

SENATE BILL No. 88

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-9-1.

Synopsis: Houses of worship and firearms. Permits a person who may legally possess a firearm to possess a firearm on school property that also contains a house of worship, unless prohibited by the house of worship, if the person possesses the firearm while: (1) attending a worship service; (2) conducting business with the house of worship; (3) receiving pastoral services; (4) attending a program sponsored or permitted by the house of worship or the school; or (5) carrying out the person's official duties at a house of worship, if the person is employed by or a volunteer at the house of worship and the house of worship has assigned the person duties that require the person to carry a firearm. Exempts certain law enforcement and retired law enforcement officers described in the federal Law Enforcement Officers Safety Act (LEOSA) from the prohibition against carrying a firearm on school property.

Effective: Upon passage.

Sandlin, Young M

January 3, 2019, read first time and referred to Committee on Judiciary.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 88

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 35-47-9-1, AS AMENDED BY P.L.157-2014,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. (a) This chapter does not apply to the
4 following:
5 (1) A:
6 (A) federal;
7 (B) state; or
8 (C) local;
9 law enforcement officer.
10 (2) A:
11 (A) **qualified law enforcement officer (as defined in 18**
12 **U.S.C. 926B); or**
13 **(B) qualified retired law enforcement officer (as defined in**
14 **18 U.S.C. 926C);**
15 **if the law enforcement officer carries the identification**
16 **required by 18 U.S.C. 926B or 18 U.S.C. 926C.**
17 (2) (3) A person who may legally possess a firearm and who has



- 1 been authorized by:
- 2 (A) a school board (as defined by IC 20-26-9-4); or
- 3 (B) the body that administers a charter school established
- 4 under IC 20-24;
- 5 to carry a firearm in or on school property.
- 6 ~~(3)~~ **(4)** Except as provided in subsection ~~(b)~~ **(c)** or ~~(c)~~ **(d)**, a
- 7 person who:
- 8 (A) may legally possess a firearm; and
- 9 (B) possesses the firearm in a motor vehicle.
- 10 ~~(4)~~ **(5)** A person who is a school resource officer, as defined in
- 11 IC 20-26-18.2-1.
- 12 ~~(5)~~ **(6)** Except as provided in subsection ~~(b)~~ **(c)** or ~~(c)~~ **(d)**, a
- 13 person who:
- 14 (A) may legally possess a firearm; and
- 15 (B) possesses only a firearm that is:
- 16 (i) locked in the trunk of the person's motor vehicle;
- 17 (ii) kept in the glove compartment of the person's locked
- 18 motor vehicle; or
- 19 (iii) stored out of plain sight in the person's locked motor
- 20 vehicle.
- 21 **(7) Except as provided in subsection (b), a person who:**
- 22 **(A) may legally possess a firearm; and**
- 23 **(B) possesses a firearm on school property in connection**
- 24 **with or while:**
- 25 **(i) attending a worship service or religious ceremony**
- 26 **conducted at a house of worship located on the school**
- 27 **property;**
- 28 **(ii) conducting business with the house of worship;**
- 29 **(iii) receiving pastoral services with the house of**
- 30 **worship;**
- 31 **(iv) attending a program sponsored or permitted by the**
- 32 **house of worship or the school; or**
- 33 **(v) carrying out the person's official duties at a house of**
- 34 **worship, if the person is employed by or a volunteer at**
- 35 **the house of worship and the house of worship has**
- 36 **assigned the person duties that require the person to**
- 37 **carry a firearm.**
- 38 **(b) Subsection (a)(7) does not apply if:**
- 39 **(1) the:**
- 40 **(A) house of worship has prohibited the person from**
- 41 **possessing a firearm on school property, either**
- 42 **individually or as part of a policy adopted by the house of**



1 **worship; and**
 2 **(B) person knows or reasonably should know of the**
 3 **prohibition described in clause (A); or**
 4 **(2) the:**
 5 **(A) space that is school property is leased or rented by a**
 6 **school to a house of worship and the school specifically**
 7 **prohibits firearms in the lease or rental contract,**
 8 **regardless of the house of worship's firearms policy; and**
 9 **(B) person knows or reasonably should know of the**
 10 **prohibition described in clause (A).**
 11 ~~(b)~~ **(c)** For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a
 12 person does not include a person who is:
 13 (1) enrolled as a student in any high school except if the person is
 14 a high school student and is a member of a shooting sports team
 15 and the school's principal has approved the person keeping a
 16 firearm concealed in the person's motor vehicle on the days the
 17 person is competing or practicing as a member of a shooting
 18 sports team; or
 19 (2) a former student of the school if the person is no longer
 20 enrolled in the school due to a disciplinary action within the
 21 previous twenty-four (24) months.
 22 ~~(c)~~ **(d)** For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a
 23 motor vehicle does not include a motor vehicle owned, leased, or
 24 controlled by a school or school district unless the person who
 25 possesses the firearm is authorized by the school or school district to
 26 possess a firearm.
 27 **SECTION 2. An emergency is declared for this act.**

