "of" insert "**IC 20-8.1-5.1-10 or**".

Page 3, line 18, delete "IC 35-47-9." and insert "**IC 35-47-9;**

**(2) on the property of:**

**(A) a child caring institution;**

**(B) an emergency shelter care child caring institution;**

**(C) a private secure facility;**

**(D) a group home; or**

**(E) an emergency shelter care group home;**

**in violation of 470 IAC 3-11-80, 470 IAC 3-12-79, 470 IAC 3-13-80, 470 IAC 3-14-78, or 470 IAC 3-15-77;**

**(3) on the property of a penal facility (as defined in IC 35-41-1-21); or**

**(4) in violation of federal law."**

Page 3, after line 29, begin a new paragraph and insert:

**"Sec. 5. A person is not liable for any injury or damage resulting from the person's compliance with section 2 of this chapter."**

and when so amended that said bill do pass.

(Reference is to HB 1692 as introduced.)

RUPPEL, Chair

Committee Vote: yeas 6, nays 1.

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