

HOUSE BILL No. 1259

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47.

Synopsis: Firearms and medical facilities. Defines the term "hospital". Provides that a hospital may prohibit the possession of a firearm on any premises leased, owned, licensed, or operated by the hospital for any purpose related to the: (1) administration of the hospital; or (2) providing of medical care. Provides that a person who knowingly or intentionally possesses a firearm in or on the premises of certain hospitals commits unlawful possession of a firearm on a restricted medical premises, a Class A misdemeanor. Provides that the offense is enhanced to a Level 6 felony if the person has a prior unrelated conviction for the offense. Exempts certain persons from hospital prohibitions concerning the possession of a firearm. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2020.

Deal

January 7, 2020, read first time and referred to Committee on Public Policy.



Second Regular Session of the 121st General Assembly (2020)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1259

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 35-47-1-4.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 4.3. "Emergency medical care", for purposes of**
4 **IC 35-47-6.5, means any medical act or service that is required for**
5 **the immediate diagnosis and treatment of a medical condition that,**
6 **if left untreated, may result in:**
7 **(1) serious mental or physical disability; or**
8 **(2) death.**

9 SECTION 2. IC 35-47-1-4.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2020]: **Sec. 4.5. "Emergency medical services provider", for**
12 **purposes of IC 35-47-6.5, has the meaning set forth in**
13 **IC 16-41-10-1.**

14 SECTION 3. IC 35-47-1-6.5 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2020]: **Sec. 6.5. "Hospital", for purposes of IC 35-47-6.5, means:**
17 **(1) an institution;**



- 1 (2) a place;
 2 (3) a building;
 3 (4) an agency;
 4 (5) an improvement; or
 5 (6) a campus comprised of any structure or entity described
 6 in subdivisions (1) through (5);
 7 that holds out to the general public that the institution, place,
 8 building, agency, improvement, or campus, as applicable, is
 9 operated for hospital purposes and that it provides care,
 10 accommodations, facilities, or equipment, as applicable, in
 11 connection with the services of a physician to individuals who may
 12 need medical or surgical services.

13 SECTION 4. IC 35-47-1-6.7 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2020]: Sec. 6.7. "Law enforcement officer", for purposes of
 16 IC 35-47-6.5, means any person who:

- 17 (1) was hired by and is on the payroll of:
 18 (A) the state;
 19 (B) any of the state's political subdivisions;
 20 (C) a public or private postsecondary educational
 21 institution whose board of trustees has established a police
 22 department under IC 21-17-5-2 or IC 21-39-4-2; or
 23 (D) a hospital whose board of trustees has established a
 24 police department under IC 16-18-4;
 25 (2) is granted lawful authority to enforce all or some of the
 26 penal law of the state of Indiana; and
 27 (3) possesses the power to effect an arrest for a violation of
 28 any Indiana penal law within the law enforcement officer's:
 29 (A) jurisdiction; and
 30 (B) scope of enforcement.

31 SECTION 5. IC 35-47-6.5 IS ADDED TO THE INDIANA CODE
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2020]:

34 **Chapter 6.5. Unlawful Possession of a Firearm on a Restricted**
 35 **Medical Premises**

36 **Sec. 1. This chapter does not apply to the following:**

- 37 (1) A law enforcement officer.
 38 (2) Any person authorized by:
 39 (A) a hospital administrator;
 40 (B) a hospital board; or
 41 (C) any other person or entity that:
 42 (i) is responsible for the administration of the hospital;



- 1 **and**
 2 **(ii) possesses executive authority comparable to the**
 3 **executive authority of a hospital administrator or a**
 4 **hospital board;**
 5 **to provide law enforcement or security services to the hospital**
 6 **or to possess a firearm on hospital premises.**
 7 **(3) Unconscious or incapacitated persons brought to a**
 8 **hospital by an emergency medical services provider for the**
 9 **purpose of receiving medical care or emergency medical care.**
 10 **(4) Persons arriving at the hospital for the purpose of**
 11 **receiving emergency medical care.**
 12 **(5) Any hospital that does not comply with section 3 of this**
 13 **chapter.**
 14 **Sec. 2. (a) Subject to section 4 of this chapter, a hospital that**
 15 **complies with section 3 of this chapter may prohibit the possession**
 16 **of a firearm on any premises leased, owned, licensed, or operated**
 17 **by the hospital for the purpose of:**
 18 **(1) administering the hospital; or**
 19 **(2) providing medical care.**
 20 **(b) Subject to section 4 of this chapter, a person who knowingly**
 21 **or intentionally possesses a firearm in or at a hospital that complies**
 22 **with section 3 of this chapter commits unlawful possession of a**
 23 **firearm on a restricted medical premises, a Class A misdemeanor.**
 24 **However, the offense is a Level 6 felony if the person has a prior**
 25 **unrelated conviction for the offense.**
 26 **(c) It is a defense to a prosecution under subsection (b) that:**
 27 **(1) a hospital:**
 28 **(A) does not comply; or**
 29 **(B) has failed to comply;**
 30 **with section 3 of this chapter; or**
 31 **(2) the person's possession of the firearm:**
 32 **(A) complies with; and**
 33 **(B) is permitted by;**
 34 **IC 34-28-7.**
 35 **(d) Subject to section 4 of this chapter, it is not a defense to a**
 36 **prosecution under subsection (b) that the firearm was:**
 37 **(1) unloaded;**
 38 **(2) inoperable;**
 39 **(3) concealed; or**
 40 **(4) not immediately accessible.**
 41 **Sec. 3. A hospital wishing to prohibit the possession of a firearm**
 42 **on any premises leased, owned, licensed, or operated by the**



- 1 **hospital under section 2 of this chapter must do the following:**
- 2 **(1) Conspicuously post or display a sign at each point of**
- 3 **ingress or egress that:**
- 4 **(A) explicitly prohibits the:**
- 5 **(i) open carry; and**
- 6 **(ii) concealed carry;**
- 7 **of a firearm;**
- 8 **(B) articulates the prohibition described in clause (A) in**
- 9 **both English and Spanish; and**
- 10 **(C) specifies the potential penal consequences for a**
- 11 **violation of the hospital's prohibition concerning the**
- 12 **possession of a firearm in or at the hospital.**
- 13 **(2) Maintain each sign described in subdivision (1) in a**
- 14 **manner that ensures the legibility and visibility of each sign**
- 15 **to a passerby.**
- 16 **Sec. 4. Nothing in this chapter shall be construed to abrogate,**
- 17 **limit, or modify any:**
- 18 **(1) right or remedy specified under IC 34-28-7; or**
- 19 **(2) federal or state law concerning the criminal possession or**
- 20 **criminal use of a firearm.**

