

HOUSE BILL No. 1055

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; 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, 2016, any rules or policies enacted or undertaken by a state agency before, on, or after June 30, 2016, 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, 2016.

Lucas

January 5, 2016, read first time and referred to Committee on Public Policy.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1055

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, 2016]: **Sec. 9.8. "Adversely affected", for**
4 **purposes of IC 35-47-17-6, has the meaning set forth in**
5 **IC 35-47-17-7.**

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, 2016]: **Sec. 311.2. "State agency", for**
9 **purposes of IC 35-47-17, has the meaning set forth in**
10 **IC 35-47-17-2.**

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, 2016]: Sec. 2.5. "Ammunition", for purposes of IC 35-47-11.1
14 **and IC 35-47-17, 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 35-47-17 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2016]:

7 **Chapter 17. 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, or storage of firearms, ammunition, or firearm
15 accessories; and

16 (B) specifies the elements of a crime or an infraction; or

17 (2) federal law.

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

22 (1) executive;

23 (2) judicial; or

24 (3) legislative;

25 branch of state government.

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

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

30 (1) on land that is; or

31 (2) in buildings and other structures that are;

32 owned or leased by the state.

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

36 (1) that is enacted or undertaken before, on, or after June 30,
37 2016; and

38 (2) that pertains to or affects the matters described in section
39 3 of this chapter;

40 is void.

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



1 (1) A law enforcement agency from enacting and enforcing
 2 rules or policies concerning firearms, ammunition, or firearm
 3 accessories issued to or used by law enforcement officers in
 4 the course of the officers' official duties.

5 (2) A court or an administrative law judge from hearing and
 6 resolving any case or controversy, or issuing any opinion or
 7 order, on a matter within the jurisdiction of the court or
 8 judge.

9 (3) The imposition of any restriction or condition placed on a
 10 person participating in:

11 (A) a community corrections program (IC 11-12-1);

12 (B) a forensic diversion program (IC 11-12-3.7); or

13 (C) a pretrial diversion program (IC 33-39-1).

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

18 (1) declarative and injunctive relief; and

19 (2) actual and consequential damages attributable to the
 20 violation.

21 **Sec. 7.** A person is adversely affected, for purposes of section 6
 22 of this chapter, if either of the following applies:

23 (1) The person is an individual who meets all the following
 24 requirements:

25 (A) The individual lawfully resides within the United
 26 States.

27 (B) The individual may legally possess a firearm under
 28 Indiana law.

29 (C) The individual is or was subject to the rule, measure,
 30 enactment, or policy of the state agency that is the subject
 31 of an action brought under section 6 of this chapter. An
 32 individual is or was subject to the rule, measure,
 33 enactment, or policy of the state agency if the individual is
 34 or was physically present within the jurisdiction of the
 35 state agency for any reason.

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

37 (A) includes at least two (2) individuals described in
 38 subdivision (1); and

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

42 **Sec. 8.** Notwithstanding IC 34-13-3, a prevailing plaintiff in an



- 1 **action brought under section 6 of this chapter is entitled to recover**
2 **the following from the state agency:**
3 **(1) The greater of the following:**
4 **(A) Actual damages, including consequential damages.**
5 **(B) Liquidated damages equal to three (3) times the**
6 **plaintiff's attorney's fees.**
7 **(2) Court costs (including fees).**
8 **(3) Reasonable attorney's fees.**

