

SENATE BILL No. 97

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5; IC 35-47.

Synopsis: Possession of firearms on state property. Prohibits a state agency, including a state supported college or university, from regulating the possession or transportation of firearms, ammunition, or firearm accessories: (1) on land that is; or (2) in buildings and other structures that are; owned or leased by the state. Provides for certain exceptions. Voids, as of July 1, 2013, any rules or policies enacted or undertaken by a state agency before, on, or after June 30, 2013, concerning possession or transportation of firearms, ammunition, or firearm accessories on land or in structures owned or leased by the state. Allows a person to bring an action against a state agency if the person is adversely affected by a rule, a measure, an enactment, or a policy of the state agency that violates this law.

Effective: July 1, 2013.

Banks, Tomes

January 7, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

C
O
P
Y



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 97



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 35-31.5-2-9.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 9.8. "Adversely affected", for**
4 **purposes of IC 35-47-16-6, has the meaning set forth in**
5 **IC 35-47-16-7.**

6 SECTION 2. IC 35-31.5-2-311.2 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: **Sec. 311.2. "State agency", for**
9 **purposes of IC 35-47-16, has the meaning set forth in**
10 **IC 35-47-16-2.**

11 SECTION 3. IC 35-47-1-2.5, AS ADDED BY P.L.152-2011,
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: **Sec. 2.5. "Ammunition", for purposes of IC 35-47-11.1**
14 **and IC 35-47-16, means:**

- 15 (1) fixed cartridge ammunition;
- 16 (2) shotgun shells;
- 17 (3) the individual components of fixed cartridge ammunition and



- 1 shotgun shells;
 2 (4) projectiles for muzzle loading firearms; and
 3 (5) any propellant used in a firearm or in firearm ammunition.

4 SECTION 4. IC 35-47-16 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]:

7 **Chapter 16. Possession and Transportation of Firearms on State
 8 Property**

9 **Sec. 1. This chapter does not apply to the administration or
 10 enforcement of a:**

- 11 (1) statute enacted by the general assembly that:
 12 (A) specifically concerns the ownership, possession,
 13 carrying, use, discharge, transportation, registration,
 14 transfer, and storage of firearms, ammunition, and firearm
 15 accessories; or
 16 (B) sets forth the action that constitutes a crime or an
 17 infraction; or
 18 (2) federal law.

19 **Sec. 2. (a) As used in this chapter, "state agency" means an
 20 authority, a board, a branch, a bureau, a commission, a committee,
 21 a council, a department, a division, an office, an officer, a service,
 22 or any other instrumentality of the executive, judicial, or legislative
 23 branch of state government.**

24 **(b) The term includes a state supported college or university.**

25 **Sec. 3. Except as provided in section 5 of this chapter, a state
 26 agency may not regulate the possession or transportation of
 27 firearms, ammunition, or firearm accessories:**

- 28 (1) on land that is; or
 29 (2) in buildings and other structures that are;

30 owned or leased by the state.

31 **Sec. 4. Any provision of a rule, a measure, an enactment, or a
 32 policy of a state agency or of an employee or agent of a state
 33 agency acting in an official capacity:**

- 34 (1) that is enacted or undertaken before, on, or after June 30,
 35 2013; and
 36 (2) that pertains to or affects the matters described in section
 37 3 of this chapter;

38 is void.

39 **Sec. 5. Section 3 of this chapter may not be construed to prevent
 40 any of the following:**

- 41 (1) A law enforcement agency from enacting and enforcing
 42 rules or policies concerning firearms, ammunition, or firearm

C
O
P
Y



- 1 accessories issued to or used by law enforcement officers in
 2 the course of the officers' official duties.
- 3 (2) A court or an administrative law judge from hearing and
 4 resolving any case or controversy, or issuing any opinion or
 5 order, on a matter within the jurisdiction of the court or
 6 judge.
- 7 (3) The enactment or enforcement of a provision prohibiting
 8 or restricting the possession of a firearm in any building that
 9 contains a courtroom used by the supreme court, court of
 10 appeals, or tax court.
- 11 (4) The enactment or enforcement of a provision prohibiting
 12 or restricting the intentional display of a firearm at a public
 13 meeting.
- 14 (5) For an event occurring on property leased from a state
 15 agency by the promoter or organizer of the event:
- 16 (A) the establishment, by the promoter or organizer, at the
 17 promoter's or organizer's own discretion, of rules of
 18 conduct or admission upon which attendance at or
 19 participation in the event is conditioned; or
- 20 (B) the implementation or enforcement of rules of conduct
 21 or admission described in clause (A) by a state agency in
 22 connection with the event.
- 23 (6) A state agency from enacting or enforcing a provision
 24 prohibiting or restricting the possession of a firearm in a
 25 building owned or administered by the state if:
- 26 (A) metal detection devices are located at each public
 27 entrance to the building;
- 28 (B) while the building is open to the public, each public
 29 entrance to the building is staffed by at least one (1) law
 30 enforcement officer who has been adequately trained to
 31 conduct inspections of persons entering the building by use
 32 of metal detection devices and proper physical pat down
 33 searches; and
- 34 (C) a law enforcement officer described in clause (B)
 35 inspects:
- 36 (i) each individual who enters the building through the
 37 public entrance when the building is open to the public;
 38 and
- 39 (ii) each bag, package, and other container carried by an
 40 individual who enters the building.
- 41 However, except as provided in subdivision (3) concerning a
 42 building that contains a courtroom, a state agency may not

C
 O
 P
 Y



1 prohibit or restrict the possession of a handgun under this
2 subdivision in a building owned or administered by the state
3 if the person who possesses the handgun has been issued a
4 valid license to carry the handgun under IC 35-47-2.

5 **Sec. 6.** Notwithstanding IC 34-13-3, a person adversely affected
6 by a rule, a measure, an enactment, or a policy adopted or enforced
7 by a state agency that violates this chapter may bring an action in
8 a court against the state agency for:

- 9 (1) declarative and injunctive relief; and
10 (2) actual and consequential damages attributable to the
11 violation.

12 **Sec. 7.** A person is "adversely affected" for purposes of section
13 6 of this chapter if either of the following applies:

14 (1) The person is an individual who meets all the following
15 requirements:

16 (A) The individual lawfully resides within the United
17 States.

18 (B) The individual may legally possess a firearm under
19 Indiana law.

20 (C) The individual is or was subject to the rule, measure,
21 enactment, or policy of the state agency that is the subject
22 of an action brought under section 6 of this chapter. An
23 individual is or was subject to the rule, measure,
24 enactment, or policy of the state agency if the individual is
25 or was physically present within the jurisdiction of the
26 state agency for any reason.

27 (2) The person is a membership organization that:

28 (A) includes at least two (2) individuals described in
29 subdivision (1); and

30 (B) is dedicated in whole or in part to protecting the rights
31 of persons who possess, own, or use firearms for
32 competitive, sporting, defensive, or other lawful purposes.

33 **Sec. 8.** Notwithstanding IC 34-13-3, a prevailing plaintiff in an
34 action brought under section 6 of this chapter is entitled to recover
35 the following from the state agency:

36 (1) The greater of the following:

37 (A) Actual damages, including consequential damages.

38 (B) Liquidated damages equal to three (3) times the
39 plaintiff's attorney's fees.

40 (2) Court costs (including fees).

41 (3) Reasonable attorney's fees.

C
O
P
Y

