

HOUSE BILL No. 1518

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-9.

Synopsis: Possession of firearms on school property. Provides that certain persons otherwise allowed to possess a firearm on school property may not possess a firearm on school property if they are less than 21 years of age. Makes conforming amendments.

Effective: July 1, 2023.

Miller K

January 19, 2023, read first time and referred to Committee on Education.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1518

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.107-2019,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1. (a) This chapter does not apply to the following:
4 (1) A:
5 (A) federal;
6 (B) state; or
7 (C) local;
8 law enforcement officer.
9 (2) **Except as provided in subsection (d)**, a person who may
10 legally possess a firearm and who has been authorized by:
11 (A) a school board (as defined by IC 20-26-9-4); or
12 (B) the body that administers a charter school established
13 under IC 20-24;
14 to carry a firearm in or on school property.
15 (3) Except as provided in subsection (b), ~~or~~ (c), **or (d)**, a person
16 who:
17 (A) may legally possess a firearm; and



- 1 (B) possesses the firearm in a motor vehicle.
- 2 (4) A person who is a school resource officer, as defined in
- 3 IC 20-26-18.2-1.
- 4 (5) Except as provided in subsection (b), ~~or~~ (c), **or (d)**, a person
- 5 who:
- 6 (A) may legally possess a firearm; and
- 7 (B) possesses only a firearm that is:
- 8 (i) locked in the trunk of the person's motor vehicle;
- 9 (ii) kept in the glove compartment of the person's locked
- 10 motor vehicle; or
- 11 (iii) stored out of plain sight in the person's locked motor
- 12 vehicle.
- 13 (6) **Except as provided in subsection (d)**, a person who:
- 14 (A) may legally possess a firearm; and
- 15 (B) possesses a firearm on school property in connection with
- 16 or while:
- 17 (i) attending a worship service or religious ceremony
- 18 conducted at a house of worship located on the school
- 19 property; or
- 20 (ii) carrying out the person's official duties at a house of
- 21 worship located on the school property, if the person is
- 22 employed by or a volunteer at the house of worship.
- 23 This subdivision does not affect the right of a property owner to
- 24 prohibit, in whole or in part, the possession of a firearm on a
- 25 property where a school or house of worship is located.
- 26 (b) For purposes of subsection (a)(3) and (a)(5), **this chapter**
- 27 **applies to a person described in subsection (a)(3) and (a)(5) a person**
- 28 **does not include a person** who is:
- 29 (1) enrolled as a student in any high school, **except if unless:**
- 30 (A) the person is a:
- 31 (i) high school student; and ~~is a~~
- 32 (ii) member of a shooting sports team; and
- 33 (B) the school's principal has approved the person keeping a
- 34 firearm concealed in the person's motor vehicle on the days the
- 35 person is competing or practicing as a member of a shooting
- 36 sports team; or
- 37 (2) a former student of the school if the person is:
- 38 (A) no longer enrolled in the school due to a disciplinary
- 39 action within the previous twenty-four (24) months; **or**
- 40 (B) **less than twenty-one (21) years of age.**
- 41 (c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle
- 42 does not include a motor vehicle owned, leased, or controlled by a



1 school or school district unless the person who possesses the firearm
2 is:

3 (1) authorized by the school or school district to possess a
4 firearm; **and**

5 (2) **at least twenty-one (21) years of age.**

6 (d) **For purposes of subsection (a)(2), (a)(3), (a)(5), and (a)(6),**
7 **this chapter applies to a person:**

8 (1) **described in subsection (a)(2), (a)(3), (a)(5), and (a)(6); and**

9 (2) **who is less than twenty-one (21) years of age.**

10 SECTION 2. IC 35-47-9-2, AS AMENDED BY P.L.109-2015,
11 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2023]: Sec. 2. (a) A person may not be charged with an
13 offense under this subsection if the person may be charged with an
14 offense described in subsection (c). A person who knowingly or
15 intentionally possesses a firearm:

16 (1) in or on school property; or

17 (2) on a school bus;

18 commits a Level 6 felony.

19 (b) It is a defense to a prosecution under subsection (a) that:

20 (1) the person is permitted to legally possess the firearm; ~~and~~

21 (2) **the person is:**

22 (A) **at least twenty-one (21) years of age;**

23 (B) **not enrolled as a student in any high school; and**

24 (C) **not a former student of the school who is no longer**
25 **enrolled in the school due to a disciplinary action within**
26 **the previous twenty-four (24) months; and**

27 (2) (3) **the firearm is:**

28 (A) locked in the trunk of the person's motor vehicle;

29 (B) kept in the glove compartment of the person's locked
30 motor vehicle; or

31 (C) stored out of plain sight in the person's locked motor
32 vehicle.

33 (c) A person who is permitted to legally possess a firearm and who
34 knowingly, intentionally, or recklessly leaves the firearm in plain view
35 in a motor vehicle that is parked in a school parking lot commits a
36 Class A misdemeanor.

