

HOUSE BILL No. 1692

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-103; IC 34-28-7.

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 on school property or on a school bus. 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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January 19, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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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



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.



- 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, an
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 on school property or on a school bus in violation of**
 18 **IC 35-47-9.**
 19 **Sec. 3. (a) An individual may bring a civil action to enforce**
 20 **section 2 of this chapter.**
 21 **(b) If a person violates section 2 of this chapter, the court, in an**
 22 **action brought under subsection (a), may do the following:**
 23 **(1) Award:**
 24 **(A) actual damages; and**
 25 **(B) court costs and attorney's fees;**
 26 **to the prevailing individual.**
 27 **(2) Enjoin further violations of this chapter.**
 28 **Sec. 4. This chapter does not limit a person's rights or remedies**
 29 **under any other state or federal law.**

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