

# HOUSE BILL No. 1244

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-24-5; IC 34-30-20.5.

**Synopsis:** Firearms on business premises. Permits a person to bring an action for damages against a business entity having a policy of barring possession of a firearm on the entity's property, if: (1) the person suffers a loss due to criminal activity on the entity's property; and (2) the loss could have been avoided or reduced if the business entity did not prohibit possession of a firearm on its property. Provides that a person who does not prohibit: (1) an individual from possessing a firearm on the person's property; or (2) the person's employees from possessing a firearm while the employees are acting within the scope of their employment; is immune from civil liability with respect to any claim based on the person's failure to adopt such a policy.

**Effective:** July 1, 2015.

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## Lucas, VanNatter

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January 13, 2015, read first time and referred to Committee on Public Policy.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1244



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

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

1 SECTION 1. IC 34-24-5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]:  
4 **Chapter 5. Cause of Action for Prohibiting Possession of a**  
5 **Firearm**  
6 **Sec. 1. (a) Except as provided in subsection (b), this chapter**  
7 **applies to a business entity.**  
8 **(b) This chapter does not apply to a business entity if possession**  
9 **of a firearm on the property of the business entity is prohibited by**  
10 **state or federal law.**  
11 **Sec. 2. As used in this chapter, "business entity" means:**  
12 **(1) a sole proprietorship;**  
13 **(2) a corporation;**  
14 **(3) a limited liability company;**  
15 **(4) an association;**



1           (5) a partnership; or  
 2           (6) any other similar form of business organization;  
 3 whether organized as a for profit or nonprofit entity.

4       **Sec. 3. If:**

5           (1) a person suffers a loss or injury due to criminal activity on  
 6 the property of a business entity;  
 7           (2) the business entity has a policy prohibiting the lawful  
 8 possession of a firearm on the property of the business entity;  
 9           and  
 10           (3) the loss or injury could have been prevented or reduced if  
 11 the business entity permitted the lawful possession of a  
 12 firearm on the property of the business entity;  
 13 the person may bring an action against the business entity to  
 14 recover damages for the person's loss or injury.

15       SECTION 2. IC 34-30-20.5 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]:

18       **Chapter 20.5. Firearms: Immunity for Not Prohibiting**  
 19 **Possession of a Firearm**

20       **Sec. 1.** As used in this chapter, "employee" includes a person  
 21 working as an employee, as a contractor, or as a volunteer.  
 22 "Employment" has a corresponding meaning.

23       **Sec. 2.** Except as provided in section 3 of this chapter, a person  
 24 who does not prohibit:

25           (1) an individual from possessing a firearm on the person's  
 26 property; or  
 27           (2) the person's employees from possessing a firearm while  
 28 the employees are acting within the scope of their  
 29 employment;

30 is immune from civil liability with respect to any claim based on  
 31 the person's failure to adopt such a policy.

32       **Sec. 3.** The immunity described in section 2 of this chapter does  
 33 not apply to a person whose conduct or failure to act is the result  
 34 of gross negligence or willful or wanton misconduct.

