



February 25, 2014

ENGROSSED SENATE BILL No. 229

DIGEST OF SB 229 (Updated February 25, 2014 1:15 pm - DI 107)

Citations Affected: IC 34-28; IC 35-31.5; IC 35-47.

Synopsis: Firearm matters. Provides that a law enforcement agency may retain a firearm and issue the firearm to a law enforcement officer within the agency. Allows a law enforcement agency to trade a firearm in for credit to a licensed firearm dealer rather than only selling the firearm to a licensed firearm dealer. Allows a firearm that may be destroyed to be sold to a salvage company and destroyed by dismantling the firearm for parts, scrap metal, recycling, or for resale as parts for other firearms. Provides that a unit may conduct a firearms buyback program with private funds or grants. Establishes a procedure to permit certain individuals whose firearms have been retained by a
(Continued next page)

Effective: July 1, 2014.

**Tomes, Steele, Nugent, Waltz,
Waterman, Smith J, Hershman,
Young R Michael, Leising, Paul,
Banks, Kruse, Randolph, Arnold J**
(HOUSE SPONSORS — EBERHART, LUCAS, DERMODY)

January 9, 2014, read first time and referred to Committee on Judiciary.
January 23, 2014, reported favorably — Do Pass.
January 27, 2014, read second time, ordered engrossed.
January 28, 2014, engrossed. Read third time, passed. Yeas 28, nays 21.

HOUSE ACTION

February 4, 2014, read first time and referred to Committee on Public Policy.
February 25, 2014, amended, reported — Do Pass.

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Digest Continued

law enforcement agency to have the firearms sold at auction and the proceeds, less the costs of sale, returned to the individual. Removes a provision from the law making possession of a firearm on property that is being used by a school for a school function a felony. Makes it a Class A misdemeanor if certain persons possess a firearm in plain view in a motor vehicle. Provides that for purposes of the law concerning possession of firearms on school property: (1) school property means a building or other structure owned or rented by a school that is being used exclusively by the school for a school function and does not include parking lots adjacent to and owned or rented in common with the building or other structure; and (2) the law does not apply to certain students who are members of a shooting sports team or a person who may legally possess a firearm and possesses a firearm that is locked in the trunk of the person's motor vehicle, kept in the glove compartment of the person's locked motor vehicle, or stored out of plain sight in the person's locked motor vehicle. Removes a provision from the law concerning firearms in locked vehicles that allows a person to adopt a policy or rule that prohibits an employee of the person from possessing a firearm or ammunition in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of: (1) student discipline laws concerning possession of firearms; or (2) the law concerning possession of firearms on school property and school buses. Specifies that the law concerning firearms in locked vehicles does not prohibit an employer from prohibiting an employee from possessing a firearm or ammunition at the employer's residence.



February 25, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 229

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 34-28-7-2, AS AMENDED BY P.L.114-2012,
2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except
4 as provided in subsection (b), a person may not adopt or enforce an
5 ordinance, a resolution, a policy, or a rule that:
6 (1) prohibits; or
7 (2) has the effect of prohibiting;
8 an employee of the person, including a contract employee, from
9 possessing a firearm or ammunition that is locked in the trunk of the
10 employee's vehicle, kept in the glove compartment of the employee's
11 locked vehicle, or stored out of plain sight in the employee's locked
12 vehicle.
13 (b) Subsection (a) does not prohibit the adoption or enforcement of
14 an ordinance, a resolution, a policy, or a rule that prohibits or has the
15 effect of prohibiting an employee of the person, including a contract
16 employee, from possessing a firearm or ammunition:

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- 1 ~~(1)~~ in or on school property; in or on property that is being used
 2 by a school for a school function; or on a school bus in violation
 3 of IC 20-33-8-16 or IC 35-47-9-2;
 4 ~~(2)~~ (1) on the property of:
 5 (A) a child caring institution;
 6 (B) an emergency shelter care child caring institution;
 7 (C) a private secure facility;
 8 (D) a group home;
 9 (E) an emergency shelter care group home; or
 10 (F) a child care center;
 11 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
 12 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
 13 IAC 3-4.7-19;
 14 ~~(3)~~ (2) on the property of a penal facility (as defined in
 15 IC 35-31.5-2-232);
 16 ~~(4)~~ (3) in violation of federal law;
 17 ~~(5)~~ (4) in or on property belonging to an approved postsecondary
 18 educational institution (as defined in IC 21-7-13-6(b));
 19 ~~(6)~~ (5) on the property of a domestic violence shelter;
 20 ~~(7)~~ (6) at a ~~person's~~ **the employer's** residence;
 21 ~~(8)~~ (7) on the property of a person that is:
 22 (A) subject to the United States Department of Homeland
 23 Security's Chemical Facility Anti-Terrorism Standards issued
 24 April 9, 2007; and
 25 (B) licensed by the United States Nuclear Regulatory
 26 Commission under Title 10 of the Code of Federal
 27 Regulations;
 28 ~~(9)~~ (8) on property owned by:
 29 (A) a public utility (as defined in IC 8-1-2-1) that generates
 30 and transmits electric power; or
 31 (B) a department of public utilities created under IC 8-1-11.1;
 32 or
 33 ~~(10)~~ (9) in the employee's personal vehicle if the employee,
 34 including a contract employee, is a direct support professional
 35 who:
 36 (A) works directly with individuals with developmental
 37 disabilities to assist the individuals to become integrated into
 38 the individuals' community or least restrictive environment;
 39 and
 40 (B) uses the employee's personal vehicle while transporting an
 41 individual with developmental disabilities.
 42 SECTION 2. IC 35-31.5-2-285, AS ADDED BY P.L.114-2012,



1 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2014]: Sec. 285. **(a)** "School property", **except as provided**
 3 **in subsection (b)**, means the following:

- 4 (1) A building or other structure owned or rented by:
 5 (A) a school corporation;
 6 (B) an entity that is required to be licensed under IC 12-17.2
 7 or IC 31-27;
 8 (C) a private school that is not supported and maintained by
 9 funds realized from the imposition of a tax on property,
 10 income, or sales; or
 11 (D) a federal, state, local, or nonprofit program or service
 12 operated to serve, assist, or otherwise benefit children who are
 13 at least three (3) years of age and not yet enrolled in
 14 kindergarten, including the following:
 15 (i) A Head Start program under 42 U.S.C. 9831 et seq.
 16 (ii) A special education preschool program.
 17 (iii) A developmental child care program for preschool
 18 children.
 19 (2) The grounds adjacent to and owned or rented in common with
 20 a building or other structure described in subdivision (1).

21 **(b) "School property", for purposes of IC 35-47-9, means a**
 22 **building or other structure:**

- 23 (1) owned or rented by:
 24 (A) a school corporation;
 25 (B) an entity that is required to be licensed under
 26 IC 12-17.2 or IC 31-27;
 27 (C) a private school that is not supported and maintained
 28 by funds realized from the imposition of a tax on property,
 29 income, or sales; or
 30 (D) a federal, state, local, or nonprofit program or service
 31 operated to serve, assist, or otherwise benefit children who
 32 are at least three (3) years of age and not yet enrolled in
 33 kindergarten, including a:
 34 (i) Head Start program under 42 U.S.C. 9831 et seq.;;
 35 (ii) special education preschool program; or
 36 (iii) developmental child care program for preschool
 37 children; and
 38 (2) that is being used exclusively by a school for a school
 39 function.

40 The term does not include parking lots adjacent to and owned or
 41 rented in common with a building or other structure described in
 42 this subsection if the parking lots are used by a person who is not



1 enrolled as a student in any high school or is a high school student
 2 and is a member of a shooting sports team, and the school's
 3 principal has approved the person keeping a firearm concealed in
 4 the person's motor vehicle on days the person is competing or
 5 practicing as a member of the shooting sports team. As applied to
 6 a person enrolled as a student in any high school who is not a
 7 member of a shooting sports team, the term includes parking lots
 8 adjacent to and owned or rented in common with a building or
 9 other structure described in this subsection.

10 SECTION 3. IC 35-47-3-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) **Except as**
 12 **provided in subsection (b)**, all firearms confiscated pursuant to statute
 13 shall, upon conviction of the person for the offense for which the
 14 confiscation was made, be disposed of in accordance with this chapter.

15 (b) **A law enforcement agency may retain a firearm confiscated**
 16 **pursuant to statute and issue the firearm to a law enforcement**
 17 **officer within the agency for use in the official performance of the**
 18 **law enforcement officer's duties.**

19 SECTION 4. IC 35-47-3-2, AS AMENDED BY P.L.119-2012,
 20 SECTION 167, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section applies only to
 22 firearms which are not required to be registered in the National
 23 Firearms Registration and Transfer Record.

24 (b) Firearms shall be returned to the rightful owner at once
 25 following final disposition of the cause if a return has not already
 26 occurred under the terms of IC 35-33-5. If the rightful ownership is not
 27 known the law enforcement agency holding the firearm shall make a
 28 reasonable attempt to ascertain the rightful ownership and cause the
 29 return of the firearm. However, nothing in this chapter shall be
 30 construed as requiring the return of firearms to rightful owners who
 31 have been convicted for the misuse of firearms. In such cases, the court
 32 may provide for the return of the firearm in question or order that the
 33 firearm be at once delivered:

34 (1) except as provided in subdivision (2), to the sheriff's
 35 department of the county in which the offense occurred; or

36 (2) to the city or town police force that confiscated the firearm. ~~if:~~

37 (A) ~~a member of the city or town police force confiscated the~~
 38 ~~firearm; and~~

39 (B) ~~the city or town has a population of more than two~~
 40 ~~thousand five hundred (2,500) and less than six hundred~~
 41 ~~thousand (600,000).~~

42 (c) The receiving law enforcement agency shall dispose of firearms



1 under subsection (b), at the discretion of the law enforcement agency,
 2 not more than one hundred twenty (120) days following receipt by use
 3 of any of the following procedures:

4 (1) Public sale of the firearms to the general public as follows:

5 (A) Notice of the sale shall be:

6 (i) posted for ten (10) days in the county courthouse in a
 7 place readily accessible to the general public; and

8 (ii) advertised in the principal newspaper of the county for
 9 two (2) days in an advertisement that appears in the
 10 newspaper at least five (5) days prior to the sale.

11 (B) Disposition of the firearm shall be by public auction in a
 12 place convenient to the general public, with disposition going
 13 to the highest bidder. However, no firearm shall be transferred
 14 to any bidder if that bidder is not lawfully eligible to receive
 15 and possess firearms according to the laws of the United States
 16 and Indiana.

17 (C) All handguns transferred under this subdivision shall also
 18 be transferred according to the transfer procedures set forth in
 19 this article.

20 (D) Money collected pursuant to the sales shall first be used to
 21 defray the necessary costs of administering this subdivision
 22 with any surplus to be:

23 (i) deposited into the receiving law enforcement agency's
 24 firearms training fund, if the law enforcement agency is a
 25 county law enforcement agency; or into a continuing
 26 education fund established under IC 5-2-8-2, if the law
 27 enforcement agency is a city or town law enforcement
 28 agency **other appropriate training activities fund, or any
 29 other fund that may be used by the receiving law
 30 enforcement agency for the purchase and maintenance
 31 of firearms, ammunition, vests, and other law
 32 enforcement equipment;** and

33 (ii) used by the agency exclusively for the purpose of
 34 **training to train** law enforcement officers in the proper use
 35 of firearms or other law enforcement duties, **and to
 36 purchase and maintain firearms, ammunition, vests, and
 37 other law enforcement equipment.** if the law enforcement
 38 agency is a county law enforcement agency; or for law
 39 enforcement purposes, if the law enforcement agency is a
 40 city or town law enforcement agency.

41 (2) Sale of the firearms to a licensed firearms dealer **or a trade-in
 42 of a firearm to a licensed firearms dealer for credit to**



1 **purchase firearms or other items** as follows:

2 (A) Notice of the sale must be:

3 (i) posted for ten (10) days in the county courthouse in a
4 place readily accessible to the general public; and

5 (ii) advertised in the principal newspaper of the county for
6 two (2) days in an advertisement that appears in the
7 newspaper at least five (5) days before the sale.

8 (B) Disposition of the firearm shall be by auction with
9 disposition going to the highest bidder who is a licensed
10 firearms dealer.

11 (C) Money collected from the sales shall first be used to defray
12 the necessary costs of administering this subdivision and any
13 surplus shall be:

14 (i) deposited into the receiving law enforcement agency's
15 firearms training fund, ~~or~~ other appropriate training
16 activities fund, **or any other fund that may be used by the**
17 **receiving law enforcement agency for the purchase and**
18 **maintenance of firearms, ammunition, vests, and other**
19 **law enforcement equipment;** and

20 (ii) used by the agency exclusively ~~for the purpose of~~
21 **training to train** law enforcement officers in the proper use
22 of firearms or other law enforcement duties, **and to**
23 **purchase and maintain firearms, ammunition, vests, and**
24 **other law enforcement equipment.**

25 (3) Sale or transfer of the firearms to another law enforcement
26 agency.

27 (4) Release to the state police department laboratory or other
28 forensic laboratory administered by the state or a political
29 subdivision (as defined in IC 36-1-2-13) for the purposes of
30 research, training, and comparison in conjunction with the
31 forensic examination of firearms evidence.

32 (5) Destruction of the firearms. **A firearm that is to be**
33 **destroyed may be sold to a salvage company and destroyed by**
34 **dismantling the firearm for parts, scrap metal, recycling, or**
35 **for resale as parts for other firearms.**

36 (d) Notwithstanding the requirement of this section mandating
37 disposal of firearms not more than one hundred twenty (120) days
38 following receipt, the receiving law enforcement agency may at its
39 discretion hold firearms it may receive until a sufficient number has
40 accumulated to defray the costs of administering this section if a delay
41 does not exceed one hundred eighty (180) days from the date of receipt
42 of the first firearm in the sale lot. **In addition, the receiving law**



1 **enforcement agency may, at its discretion, jointly sell firearms it**
 2 **has received with another law enforcement agency, or permit**
 3 **another law enforcement agency to sell firearms it has received on**
 4 **behalf of the receiving law enforcement agency.** In any event, all
 5 confiscated firearms shall be disposed of as promptly as possible.

6 (e) When a firearm is delivered to the state police department
 7 laboratory or other forensic laboratory under subsection (c)(4) and the
 8 state police department laboratory or other forensic laboratory
 9 determines the laboratory has no further need for the firearm in
 10 question, the laboratory shall return the firearm to the law enforcement
 11 agency for disposal under subsection (c).

12 SECTION 5. IC 35-47-3.5 IS ADDED TO THE INDIANA CODE
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]:

15 **Chapter 3.5. Firearm Buyback Programs Prohibited**

16 **Sec. 1. This chapter applies to a unit (as defined in**
 17 **IC 36-1-2-23), including a law enforcement agency of a unit.**

18 **Sec. 2. As used in this chapter, "firearm buyback program"**
 19 **means a program to purchase privately owned firearms from**
 20 **individual firearm owners for the purpose of:**

- 21 (1) **reducing the number of firearms owned by civilians; or**
 22 (2) **permitting civilians to sell a firearm to the government**
 23 **without fear of prosecution.**

24 **The term does not include the purchase of firearms from a licensed**
 25 **firearms dealer or a program to purchase firearms for law**
 26 **enforcement purposes.**

27 **Sec. 3. A unit, including a law enforcement agency of a unit, may**
 28 **not conduct a firearm buyback program unless the firearm**
 29 **buyback program is financed or funded with private funds or**
 30 **grants, and not public funds.**

31 **Sec. 4. (a) A unit having possession of a firearm obtained from**
 32 **a firearm buyback program shall transfer the firearm to a law**
 33 **enforcement agency of the unit.**

34 **(b) A law enforcement agency of a unit that has possession of a**
 35 **firearm obtained under subsection (a), or otherwise as the result of**
 36 **a firearm buyback program, shall dispose of the firearm in**
 37 **accordance with IC 35-47-3.**

38 SECTION 6. IC 35-47-9-1, AS AMENDED BY P.L.172-2013,
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

41 (1) A:

42 (A) federal;



- 1 (B) state; or
 2 (C) local;
 3 law enforcement officer.
 4 (2) A person who may legally possess a firearm and who has been
 5 authorized by:
 6 (A) a school board (as defined by IC 20-26-9-4); or
 7 (B) the body that administers a charter school established
 8 under IC 20-24;
 9 to carry a firearm in or on school property.
 10 (3) A person who:
 11 (A) may legally possess a firearm; and
 12 (B) possesses the firearm in a motor vehicle that is being
 13 operated ~~by the person~~ to transport another person to or from
 14 a school or a school function.
 15 (4) A person who is a school resource officer, as defined in
 16 IC 20-26-18.2-1.
 17 **(5) A person who:**
 18 **(A) may legally possess a firearm; and**
 19 **(B) possesses a firearm that is:**
 20 **(i) locked in the trunk of the person's motor vehicle;**
 21 **(ii) kept in the glove compartment of the person's locked**
 22 **motor vehicle; or**
 23 **(iii) stored out of plain sight in the person's locked motor**
 24 **vehicle.**
 25 **For purposes of this subdivision, a person does not include a**
 26 **person who is enrolled as a student in any high school except**
 27 **if the person is a high school student and is a member of a**
 28 **shooting sports team and the school's principal has approved**
 29 **the person keeping a firearm concealed in the person's motor**
 30 **vehicle on the days the person is competing or practicing as a**
 31 **member of a shooting sports team.**
 32 SECTION 7. IC 35-47-9-2, AS AMENDED BY P.L.172-2013,
 33 SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION
 34 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) Except as provided in**
 36 **subsection (b), a person who knowingly or intentionally possesses a**
 37 **firearm:**
 38 (1) in or on school property; *or*
 39 ~~(2) in or on property that is being used by a school for a school~~
 40 ~~function; or~~
 41 ~~(3) (2) on a school bus;~~
 42 commits a ~~Class D~~ Level 6 felony.



1 (b) A person who:

2 (1) may legally possess a firearm; and

3 (2) recklessly possesses a firearm that is left in a motor vehicle
4 in plain view and is not:

5 (A) locked in the trunk of the person's motor vehicle;

6 (B) kept in the glove compartment of the person's locked
7 motor vehicle; or

8 (C) stored out of plain sight in the person's locked motor
9 vehicle;

10 commits a Class A misdemeanor.

11 SECTION 8. IC 35-47-14-9, AS ADDED BY P.L.1-2006,
12 SECTION 537, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: Sec. 9. If at least five (5) years have
14 passed since a court conducted the first hearing to retain a firearm
15 under this chapter, the court, after giving notice to the parties and
16 conducting a hearing, may order the law enforcement agency having
17 custody of the firearm to ~~destroy or otherwise permanently~~ dispose of
18 the firearm **in accordance with IC 35-47-3.**

19 SECTION 9. IC 35-47-14-10 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) **If a court has ordered a
22 law enforcement agency to retain an individual's firearm under
23 section 6 of this chapter, the individual may request the court to
24 order the law enforcement agency to sell the firearm at auction
25 under IC 35-47-3-2 and return the proceeds to the individual if the
26 individual has not been convicted of a felony.**

27 (b) **An individual may make the request described in subsection
28 (a):**

29 (1) at the retention hearing described in section 9 of this
30 chapter; or

31 (2) at any time before the retention hearing described in
32 section 9 of this chapter is held.

33 (c) **If an individual timely requests a sale of a firearm under
34 subsection (a), the court shall order the law enforcement agency
35 having custody of the firearm to sell the firearm at auction under
36 IC 35-47-3-2, unless the serial number of the firearm has been
37 obliterated.**

38 (d) **If the court issues an order under subsection (c), the court's
39 order must require:**

40 (1) that the firearm be sold not more than one (1) year after
41 receipt of the order; and

42 (2) that the proceeds of the sale be returned to the individual



1 **who owns the firearm. However, the law enforcement agency**
2 **may retain not more than eight percent (8%) of the sale price**
3 **to pay the costs of the sale, including administrative costs and**
4 **the auctioneer's fee.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 229 as introduced.)

Committee Vote: Yeas 6, Nays 2

Senator Steele, Chairperson

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 229, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 34-28-7-2, AS AMENDED BY P.L.114-2012, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

- (1) prohibits; or
- (2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

~~(1) in or on school property; in or on property that is being used by a school for a school function; or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;~~

~~(2) (1) on the property of:~~

- (A) a child caring institution;
- (B) an emergency shelter care child caring institution;

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- (C) a private secure facility;
 - (D) a group home;
 - (E) an emergency shelter care group home; or
 - (F) a child care center;
- in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;
- ~~(3)~~ **(2)** on the property of a penal facility (as defined in IC 35-31.5-2-232);
 - ~~(4)~~ **(3)** in violation of federal law;
 - ~~(5)~~ **(4)** in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));
 - ~~(6)~~ **(5)** on the property of a domestic violence shelter;
 - ~~(7)~~ **(6)** at a **person's the employer's** residence;
 - ~~(8)~~ **(7)** on the property of a person that is:
 - (A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; and
 - (B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;
 - ~~(9)~~ **(8)** on property owned by:
 - (A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or
 - (B) a department of public utilities created under IC 8-1-11.1;
 or
 - ~~(10)~~ **(9)** in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:
 - (A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and
 - (B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 2. IC 35-31.5-2-285, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 285. **(a)** "School property", **except as provided in subsection (b)**, means the following:

- (1) A building or other structure owned or rented by:
 - (A) a school corporation;
 - (B) an entity that is required to be licensed under IC 12-17.2



or IC 31-27;

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:

(i) A Head Start program under 42 U.S.C. 9831 et seq.

(ii) A special education preschool program.

(iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

(b) "School property", for purposes of IC 35-47-9, means a building or other structure:

(1) owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including a:

(i) Head Start program under 42 U.S.C. 9831 et seq.;

(ii) special education preschool program; or

(iii) developmental child care program for preschool children; and

(2) that is being used exclusively by a school for a school function.

The term does not include parking lots adjacent to and owned or rented in common with a building or other structure described in this subsection if the parking lots are used by a person who is not enrolled as a student in any high school or is a high school student and is a member of a shooting sports team, and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on days the person is competing or practicing as a member of the shooting sports team. As applied to a person enrolled as a student in any high school who is not a



member of a shooting sports team, the term includes parking lots adjacent to and owned or rented in common with a building or other structure described in this subsection.

SECTION 3. IC 35-47-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) Except as provided in subsection (b), all firearms confiscated pursuant to statute shall, upon conviction of the person for the offense for which the confiscation was made, be disposed of in accordance with this chapter.**

(b) A law enforcement agency may retain a firearm confiscated pursuant to statute and issue the firearm to a law enforcement officer within the agency for use in the official performance of the law enforcement officer's duties."

Page 3, delete lines 7 through 9.

Page 3, line 10, after "dealer" insert "**or a trade-in of a firearm to a licensed firearms dealer for credit to purchase firearms or other items"**.

Page 3, delete lines 34 through 36.

Page 4, line 2, reset in roman "firearms."

Page 4, line 2, delete "firearm if the serial number on" and insert "**A firearm that is to be destroyed may be sold to a salvage company and destroyed by dismantling the firearm for parts, scrap metal, recycling, or for resale as parts for other firearms."**

Page 4, delete line 3.

Page 4, line 38, delete "." and insert "**unless the firearm buyback program is financed or funded with private funds or grants, and not public funds."**

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 6. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) A person who:



- (A) may legally possess a firearm; and
- (B) possesses the firearm in a motor vehicle that is being operated ~~by the person~~ to transport another person to or from a school or a school function.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) A person who:

- (A) may legally possess a firearm; and**
- (B) possesses a firearm that is:**
 - (i) locked in the trunk of the person's motor vehicle;**
 - (ii) kept in the glove compartment of the person's locked motor vehicle; or**
 - (iii) stored out of plain sight in the person's locked motor vehicle.**

For purposes of this subdivision, a person does not include a person who is enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team.

SECTION 7. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) Except as provided in subsection (b),** a person who *knowingly or intentionally* possesses a firearm:

- (1) in or on school property; *or*
- ~~(2) in or on property that is being used by a school for a school function; or~~
- ~~(2)~~ (2) on a school bus;

commits a ~~Class D~~ Level 6 felony.

(b) A person who:

- (1) may legally possess a firearm; and**
- (2) recklessly possesses a firearm that is left in a motor vehicle in plain view and is not:**
 - (A) locked in the trunk of the person's motor vehicle;**
 - (B) kept in the glove compartment of the person's locked motor vehicle; or**
 - (C) stored out of plain sight in the person's locked motor vehicle;**

commits a Class A misdemeanor."



Page 5, line 18, delete "." and insert "**if the individual has not been convicted of a felony.**".

Page 5, delete lines 39 through 42.

Delete page 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 229 as printed January 24, 2014.)

DERMODY, Chair

Committee Vote: yeas 8, nays 2.

