

HOUSE BILL No. 1657

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-17.

Synopsis: Second amendment protection. Provides that no person or entity has the authority to enforce, attempt to enforce, or participate in any way in enforcing particular federal laws concerning firearms, firearm accessories, or ammunition against a law abiding citizen. Specifies penalties and causes of action concerning a political subdivision or law enforcement agency that: (1) employs a law enforcement officer who knowingly violates these provisions; or (2) knowingly employs a federal official who knowingly takes certain actions concerning the enforcement or implementation of federal firearms laws. Specifies exceptions. Makes findings and defines terms.

Effective: Upon passage.

Sweet

January 21, 2025, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1657

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 35-47-17 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:
4 **Chapter 17. Protection of the Second Amendment of the**
5 **Constitution of the United States**
6 **Sec. 1. The following definitions apply throughout this chapter:**
7 **(1) "Federal official" means a person who:**
8 **(A) currently acts or has previously acted as an official,**
9 **agent, employee, or deputy of the government of the United**
10 **States; or**
11 **(B) otherwise acts under color of federal law;**
12 **in Indiana.**
13 **(2) "Law abiding citizen" means a person who is not**
14 **otherwise precluded under state law from possessing a**
15 **firearm. The term does not include a person who is not legally**
16 **present in:**
17 **(A) Indiana; or**



- 1 **(B) the United States.**
 2 **(3) "Material aid and support" includes the voluntary act of**
 3 **giving or allowing another person to make use of one (1) or**
 4 **more of the following:**
 5 **(A) Lodging.**
 6 **(B) Communications equipment or services, including a**
 7 **social media account.**
 8 **(C) Facilities.**
 9 **(D) Weapons.**
 10 **(E) Personnel.**
 11 **(F) Transportation.**
 12 **(G) Clothing.**
 13 **(H) Other physical assets.**
 14 **The term does not include the act of giving or allowing**
 15 **another person to use medicine or other materials necessary**
 16 **to treat physical injuries, or providing assistance to help a**
 17 **person escape a present and serious risk of life threatening**
 18 **injury.**
 19 **Sec. 2. The general assembly finds the following:**
 20 **(1) That the general assembly is:**
 21 **(A) firmly resolved to support and defend the Constitution**
 22 **of the United States against every aggression, whether**
 23 **foreign or domestic; and**
 24 **(B) bound by the duty to oppose every infraction of those**
 25 **principles that constitute the basis of the union of the**
 26 **states;**
 27 **because only a faithful observance of those principles can**
 28 **secure the union's existence and the public happiness.**
 29 **(2) That acting through the Constitution of the United States,**
 30 **the people of the several states created the federal government**
 31 **to be their agent in the exercise of a few defined powers, while**
 32 **reserving for the state governments the power to legislate on**
 33 **matters concerning the life, liberty, and property of citizens**
 34 **in the ordinary course of affairs.**
 35 **(3) That the limitation of the power of the federal government**
 36 **is affirmed under the Tenth Amendment of the Constitution**
 37 **of the United States, which:**
 38 **(A) defines the total scope of federal powers as those that**
 39 **have been delegated by the people of the several states to**
 40 **the federal government; and**
 41 **(B) provides that all powers not delegated to the federal**
 42 **government in the Constitution of the United States are**



- 1 reserved to the states respectively or to the people
 2 themselves.
- 3 **(4) That if the federal government assumes powers that the**
 4 **people did not grant in the Constitution of the United States,**
 5 **its acts:**
- 6 **(A) are without authority;**
 7 **(B) are void; and**
 8 **(C) have no force.**
- 9 **(5) That the several states of the United States respect the**
 10 **proper role of the federal government but reject the**
 11 **proposition that such respect requires unlimited submission.**
- 12 **(6) That if the federal government, created by a compact**
 13 **among the states, was the exclusive or final judge of the extent**
 14 **of the powers granted to it by the states through the**
 15 **Constitution of the United States, the discretion of the federal**
 16 **government, not the Constitution of the United States, would**
 17 **necessarily become the measure of those powers.**
- 18 **(7) That to the contrary, as in all other cases of compacts**
 19 **between powers that have no common judge, each party has**
 20 **an equal right to judge for itself whether infractions of the**
 21 **compact have occurred and to determine the mode and**
 22 **measure of redress.**
- 23 **(8) That notwithstanding the grant of supremacy by the**
 24 **several states to laws and treaties made under the powers**
 25 **granted in the Constitution of the United States, this**
 26 **supremacy does not extend to certain:**
- 27 **(A) federal statutes;**
 28 **(B) executive orders;**
 29 **(C) administrative orders;**
 30 **(D) court orders;**
 31 **(E) rules;**
 32 **(F) regulations; or**
 33 **(G) other actions;**
- 34 **that collect data concerning, restricting, or prohibiting the**
 35 **manufacture, ownership, or use of firearms, firearm**
 36 **accessories, or ammunition exclusively within the borders of**
 37 **Indiana.**
- 38 **(9) That the laws and actions described in subdivision (8)**
 39 **exceed the powers granted to the federal government, except**
 40 **to the extent the law or action is necessary and proper for:**
- 41 **(A) governing and regulating the armed forces of the**
 42 **United States; or**



- 1 **(B) organizing, arming, and disciplining militia forces**
 2 **actively employed in the service of the armed forces of the**
 3 **United States.**
- 4 **(10) That the people of the several states have given the**
 5 **Congress of the United States the power to regulate commerce**
 6 **with foreign nations and among the several states, but the**
 7 **regulation of commerce does not include the power to:**
- 8 **(A) limit a citizen's right to keep and bear arms in defense**
 9 **of the citizen's family, neighbor, person, or property; or**
 10 **(B) dictate the types of arms and accessories that law**
 11 **abiding citizens of Indiana may:**
- 12 **(i) buy;**
 13 **(ii) sell;**
 14 **(iii) exchange; or**
 15 **(iv) otherwise possess;**
 16 **within the borders of Indiana.**
- 17 **(11) That the people of the several states have also granted to**
 18 **the Congress of the United States the power to:**
- 19 **(A) lay and collect taxes, duties, imposts, and excises to pay**
 20 **the debts and provide for the common defense and general**
 21 **welfare of the United States; and**
 22 **(B) make all laws that shall be necessary and proper for**
 23 **carrying into execution the powers vested by the**
 24 **Constitution of the United States in the government of the**
 25 **United States, or in any department or office thereof.**
- 26 **(12) That the provisions described in subdivision (11):**
- 27 **(A) identify the means by which the federal government**
 28 **may execute its limited powers; and**
 29 **(B) may not be construed to grant unlimited power;**
 30 **because construing the provisions in subdivision (11) in the**
 31 **manner described in clause (B) would destroy the carefully**
 32 **constructed equilibrium between the federal and state**
 33 **governments.**
- 34 **(13) That the taxing and spending powers of the Congress of**
 35 **the United States may not be used to diminish in any way the**
 36 **right of the people to keep and bear arms.**
- 37 **(14) That the federal excise tax rate on arms and ammunition,**
 38 **which funds programs under the federal Wildlife Restoration**
 39 **Act, does not have a chilling effect on the purchase or**
 40 **ownership of such arms and ammunition.**
- 41 **(15) That the people of Indiana have vested the general**
 42 **assembly with the authority to regulate the manufacture,**



1 possession, exchange, and use of firearms within the borders
 2 of Indiana, subject only to the limits imposed by the Second
 3 Amendment of the Constitution of the United States and the
 4 Constitution of the State of Indiana.

5 (16) That the general assembly strongly promotes responsible
 6 gun ownership, including the following:

7 (A) Parental supervision of minors in the proper use,
 8 storage, and ownership of all firearms.

9 (B) The prompt reporting of stolen firearms.

10 (C) The proper enforcement of all state firearms laws.

11 (17) That the general assembly condemns the unlawful
 12 transfer of firearms and the use of a firearm in a criminal or
 13 unlawful activity.

14 Sec. 3. (a) No person or entity, including a public officer or
 15 employee of Indiana or a political subdivision of Indiana, has the
 16 authority to:

17 (1) enforce;

18 (2) attempt to enforce; or

19 (3) participate in any way in enforcing;

20 a federal act, law, executive order, administrative order, rule,
 21 regulation, statute, or ordinance concerning firearms, firearm
 22 accessories, or ammunition against a law abiding citizen.

23 (b) Nothing in this chapter may be construed to prohibit
 24 officials of Indiana from accepting aid from federal officials in an
 25 effort to enforce the laws of Indiana.

26 Sec. 4. (a) This section applies to a political subdivision or law
 27 enforcement agency that employs a law enforcement officer after
 28 April 1, 2025, who, while acting under the color of state or federal
 29 law knowingly violates section 3 of this chapter.

30 (b) A political subdivision or law enforcement agency described
 31 under subsection (a) is:

32 (1) liable in:

33 (A) an action at law or in equity; or

34 (B) a proper proceeding for redress;

35 to a person injured by the actions taken by a law enforcement
 36 officer under subsection (a); and

37 (2) subject to a civil penalty of fifty thousand dollars (\$50,000)
 38 for each violation of subsection (a).

39 (c) A person who is injured by actions taken by a law
 40 enforcement officer under subsection (a) has standing to bring an
 41 action for a temporary restraining order and injunctive relief, with
 42 respect to the actions of the officer, in the:



1 (1) circuit court of the county in which the actions allegedly
2 occurred; or

3 (2) circuit court of Marion County.

4 (d) The court must hold a hearing on an action filed under
5 subsection (c) within thirty (30) days of the date the action was
6 served on the responding party.

7 (e) The court may award reasonable attorney's fees and costs to
8 the prevailing party in an action filed under subsection (c).
9 However, the court may not award attorney's fees and costs if the
10 state or a political subdivision is the prevailing party.

11 (f) The state waives its sovereign immunity for purposes of an
12 action filed under this section.

13 Sec. 5. (a) This section applies to a political subdivision or law
14 enforcement agency that knowingly employs a federal official who
15 knowingly does any of the following after April 1, 2025:

16 (1) Enforces, attempts to enforce, or participates in any
17 manner in the enforcement or implementation of any federal
18 act, executive order, administrative order, rule, regulation,
19 statute, or ordinance concerning firearms, firearm
20 accessories, or ammunition.

21 (2) Gives material aid or support to the efforts of another
22 individual in the enforcement or implementation of any
23 federal act, executive order, administrative order, rule,
24 regulation, statute, or ordinance concerning firearms, firearm
25 accessories, or ammunition.

26 (b) A political subdivision or law enforcement agency described
27 in subsection (a) is subject to a civil penalty of fifty thousand
28 dollars (\$50,000) for each employee described in subsection (a).

29 (c) A person who believes that another person has violated
30 subsection (a) has standing to bring an action for a temporary
31 restraining order and injunctive relief, with respect to the actions
32 of the person described in subsection (a), in the:

33 (1) circuit court of the county in which the actions allegedly
34 occurred; or

35 (2) circuit court of Marion County.

36 (d) The court must hold a hearing on an action filed under
37 subsection (c) within thirty (30) days of the date the action was
38 served on the responding party.

39 (e) The court may award reasonable attorney's fees and costs to
40 the prevailing party in an action filed under subsection (c).
41 However, the court may not award attorney's fees and costs if the
42 state or a political subdivision is the prevailing party.



1 **(f) The state waives its sovereign immunity for purposes of an**
 2 **action filed under this section.**

3 **Sec. 6. It is not a violation of this chapter for a person to provide**
 4 **material aid to a:**

5 **(1) federal official who is in pursuit of a suspect when:**

6 **(A) there is a criminal nexus that can be demonstrated**
 7 **with another state or country; and**

8 **(B) the suspect is not:**

9 **(i) a citizen of Indiana; or**

10 **(ii) present in Indiana; or**

11 **(2) federal prosecution for a:**

12 **(A) felony committed against a person when the**
 13 **prosecution includes a weapons offense substantially**
 14 **similar to a weapons offense in IC 35-42 or this article, as**
 15 **long as the weapons offense is ancillary to the prosecution;**
 16 **or**

17 **(B) Class A or Class B felony substantially similar to an**
 18 **offense in IC 35-48 when the prosecution includes a**
 19 **weapons offense substantially similar to an offense in**
 20 **IC 35-42 or this article, as long as the weapons offense is**
 21 **ancillary to the prosecution.**

22 **Sec. 7. If any provision of this chapter or its application to any**
 23 **person or circumstance is held invalid, the invalidity does not affect**
 24 **other provisions or applications of this chapter that can be given**
 25 **effect without the invalid provision or application. The provisions**
 26 **of this chapter are severable in the manner provided by**
 27 **IC 1-1-1-8(b).**

28 **SECTION 2. An emergency is declared for this act.**

