

HOUSE BILL No. 1235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-110; IC 34-12-3.5.

Synopsis: Prohibited causes of action concerning firearms. Provides that 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 certain matters. Prohibits a political subdivision from otherwise independently bringing or maintaining such an action. Specifies an exception.

Effective: Upon passage; July 1, 2024.

Jeter, Manning, Davis

January 9, 2024, read first time and referred to Committee on Judiciary.



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 BILL No. 1235



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

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

1 SECTION 1. IC 34-6-2-110, AS AMENDED BY P.L.2-2007,
2 SECTION 371, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: Sec. 110. "Political subdivision", for
4 purposes of **IC 34-12-3.5 and IC 34-13-3**, means a:
5 (1) county;
6 (2) township;
7 (3) city;
8 (4) town;
9 (5) separate municipal corporation;
10 (6) special taxing district;
11 (7) state educational institution;
12 (8) city or county hospital;
13 (9) school corporation;
14 (10) board or commission of one (1) of the entities listed in
15 subdivisions (1) through (9);
16 (11) drug enforcement task force operated jointly by political
17 subdivisions;



1 (12) community correctional service program organized under
2 IC 12-12-1; or

3 (13) solid waste management district established under IC 13-21
4 or IC 13-9.5-2 (before its repeal).

5 SECTION 2. IC 34-12-3.5 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]:

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

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

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

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

16 (2) "Firearm" has the meaning set forth in 18 U.S.C.
17 921(a)(3).

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

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

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

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

27 (C) The entity is an organization:

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

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

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

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

36 (1) design;

37 (2) manufacture;

38 (3) import;

39 (4) export;

40 (5) distribution;

41 (6) advertising;

42 (7) marketing;



1 **(8) sale; or**
2 **(9) criminal, unlawful, or unintentional use;**
3 **of a firearm, ammunition, or a component part of a firearm or**
4 **ammunition.**
5 **(b) Except as provided in subsection (c), notwithstanding**
6 **IC 34-12-3 or any other law, a political subdivision may not**
7 **independently bring or maintain an action described in subsection**
8 **(a).**
9 **(c) This section does not prohibit a political subdivision from**
10 **bringing an action against a firearm or ammunition manufacturer,**
11 **seller, or dealer alleging the breach of a contract or warranty as it**
12 **relates to a firearm or ammunition purchased by the political**
13 **subdivision.**
14 **SECTION 3. An emergency is declared for this act.**

