

SENATE BILL No. 14

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-14-3-4.5; IC 35-52-3-47.5.

Synopsis: Prohibition of firearms at polling places. Prohibits a person from carrying a firearm in or near: (1) a chute; (2) polls; (3) certain areas where voters congregate or are likely to congregate; or (4) any room where ballots are being counted. Provides that the offense is a Class C misdemeanor. Enhances the offense to a: (1) Class A misdemeanor if the person has a prior unrelated conviction for the offense; or (2) Level 6 felony if the firearm is pointed at another person. Specifies: (1) a defense; and (2) certain notice requirements. Prohibits other defenses. Defines particular terms. Makes conforming amendments.

Effective: July 1, 2023.

Randolph Lonnie M

January 9, 2023, read first time and referred to Committee on Elections.



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.

SENATE BILL No. 14

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

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

- 1 SECTION 1. IC 3-5-2-24.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2023]: **Sec. 24.7. "Firearm", for purposes of IC 3-14-3-4.5, has**
- 4 **the meaning set forth in IC 35-47-1-5.**
- 5 SECTION 2. IC 3-5-2-38.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2023]: **Sec. 38.5. (a) "Polling place" refers to the entire building**
- 8 **or structure where any of the following occur:**
- 9 (1) **Voters vote in a precinct on election day.**
- 10 (2) **Voters vote at a vote center on election day.**
- 11 (3) **Voters are entitled to cast absentee ballots, including:**
- 12 (A) **an office as described in IC 3-11-10-26; and**
- 13 (B) **a vote center established under IC 3-11-18.1.**
- 14 (b) **The term does not include a building or structure:**
- 15 (1) **that is the:**
- 16 (A) **voter's private residence; or**
- 17 (B) **building or structure in which the voter's private**



- 1 **residence is located;**
 2 **if the voter marks the voter's absentee ballot in or on the**
 3 **premises of the voter's private residence; or**
 4 **(2) where a voter chooses to mark the voter's absentee ballot**
 5 **if the building or structure where the voter's absentee ballot**
 6 **is marked is not designated under this title as a location for a**
 7 **voter to vote on election day or to cast an absentee ballot.**
- 8 SECTION 3. IC 3-5-2-39, AS AMENDED BY P.L.169-2015,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2023]: Sec. 39. "Polls" means the room in a ~~structure~~ **polling**
 11 **place** where the voters of a ~~precinct~~ vote by casting ballots on election
 12 day.
- 13 SECTION 4. IC 3-14-3-4.5 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2023]: **Sec. 4.5. (a) This section:**
- 16 **(1) applies when an election officer is present in or on the**
 17 **premises of a polling place and is acting within the scope of**
 18 **the election officer's official duties; and**
 19 **(2) does not apply to a:**
- 20 **(A) federal;**
 21 **(B) state; or**
 22 **(C) local;**
- 23 **law enforcement officer.**
- 24 **(b) Subject to subsection (c), and except as provided in**
 25 **subsection (f), a person may not knowingly or intentionally carry**
 26 **a firearm within fifty (50) feet of the following:**
- 27 **(1) The chute.**
 28 **(2) The polls.**
 29 **(3) Any area where voters congregate or are likely to**
 30 **congregate for any purpose related to voting or the casting of**
 31 **ballots.**
 32 **(4) Any room where ballots are being counted.**
- 33 **(c) Except as provided in subsection (f), a person may not**
 34 **knowingly or intentionally carry a firearm anywhere in or on the**
 35 **premises of a polling place if less than fifty (50) feet exists between**
 36 **a boundary or property line, as applicable, and one (1) or more of**
 37 **the following:**
- 38 **(1) The chute.**
 39 **(2) The polls.**
 40 **(3) Any area where voters congregate or are likely to**
 41 **congregate for any purpose related to voting or the casting of**
 42 **ballots.**



- 1 **(4) Any room where ballots are being counted.**
 2 **(d) A person who violates subsection (b) or (c) commits a Class**
 3 **C misdemeanor. However, the offense is a:**
 4 **(1) Class A misdemeanor if the person has a prior unrelated**
 5 **conviction under this section; or**
 6 **(2) Level 6 felony if the firearm is pointed at another person.**
 7 **(e) It is not a defense to a prosecution under this section that the**
 8 **firearm was:**
 9 **(1) concealed;**
 10 **(2) holstered;**
 11 **(3) unloaded;**
 12 **(4) not immediately accessible;**
 13 **(5) disabled;**
 14 **(6) in a partial or complete state of disassembly; or**
 15 **(7) otherwise inoperable;**
 16 **at the time the firearm was carried.**
 17 **(f) It is a defense to a prosecution under this section that the**
 18 **requirements specified in subsections (g) and (h) were not met at**
 19 **the time the firearm was possessed.**
 20 **(g) An election officer shall conspicuously display a firearm**
 21 **prohibition notice in, on, or at each of the following locations, as**
 22 **applicable:**
 23 **(1) The chute.**
 24 **(2) The polls.**
 25 **(3) Any area where voters congregate or are likely to**
 26 **congregate for any purpose related to voting or the casting of**
 27 **ballots.**
 28 **(4) Any room where ballots are being counted.**
 29 **(5) Along any fifty (50) foot perimeter described in subsection**
 30 **(b) at practicable intervals.**
 31 **A firearm prohibition notice described under this subsection must**
 32 **comply with the requirements specified in subsection (h).**
 33 **(h) A firearm prohibition notice must do the following:**
 34 **(1) Clearly state that the carrying of firearms is prohibited:**
 35 **(A) within fifty (50) feet of:**
 36 **(i) the chute;**
 37 **(ii) the polls;**
 38 **(iii) any area where voters congregate or are likely to**
 39 **congregate for any purpose related to voting or the**
 40 **casting of ballots; or**
 41 **(iv) any room where ballots are being counted; and**
 42 **(B) anywhere in or on the premises of the polling place if**



- 1 the conditions specified in subsection (c) are met.
2 **(2) Specify that the carrying of a firearm in violation of**
3 **subsection (b) or (c) is an arrestable offense.**
4 **(3) Specify all possible:**
5 **(A) criminal penalties; and**
6 **(B) fines;**
7 **for a violation of a firearm prohibition described in subsection**
8 **(b) or (c).**
9 **(i) Nothing in this chapter shall be construed to alter, limit,**
10 **relax, or supersede a more restrictive firearms prohibition policy**
11 **or rule enacted by a person with executive authority over a polling**
12 **place.**
13 SECTION 5. IC 35-52-3-47.5 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2023]: **Sec. 47.5. IC 3-14-3-4.5 defines a**
16 **crime concerning firearms and voting.**

