



January 29, 2016

SENATE BILL No. 226

DIGEST OF SB 226 (Updated January 26, 2016 1:04 pm - DI 106)

Citations Affected: IC 34-28.

Synopsis: Correctional officers and possession of handguns. Allows an employee of a penal facility: (1) who is a correctional officer; and (2) whose duties include the daily or ongoing supervision and care of persons who are lawfully detained in the penal facility; to possess not more than one handgun in the correctional officer's vehicle while the vehicle is on the property of the penal facility.

Effective: July 1, 2016.

Eckerty, Tomes

January 7, 2016, read first time and referred to Committee on Corrections & Criminal Law.
January 28, 2016, reported favorably — Do Pass.

SB 226—LS 6580/DI 69



January 29, 2016

Second Regular Session 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.

SENATE BILL No. 226

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 34-28-7-2, AS AMENDED BY P.L.157-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: 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 **in the following**
17 **locations or circumstances:**

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- 1 (1) On the property of:
 2 (A) a child caring institution;
 3 (B) an emergency shelter care child caring institution;
 4 (C) a private secure facility;
 5 (D) a group home;
 6 (E) an emergency shelter care group home; or
 7 (F) a child care center;
 8 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
 9 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
 10 IAC 3-4.7-19.
- 11 (2) On the property of a penal facility (as defined in
 12 IC 35-31.5-2-232). **However, an employee of the penal facility:**
 13 **(A) who is a correctional officer; and**
 14 **(B) whose duties include the daily or ongoing supervision**
 15 **and care of persons who are lawfully detained (as defined**
 16 **in IC 35-31.5-2-186) in the penal facility;**
 17 **must be allowed to possess not more than one (1) handgun in**
 18 **the correctional officer's vehicle while the vehicle is on the**
 19 **property of the penal facility.**
- 20 (3) In violation of federal law.
- 21 (4) In or on property belonging to an approved postsecondary
 22 educational institution (as defined in IC 21-7-13-6(b)).
- 23 (5) On the property of a domestic violence shelter.
- 24 (6) At the employer's residence.
- 25 (7) On the property of a person that is:
 26 (A) subject to the United States Department of Homeland
 27 Security's Chemical Facility Anti-Terrorism Standards issued
 28 April 9, 2007; and
 29 (B) licensed by the United States Nuclear Regulatory
 30 Commission under Title 10 of the Code of Federal
 31 Regulations.
- 32 (8) On property owned by:
 33 (A) a public utility (as defined in IC 8-1-2-1) that generates
 34 and transmits electric power; or
 35 (B) a department of public utilities created under IC 8-1-11.1.
 36 **or**
- 37 (9) In the employee's personal vehicle if the employee, including
 38 a contract employee, is a direct support professional who:
 39 (A) works directly with individuals with developmental
 40 disabilities to assist the individuals to become integrated into
 41 the individuals' community or least restrictive environment;
 42 and



1 (B) uses the employee's personal vehicle while transporting an
2 individual with developmental disabilities.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill No. 226, 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 226 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 2

