

SENATE BILL No. 49

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-27.

Synopsis: Unlawful viewpoint discrimination. Provides that it is an unlawful discriminatory practice for a financial institution or a governmental entity to refuse to do business with, or otherwise discriminate against, a person because the person supports or is engaged in the lawful commerce of firearms, firearms accessories, or ammunition. Provides an exemption with respect to certain practices engaged in by a financial institution for a legitimate business reason or to comply with the directive of a regulator. Provides for a civil cause of action for a person aggrieved by an unlawful discriminatory practice. Provides that the attorney general may bring a civil action in the name of the state against a person believed to be engaging in, or to have previously engaged in, an unlawful discriminatory practice. Provides that if the attorney general prevails in such an action, the attorney general shall recommend to the governor the discontinuation of state business relations with any person found to have engaged in an unlawful discriminatory practice.

Effective: July 1, 2021.

Tomes

January 4, 2021, read first time and referred to Committee on Insurance and Financial Institutions.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 49

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-5-27 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]:

4 **Chapter 27. Indiana Firearms Industry Nondiscrimination Act**
5 **Sec. 1. This chapter may be cited as the "Indiana Firearms**
6 **Industry Nondiscrimination Act" or "Indiana FIND Act".**

7 **Sec. 2. As used in this chapter, "ammunition" means one (1) or**
8 **more loaded cartridges:**

- 9 (1) with or without one (1) or more projectiles; and
- 10 (2) consisting of:
 - 11 (A) a primed case; and
 - 12 (B) propellant.

13 **Sec. 3. (a) As used in this chapter, "financial institution" means**
14 **any bank, trust company, corporate fiduciary, savings association,**
15 **credit union, savings bank, bank of discount and deposit, or**
16 **industrial loan and investment company organized or reorganized**
17 **under Indiana law, the law of another state (as defined in**



- 1 IC 28-2-17-19), or United States law.
- 2 (b) The term includes a payment processor business:
- 3 (1) that is appointed by a merchant to handle payment
- 4 transactions from various channels, including credit cards
- 5 and debit cards; and
- 6 (2) whose sole activity with respect to marketplace sales is to
- 7 handle payment transactions between two (2) parties.
- 8 Sec. 4. As used in this chapter, "firearm" means any weapon:
- 9 (1) that is:
- 10 (A) capable of expelling; or
- 11 (B) designed to expel; or
- 12 (2) that may readily be converted to expel;
- 13 a projectile by means of an explosion.
- 14 Sec. 5. As used in this chapter, "firearm accessory" means:
- 15 (1) any device specifically designed or adapted to enable:
- 16 (A) the wearing or carrying about one's person; or
- 17 (B) the storage or mounting in or on any conveyance;
- 18 of a firearm; or
- 19 (2) any attachment or device specifically designed or adapted
- 20 to be inserted into or affixed onto any firearm to enable, alter,
- 21 or improve the functioning or capabilities of the firearm.
- 22 Sec. 6. As used in this chapter, "governmental entity" means
- 23 any of the following:
- 24 (1) Any officer or other organizational unit, by whatever
- 25 name denominated, exercising any of the powers of state
- 26 government.
- 27 (2) A state educational institution.
- 28 (3) A political subdivision (as defined in IC 36-1-2-13).
- 29 (4) An instrumentality of state government or a political
- 30 subdivision (as defined in IC 36-1-2-13) or other entity
- 31 created by law.
- 32 Sec. 7. As used in this chapter, "trade association" means any
- 33 person, corporation, unincorporated association, federation,
- 34 business league, or professional or business organization:
- 35 (1) that is not organized or operated for profit and no part of
- 36 the net earnings of which inures to the benefit of any private
- 37 shareholder or individual;
- 38 (2) that is an organization:
- 39 (A) described in 26 U.S.C. 501(c)(6); and
- 40 (B) exempt from federal income taxation under 26 U.S.C.
- 41 501(a); and
- 42 (3) two (2) or more members of which are manufacturers or



1 sellers of firearms, firearms accessories, or ammunition.

2 **Sec. 8. (a) Except as provided in subsection (c), it is an unlawful**
 3 **discriminatory practice for a financial institution or a**
 4 **governmental entity to:**

- 5 (1) refuse to engage in the trade of any goods or services with;
 6 (2) refrain from continuing an existing business relationship
 7 with;
 8 (3) terminate an existing business relationship with; or
 9 (4) otherwise discriminate against;

10 **a person because the person supports or is engaged in the lawful**
 11 **commerce of firearms, firearms accessories, or ammunition.**

12 **(b) For purposes of subsection (a), a person who supports or is**
 13 **engaged in the lawful commerce of firearms, firearms accessories,**
 14 **or ammunition includes the following:**

- 15 (1) A manufacturer of firearms, firearms accessories, or
 16 ammunition.
 17 (2) A retailer of firearms, firearms accessories, or
 18 ammunition.
 19 (3) A distributor of firearms, firearms accessories, or
 20 ammunition.
 21 (4) A shooting range.
 22 (5) A trade association.

23 **(c) It is not an unlawful discriminatory practice under**
 24 **subsection (a) for a financial institution to:**

- 25 (1) refuse to provide;
 26 (2) refrain from continuing to provide; or
 27 (3) terminate the provision of;

28 **financial services to a person described in subsection (b) for any**
 29 **legitimate business reason or to comply with the directive of a**
 30 **regulator. For purposes of this subsection, a legitimate business**
 31 **reason does not include a policy of refusing to provide financial**
 32 **services, or of otherwise discriminating against, a person described**
 33 **in subsection (b).**

34 **Sec. 9. (a) If a person engages in an unlawful discriminatory**
 35 **practice described in section 8(a) of this chapter, a person**
 36 **aggrieved by the practice may bring a civil action, in a court**
 37 **having jurisdiction, for one (1) or more of the following remedies:**

- 38 (1) Actual and compensatory damages.
 39 (2) Exemplary damages.
 40 (3) Treble damages.
 41 (4) Injunctive relief.
 42 (5) Other appropriate relief.



1 **(b) A plaintiff who prevails in a civil action filed under this**
2 **section is entitled to recover all court costs and reasonable**
3 **attorney's fees incurred in bringing and prosecuting the action.**

4 **(c) A civil action under this section must be filed not later than**
5 **two (2) years after the plaintiff first became aware, or by the**
6 **exercise of reasonable diligence should have been aware, of the**
7 **unlawful discriminatory practice.**

8 **Sec. 10. (a) The attorney general may bring a civil action in the**
9 **name of the state against a person believed to be engaging in, or to**
10 **have previously engaged in, an unlawful discriminatory practice**
11 **described in section 8(a) of this chapter, for one (1) or more of the**
12 **following remedies:**

13 **(1) A declaratory judgment that the person has engaged in an**
14 **unlawful discriminatory practice described in section 8(a) of**
15 **this chapter.**

16 **(2) Injunctive relief, including the issuance of a temporary**
17 **restraining order or a preliminary or permanent injunction,**
18 **without bond, upon the giving of appropriate notice.**

19 **(3) A civil penalty not to exceed ten thousand dollars (\$10,000)**
20 **for each unlawful discriminatory practice engaged in.**

21 **(b) If the attorney general, on behalf of the state, prevails in an**
22 **action filed under this section:**

23 **(1) the court shall award, in addition to any other remedies,**
24 **reasonable attorney's fees, investigative costs, and litigation**
25 **costs to the attorney general; and**

26 **(2) the attorney general shall recommend to the governor the**
27 **discontinuation of state business relations with any person**
28 **found to have engaged in an unlawful discriminatory practice**
29 **described in section 8(a) of this chapter.**

30 **(c) An action by the attorney general under this section may be**
31 **brought in the circuit or superior court of Marion County.**

