

HOUSE BILL No. 1070

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-11.

Synopsis: Local regulation of firearms. Repeals provisions that allow certain political subdivisions to adopt emergency ordinances to regulate firearms if a local disaster emergency has been declared.

Effective: July 1, 2010.

Murphy

January 5, 2010, read first time and referred to Committee on Natural Resources.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1070



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 35-47-11-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) ~~Section 2 of This~~
3 chapter applies to all units (as defined in IC 36-1-2-23). ~~All other~~
4 sections of this chapter apply to all units other than townships.

5 (b) This chapter applies only if a statute expressly grants a
6 legislative body the authority to adopt an emergency ordinance under
7 this chapter.

8 (c) (b) This chapter does not affect the validity of an ordinance
9 adopted before, and in effect on, January 1, 1994.

10 SECTION 2. IC 35-47-11-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Notwithstanding
12 IC 36-1-3, a unit may not regulate in any manner the ownership,
13 possession, sale, transfer, or transportation of firearms (as defined in
14 IC 35-47-1-5) or ammunition except as follows:

15 (1) This chapter does not apply to land, buildings, or other real
16 property owned or administered by a unit, except highways (as
17 defined in IC 8-23-1-23) or public highways (as defined in



1 IC 8-2.1-17-14).
 2 (2) Notwithstanding the limitation in this section, a unit may use
 3 the unit's planning and zoning powers under IC 36-7-4 to prohibit
 4 the sale of firearms within two hundred (200) feet of a school by
 5 a person having a business that did not sell firearms within two
 6 hundred (200) feet of a school before April 1, 1994.
 7 (3) Notwithstanding the limitation in this section, a legislative
 8 body of a unit other than a township may adopt an emergency
 9 ordinance or a unit other than a township may take other action
 10 allowed under section 6 of this chapter to regulate the sale of
 11 firearms anywhere within the unit for a period of not more than
 12 seventy-two (72) hours after the regulatory action takes effect.
 13 SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE
 14 JULY 1, 2010]: IC 35-47-11-3; IC 35-47-11-4; IC 35-47-11-5;
 15 IC 35-47-11-6.

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