

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1235

AN ACT to amend the Indiana Code concerning civil procedure.

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

SECTION 1. IC 34-6-2-110, AS AMENDED BY P.L.2-2007, SECTION 371, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 110. "Political subdivision", for purposes of **IC 34-12-3.5 and IC 34-13-3**, means a:

- (1) county;
- (2) township;
- (3) city;
- (4) town;
- (5) separate municipal corporation;
- (6) special taxing district;
- (7) state educational institution;
- (8) city or county hospital;
- (9) school corporation;
- (10) board or commission of one (1) of the entities listed in subdivisions (1) through (9);
- (11) drug enforcement task force operated jointly by political subdivisions;
- (12) community correctional service program organized under IC 12-12-1; or
- (13) solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal).

SECTION 2. IC 34-12-3.5 IS ADDED TO THE INDIANA CODE

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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.5. Legal Actions by a Political Subdivision Against a Firearm or Ammunition Manufacturer, Trade Association, Seller, or Dealer

Sec. 1. This chapter applies to an action or suit filed by a political subdivision before, after, or on August 27, 1999.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Ammunition" has the meaning set forth in IC 35-47-1-2.5.

(2) "Firearm" has the meaning set forth in 18 U.S.C. 921(a)(3).

(3) "Political subdivision" has the meaning set forth in IC 34-6-2-110.

(4) "Trade association" means a corporation, unincorporated association, federation, business league, professional organization, or business organization that meets all of the following requirements:

(A) The entity is not organized or operated for profit.

(B) No part of the net earnings of the entity inures to the benefit of a private shareholder or individual.

(C) The entity is an organization:

(i) described in 26 U.S.C. 501(c)(6); and

(ii) exempt from taxation under 26 U.S.C. 501(a).

(D) Two (2) or more members of the entity are manufacturers or dealers in firearms or ammunition.

Sec. 3. (a) Notwithstanding IC 34-12-3 or any other law, only the state of Indiana may bring or maintain an action by or on behalf of a political subdivision against a firearm or ammunition manufacturer, trade association, seller, or dealer, concerning the:

(1) design;

(2) manufacture;

(3) import;

(4) export;

(5) distribution;

(6) advertising;

(7) marketing;

(8) sale; or

(9) criminal, unlawful, or unintentional use;

of a firearm, ammunition, or a component part of a firearm or ammunition.

(b) Except as provided in subsection (c), notwithstanding



IC 34-12-3 or any other law, a political subdivision may not independently bring or maintain an action described in subsection (a).

(c) This section does not prohibit a political subdivision from bringing an action against a firearm or ammunition manufacturer, seller, or dealer:

(1) alleging the breach of a contract or warranty as it relates to a firearm or ammunition purchased by the political subdivision; or

(2) to enforce a generally applicable zoning or business ordinance that applies to a firearm or ammunition manufacturer, seller, or dealer to the same degree as other similar businesses.

SECTION 3. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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