

HOUSE BILL No. 1048

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-7-2; IC 35-31.5-2-285; IC 35-47-9.

Synopsis: Possession of firearms. Makes knowingly or intentionally possessing a firearm: (1) in or on school property; (2) in or on property that is not school property and is being used by a school for a school function; or (3) on a school bus; a Class A misdemeanor instead of a Level 6 felony. Provides that for purposes of the law concerning possession of firearms on school property: (1) school property means a building or other structure owned or rented by a school that is being used exclusively by the school for a school function and does not include grounds adjacent to and owned or rented in common with the building or other structure; (2) property that is not school property that is being used for a school function if the property is being used exclusively by a school for a school function, the property is not accessible to the general public during the school function, and a notice is conspicuously posted at each entrance to the property that states the property is being used by a school for a school function; and (3) the law does not apply to a person who may legally possess a firearm and possesses a firearm that is locked in the trunk of the person's motor vehicle, kept in the glove compartment of the person's locked motor vehicle, or stored out of plain sight in the person's locked motor vehicle. Removes a provision from the law concerning firearms in locked vehicles that allows a person to adopt a policy or rule that prohibits an employee of the person from possessing a firearm or ammunition in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of: (1) student discipline laws concerning possession of firearms; or (2) the law concerning possession of firearms on school property and
(Continued next page)

Effective: July 1, 2014.

Lucas

January 7, 2014, read first time and referred to Committee on Public Policy.



Digest Continued

school buses. Specifies that the law concerning firearms in locked vehicles does not prohibit an employer from prohibiting an employee from possessing a firearm or ammunition at the employer's residence.



Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1048

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 34-28-7-2, AS AMENDED BY P.L.114-2012,
2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except
4 as provided in subsection (b), a person may not adopt or enforce an
5 ordinance, a resolution, a policy, or a rule that:
6 (1) prohibits; or
7 (2) has the effect of prohibiting;
8 an employee of the person, including a contract employee, from
9 possessing a firearm or ammunition that is locked in the trunk of the
10 employee's vehicle, kept in the glove compartment of the employee's
11 locked vehicle, or stored out of plain sight in the employee's locked
12 vehicle.
13 (b) Subsection (a) does not prohibit the adoption or enforcement of
14 an ordinance, a resolution, a policy, or a rule that prohibits or has the



1 effect of prohibiting an employee of the person, including a contract
2 employee, from possessing a firearm or ammunition:

3 ~~(1)~~ in or on school property; in or on property that is being used
4 by a school for a school function; or on a school bus in violation
5 of IC 20-33-8-16 or IC 35-47-9-2;

6 ~~(2)~~ (1) on the property of:

7 (A) a child caring institution;

8 (B) an emergency shelter care child caring institution;

9 (C) a private secure facility;

10 (D) a group home;

11 (E) an emergency shelter care group home; or

12 (F) a child care center;

13 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
14 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
15 IAC 3-4.7-19;

16 ~~(3)~~ (2) on the property of a penal facility (as defined in
17 IC 35-31.5-2-232);

18 ~~(4)~~ (3) in violation of federal law;

19 ~~(5)~~ (4) in or on property belonging to an approved postsecondary
20 educational institution (as defined in IC 21-7-13-6(b));

21 ~~(6)~~ (5) on the property of a domestic violence shelter;

22 ~~(7)~~ (6) at a ~~person's~~ the employer's residence;

23 ~~(8)~~ (7) on the property of a person that is:

24 (A) subject to the United States Department of Homeland
25 Security's Chemical Facility Anti-Terrorism Standards issued
26 April 9, 2007; and

27 (B) licensed by the United States Nuclear Regulatory
28 Commission under Title 10 of the Code of Federal
29 Regulations;

30 ~~(9)~~ (8) on property owned by:

31 (A) a public utility (as defined in IC 8-1-2-1) that generates
32 and transmits electric power; or

33 (B) a department of public utilities created under IC 8-1-11.1;
34 or

35 ~~(10)~~ (9) in the employee's personal vehicle if the employee,
36 including a contract employee, is a direct support professional
37 who:

38 (A) works directly with individuals with developmental
39 disabilities to assist the individuals to become integrated into
40 the individuals' community or least restrictive environment;
41 and

42 (B) uses the employee's personal vehicle while transporting an



- 1 individual with developmental disabilities.
- 2 SECTION 2. IC 35-31.5-2-285, AS ADDED BY P.L.114-2012,
 3 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2014]: Sec. 285. **(a)** "School property", **except as provided**
 5 **in subsection (b)**, means the following:
- 6 (1) A building or other structure owned or rented by:
- 7 (A) a school corporation;
- 8 (B) an entity that is required to be licensed under IC 12-17.2
 9 or IC 31-27;
- 10 (C) a private school that is not supported and maintained by
 11 funds realized from the imposition of a tax on property,
 12 income, or sales; or
- 13 (D) a federal, state, local, or nonprofit program or service
 14 operated to serve, assist, or otherwise benefit children who are
 15 at least three (3) years of age and not yet enrolled in
 16 kindergarten, including the following:
- 17 (i) A Head Start program under 42 U.S.C. 9831 et seq.
- 18 (ii) A special education preschool program.
- 19 (iii) A developmental child care program for preschool
 20 children.
- 21 (2) The grounds adjacent to and owned or rented in common with
 22 a building or other structure described in subdivision (1).
- 23 **(b) "School property", for purposes of IC 35-47-9, means a**
 24 **building or other structure:**
- 25 **(1) owned or rented by:**
- 26 **(A) a school corporation;**
- 27 **(B) an entity that is required to be licensed under**
 28 **IC 12-17.2 or IC 31-27;**
- 29 **(C) a private school that is not supported and maintained**
 30 **by funds realized from the imposition of a tax on property,**
 31 **income, or sales; or**
- 32 **(D) a federal, state, local, or nonprofit program or service**
 33 **operated to serve, assist, or otherwise benefit children who**
 34 **are at least three (3) years of age and not yet enrolled in**
 35 **kindergarten, including a:**
- 36 **(i) Head Start program under 42 U.S.C. 9831 et seq.;**
- 37 **(ii) special education preschool program; or**
- 38 **(iii) developmental child care program for preschool**
 39 **children; and**
- 40 **(2) that is being used exclusively by a school for a school**
 41 **function.**
- 42 **The term does not include grounds adjacent to and owned or**



1 **rented in common with a building or other structure described in**
 2 **this subsection.**

3 SECTION 3. IC 35-47-9-1, AS AMENDED BY P.L.172-2013,
 4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

6 (1) A:

7 (A) federal;

8 (B) state; or

9 (C) local;

10 law enforcement officer.

11 (2) A person who may legally possess a firearm and who has been
 12 authorized by:

13 (A) a school board (as defined by IC 20-26-9-4); or

14 (B) the body that administers a charter school established
 15 under IC 20-24;

16 to carry a firearm in or on school property.

17 (3) A person who:

18 (A) may legally possess a firearm; and

19 (B) possesses the firearm in a motor vehicle that is being
 20 operated by the person to transport another person to or from
 21 a school or a school function.

22 (4) A person who is a school resource officer, as defined in
 23 IC 20-26-18.2-1.

24 (5) A person who:

25 (A) may legally possess a firearm; and

26 (B) possesses a firearm that is:

27 (i) locked in the trunk of the person's motor vehicle;

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

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

32 SECTION 4. IC 35-47-9-2, AS AMENDED BY P.L.172-2013,
 33 SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION
 34 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who *knowingly or*
 36 *intentionally* possesses a firearm:

37 (1) in or on school property; *or*

38 (2) *in or on property that:*

39 (A) **is not school property; and**

40 (B) *is being used by a school for a school function; or*

41 (3) ~~(2)~~ on a school bus;

42 commits a ~~Class D Level 6 felony~~. **Class A misdemeanor.**



1 SECTION 5. IC 35-47-9-3 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 3. For purposes of section 2(2) of this chapter,**
4 **property that is not school property is being used by a school for**
5 **a school function if:**
6 **(1) the property is being used exclusively by the school for the**
7 **school function;**
8 **(2) the property is not accessible to the general public during**
9 **the school function; and**
10 **(3) a notice conspicuously posted at each entrance to the**
11 **property states that the property is being used by the school**
12 **for a school function.**

