

HOUSE BILL No. 1375

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-47.

Synopsis: Elimination of gun-free zones. Provides that beginning July 1, 2021, the state of Indiana may not regulate: (1) firearms, ammunition, and firearm accessories; and (2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories. Specifies certain exceptions. Provides that any provision of an ordinance, measure, enactment, rule, or policy enacted by the state and pertaining to: (1) firearms; (2) ammunition; (3) firearm accessories; and (4) the: (A) ownership; (B) possession; (C) carrying; (D) transportation; (E) registration; (F) transfer; and (G) storage of; firearms, ammunition, and firearm accessories; is void July 1, 2021. Provides that a person not otherwise prohibited from carrying or possessing a firearm under federal or state law may carry or possess a firearm, without restriction, on property affiliated with, or regulated by, the following state agencies beginning July 1, 2021: (1) The Indiana department of natural resources. (2) The Indiana state fair commission. (3) The Indiana department of administration. (4) The Indiana department of workforce development. Provides certain commissions and departments with rulemaking and emergency rulemaking authority to implement these changes. Specifies certain rulemaking deadlines. Prohibits a state educational institution (institution) from regulating the possession or transportation of firearms, ammunition, or firearm accessories: (1) on land that is; or (2) in buildings and other structures that are; owned, leased, or managed by the institution. Specifies certain exceptions. Voids, as of July 1, 2021, any rules or policies enacted or undertaken by an institution before, on, or after June 30, 2021, that concern the
(Continued next page)

Effective: Upon passage.

Lucas, Judy

January 14, 2021, read first time and referred to Committee on Public Policy.



Digest Continued

possession or transportation of firearms, ammunition, or firearm accessories on land or in structures owned or leased by the institution. Allows a person to bring an action against an institution if the person is adversely affected by a rule, a measure, an enactment, or a policy that: (1) is adopted or enforced by the institution; and (2) concerns the possession or transportation of firearms, ammunition, or firearm accessories on land or in structures owned, leased, or managed by the institution. Defines certain terms. Makes conforming amendments.



Introduced

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1375

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 35-31.5-2-9.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 9.8. "Adversely affected", for**
4 **purposes of IC 35-47-17-5, has the meaning set forth in**
5 **IC 35-47-17-6.**

6 SECTION 2. IC 35-31.5-2-47.3 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: **Sec. 47.3. "Commission", for**
9 **purposes of IC 35-47-11.1-4.1, has the meaning set forth in**
10 **IC 35-47-11.1-4.1(a).**

11 SECTION 3. IC 35-31.5-2-89.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: **Sec. 89.5. (a) "Department", for**
14 **purposes of IC 35-47-11.1-4.5, has the meaning set forth in**
15 **IC 35-47-11.1-4.5(a).**

2021

IN 1375—LS 6705/DI 123



1 **(b) "Department", for purposes of IC 35-47-11.1-4.6, has the**
 2 **meaning set forth in IC 35-47-11.1-4.6(a).**

3 **(c) "Department", for purposes of IC 35-47-11.1-4.7, has the**
 4 **meaning set forth in IC 35-47-11.1-4.7(a).**

5 SECTION 4. IC 35-31.5-2-311.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: **Sec. 311.5. "State educational**
 8 **institution", for purposes of IC 35-47-17, has the meaning set forth**
 9 **in IC 21-7-13-32.**

10 SECTION 5. IC 35-47-1-2.5, AS ADDED BY P.L.152-2011,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 2.5. "Ammunition", for purposes of
 13 IC 35-47-11.1 **and IC 35-47-17**, means:

- 14 (1) fixed cartridge ammunition;
- 15 (2) shotgun shells;
- 16 (3) the individual components of fixed cartridge ammunition and
- 17 shotgun shells;
- 18 (4) projectiles for muzzle loading firearms; and
- 19 (5) any propellant used in a firearm or in firearm ammunition.

20 SECTION 6. IC 35-47-11.1-2, AS ADDED BY P.L.152-2011,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 2. **(a)** Except as provided in section 4 of this
 23 chapter, a political subdivision may not regulate:

- 24 (1) firearms, ammunition, and firearm accessories;
- 25 (2) the ownership, possession, carrying, transportation,
- 26 registration, transfer, and storage of firearms, ammunition, and
- 27 firearm accessories; and
- 28 (3) commerce in and taxation of firearms, firearm ammunition,
- 29 and firearm accessories.

30 **(b) Except as provided in section 4 of this chapter, beginning**
 31 **July 1, 2021, the state may not regulate:**

- 32 **(1) firearms, ammunition, and firearm accessories; and**
- 33 **(2) the ownership, possession, carrying, transportation,**
- 34 **registration, transfer, and storage of firearms, ammunition,**
- 35 **and firearm accessories.**

36 SECTION 7. IC 35-47-11.1-3, AS ADDED BY P.L.152-2011,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 3. **(a)** Any provision of an ordinance,
 39 measure, enactment, rule, ~~or~~ policy, or exercise of proprietary authority
 40 of a political subdivision, or of an employee or agent of a political
 41 subdivision acting in an official capacity:

- 42 (1) enacted or undertaken before, on, or after June 30, 2011; and



1 (2) that pertains to or affects the matters listed in section 2 of this
2 chapter;
3 is void.

4 **(b) Any provision of an ordinance, measure, enactment, rule,**
5 **policy, or exercise of proprietary authority of the state:**

6 **(1) enacted or undertaken before, on, or after July 1, 2021;**
7 **and**

8 **(2) that pertains to or affects the matters listed in section 2 of**
9 **this chapter;**

10 **is void.**

11 SECTION 8. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 4. This chapter may not be construed to
14 prevent any of the following:

15 (1) A law enforcement agency of a political subdivision from
16 enacting and enforcing regulations pertaining to firearms,
17 ammunition, or firearm accessories issued to or used by law
18 enforcement officers in the course of their official duties.

19 (2) Subject to IC 34-28-7-2, an employer from regulating or
20 prohibiting the employees of the employer from carrying firearms
21 and ammunition in the course of the employee's official duties.

22 (3) A court or administrative law judge from hearing and
23 resolving any case or controversy or issuing any opinion or order
24 on a matter within the jurisdiction of the court or judge.

25 (4) The enactment or enforcement of generally applicable zoning
26 or business ordinances that apply to firearms businesses to the
27 same degree as other similar businesses. However, a provision of
28 an ordinance that is designed or enforced to effectively restrict or
29 prohibit the sale, purchase, transfer, manufacture, or display of
30 firearms, ammunition, or firearm accessories that is otherwise
31 lawful under the laws of this state is void. A unit (as defined in
32 IC 36-1-2-23) may not use the unit's planning and zoning powers
33 under IC 36-7-4 to prohibit the sale of firearms within a
34 prescribed distance of any other type of commercial property or
35 of school property or other educational property.

36 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
37 provision prohibiting or restricting the possession of a firearm in
38 any building that contains the courtroom of a circuit, superior,
39 city, town, or small claims court. However, if a portion of the
40 building is occupied by a residential tenant or private business,
41 any provision restricting or prohibiting the possession of a firearm
42 does not apply to the portion of the building that is occupied by



- 1 the residential tenant or private business, or to common areas of
 2 the building used by a residential tenant or private business.
- 3 (6) The enactment or enforcement of a provision prohibiting or
 4 restricting the intentional display of a firearm at a public meeting.
- 5 (7) The enactment or enforcement of a provision prohibiting or
 6 restricting the possession of a firearm in a public hospital
 7 corporation that contains a secure correctional health unit that is
 8 staffed by a law enforcement officer twenty-four (24) hours a day.
- 9 (8) The imposition of any restriction or condition placed on a
 10 person participating in:
- 11 (A) a community corrections program (IC 11-12-1);
 12 (B) a forensic diversion program (IC 11-12-3.7); or
 13 (C) a pretrial diversion program (IC 33-39-1).
- 14 (9) The enforcement or prosecution of:
- 15 (A) the offense of criminal recklessness (IC 35-42-2-2)
 16 involving the use of a firearm; **and**
 17 (B) **beginning July 1, 2021, any other criminal offense**
 18 **involving the unlawful carrying, display, possession, or use**
 19 **of a firearm.**
- 20 (10) For an event occurring on property leased from a political
 21 subdivision or municipal corporation by the promoter or organizer
 22 of the event:
- 23 (A) the establishment, by the promoter or organizer, at the
 24 promoter's or organizer's own discretion, of rules of conduct or
 25 admission upon which attendance at or participation in the
 26 event is conditioned; or
 27 (B) the implementation or enforcement of the rules of conduct
 28 or admission described in clause (A) by a political subdivision
 29 or municipal corporation in connection with the event.
- 30 (11) The enactment or enforcement of a provision prohibiting or
 31 restricting the possession of a firearm in a hospital established
 32 and operated under IC 16-22-2 or IC 16-23.
- 33 (12) A unit from using the unit's planning and zoning powers
 34 under IC 36-7-4 to prohibit the sale of firearms within two
 35 hundred (200) feet of a school by a person having a business that
 36 did not sell firearms within two hundred (200) feet of a school
 37 before April 1, 1994.
- 38 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
 39 from enacting or enforcing a provision prohibiting or restricting
 40 the possession of a firearm in a building owned or administered
 41 by the unit if:
- 42 (A) metal detection devices are located at each public entrance



- 1 to the building;
- 2 (B) each public entrance to the building is staffed by at least
- 3 one (1) law enforcement officer:
- 4 (i) who has been adequately trained to conduct inspections
- 5 of persons entering the building by use of metal detection
- 6 devices and proper physical pat down searches; and
- 7 (ii) when the building is open to the public; and
- 8 (C) each:
- 9 (i) individual who enters the building through the public
- 10 entrance when the building is open to the public; and
- 11 (ii) bag, package, and other container carried by the
- 12 individual;
- 13 is inspected by a law enforcement officer described in clause
- 14 (B).
- 15 However, except as provided in subdivision (5) concerning a
- 16 building that contains a courtroom, a unit may not prohibit or
- 17 restrict the possession of a handgun under this subdivision in a
- 18 building owned or administered by the unit if the person who
- 19 possesses the handgun has been issued a valid license to carry the
- 20 handgun under IC 35-47-2.
- 21 SECTION 9. IC 35-47-11.1-4.1 IS ADDED TO THE INDIANA
- 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 23 [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) As used in this section,**
- 24 **"commission" means the Indiana state fair commission.**
- 25 **(b) 80 IAC 7-1-16(a)(1) is void July 1, 2021.**
- 26 **(c) Any person not otherwise prohibited from carrying or**
- 27 **possessing a firearm under federal or state law shall be permitted**
- 28 **beginning July 1, 2021, to carry or possess, without restriction, a**
- 29 **firearm on any property:**
- 30 **(1) affiliated with;**
- 31 **(2) operated or managed by;**
- 32 **(3) owned by; or**
- 33 **(4) leased by;**
- 34 **the commission.**
- 35 **(d) Before July 1, 2021, the commission shall amend 80**
- 36 **IAC 11-2-2 to conform with subsection (c).**
- 37 **(e) A rule adopted by the commission that conflicts with**
- 38 **subsection (c) after June 30, 2021, is void.**
- 39 **(f) The publisher of the Indiana Administrative Code and**
- 40 **Indiana Register shall:**
- 41 **(1) remove 80 IAC 7-1-16(a)(1) from the Indiana**
- 42 **Administrative Code after July 1, 2021; and**



- 1 (2) amend 80 IAC 11-2-2 to reflect any change made by the
2 commission under subsection (d).
- 3 (g) The commission shall adopt emergency rules under
4 IC 4-22-2-37.1 to implement this section. An emergency rule
5 adopted by the commission under this subsection expires on the
6 earlier of the following:
- 7 (1) The date the emergency rule is amended or repealed by a
8 later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.
9 (2) July 1, 2022.
- 10 (h) The commission shall adopt rules under IC 4-22-2 that
11 conform with subsection (c) not later than July 1, 2022.
- 12 SECTION 10. IC 35-47-11.1-4.5 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) As used in this section,
15 "department" means the Indiana department of administration.
- 16 (b) As used in this section, "Indiana government center
17 campus" has the meaning set forth in 25 IAC 8-2-1(4).
- 18 (c) 25 IAC 8-2-1(1)(A) is void July 1, 2021.
- 19 (d) Any person not otherwise prohibited from carrying or
20 possessing a firearm under federal or state law shall be permitted
21 beginning July 1, 2021, to carry or possess, without restriction, a
22 firearm on the Indiana government center campus and any
23 property:
- 24 (1) affiliated with;
25 (2) operated or managed by;
26 (3) owned by; or
27 (4) leased by;
- 28 the department.
- 29 (e) Before July 1, 2021, the department shall amend 25
30 IAC 8-3-1 and 25 IAC 8-3-3 to conform with subsection (d).
- 31 (f) A rule adopted by the department that conflicts with
32 subsection (d) after June 30, 2021, is void.
- 33 (g) The publisher of the Indiana Administrative Code and
34 Indiana Register shall:
- 35 (1) remove 25 IAC 8-2-1(1)(A) from the Indiana
36 Administrative Code after July 1, 2021; and
37 (2) amend 25 IAC 8-3-1 and 25 IAC 8-3-3 to reflect any
38 change made by the department under subsection (e).
- 39 (h) The department shall adopt emergency rules under
40 IC 4-22-2-37.1 to implement this section. An emergency rule
41 adopted by the department under this subsection expires on the
42 earlier of the following:



1 (1) The date the emergency rule is amended or repealed by a
2 later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.

3 (2) July 1, 2022.

4 (i) The department shall adopt rules under IC 4-22-2 that
5 conform with subsection (d) not later than July 1, 2022.

6 SECTION 11. IC 35-47-11.1-4.6 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) As used in this section,
9 "department" means the Indiana department of natural resources.

10 (b) Any person not otherwise prohibited from carrying or
11 possessing a firearm under federal or state law shall be permitted
12 beginning July 1, 2021, to carry or possess, without restriction, a
13 firearm on any property:

14 (1) affiliated with;

15 (2) operated or managed by;

16 (3) owned by; or

17 (4) leased by;

18 the department.

19 (c) Before July 1, 2021, the department shall amend 312
20 IAC 8-2-3 to conform with subsection (b).

21 (d) A rule adopted by the department that conflicts with
22 subsection (b) after June 30, 2021, is void.

23 (e) The publisher of the Indiana Administrative Code and
24 Indiana Register shall amend 312 IAC 8-2-3 to reflect any change
25 made by the department under subsection (c).

26 (f) The department shall adopt emergency rules under
27 IC 4-22-2-37.1 to implement this section. An emergency rule
28 adopted by the department under this subsection expires on the
29 earlier of the following:

30 (1) The date the emergency rule is amended or repealed by a
31 later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.

32 (2) July 1, 2022.

33 (g) The department shall adopt rules under IC 4-22-2 that
34 conform to subsection (b) not later than July 1, 2022.

35 SECTION 12. IC 35-47-11.1-4.7 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE UPON PASSAGE]: Sec. 4.7. (a) As used in this section,
38 "department" means the Indiana department of workforce
39 development.

40 (b) 646 IAC 5-13-2(1)(A) is void July 1, 2021.

41 (c) Any person not otherwise prohibited from carrying or
42 possessing a firearm under federal or state law shall be permitted



1 beginning July 1, 2021, to carry or possess, without restriction, a
2 firearm on any property:

- 3 (1) affiliated with;
4 (2) operated or managed by;
5 (3) owned by; or
6 (4) leased by;

7 the department.

8 (d) Before July 1, 2021, the department shall amend 646
9 IAC 5-13-4 to conform with subsection (c).

10 (e) A rule adopted by the department that conflicts with
11 subsection (c) after June 30, 2021, is void.

12 (f) The publisher of the Indiana Administrative Code and
13 Indiana Register shall:

- 14 (1) remove 646 IAC 5-13-2(1)(A) from the Indiana
15 Administrative Code after July 1, 2021; and
16 (2) amend 646 IAC 5-13-4 to reflect any change made by the
17 department under subsection (d).

18 (g) The department shall adopt emergency rules under
19 IC 4-22-2-37.1 to implement this section. An emergency rule
20 adopted by the department under this subsection expires on the
21 earlier of the following:

- 22 (1) The date the emergency rule is amended or repealed by a
23 later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.
24 (2) July 1, 2022.

25 (h) The department shall adopt rules under IC 4-22-2 that
26 conform to subsection (c) not later than July 1, 2022.

27 SECTION 13. IC 35-47-17 IS ADDED TO THE INDIANA CODE
28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]:

30 **Chapter 17. Possession and Transportation of Firearms on the**
31 **Property of a State Educational Institution**

32 **Sec. 1. This chapter does not apply to the administration or**
33 **enforcement of:**

- 34 (1) a statute enacted by the general assembly that:
35 (A) specifically concerns the ownership, possession,
36 carrying, use, discharge, transportation, registration,
37 transfer, or storage of firearms, ammunition, or firearm
38 accessories; and
39 (B) specifies the elements of a crime or an infraction; or
40 (2) federal law.

41 **Sec. 2. Except as provided in section 4 of this chapter, a state**
42 **educational institution may not regulate the possession or**



1 transportation of firearms, ammunition, or firearm accessories:

2 (1) on land that is; or

3 (2) in buildings or other structures that are;

4 owned, leased, or managed by the state educational institution.

5 Sec. 3. Any provision of a rule, measure, enactment, or policy
6 implemented by a state educational institution that:

7 (1) is enacted or undertaken before, on, or after July 1, 2021;

8 and

9 (2) pertains to or affects any matter described in section 2 of
10 this chapter;

11 is void.

12 Sec. 4. Section 2 of this chapter may not be construed to prevent
13 any of the following:

14 (1) A law enforcement agency from enacting and enforcing
15 rules or policies concerning firearms, ammunition, or firearm
16 accessories issued to or used by law enforcement officers in
17 the course of the officers' official duties.

18 (2) A court or an administrative law judge from hearing and
19 resolving any case or controversy, or issuing any opinion or
20 order, on a matter within the jurisdiction of the court or
21 judge.

22 (3) The imposition of any restriction or condition placed on a
23 person:

24 (A) participating in:

25 (i) a community corrections program (IC 11-12-1);

26 (ii) a forensic diversion program (IC 11-12-3.7); or

27 (iii) a pretrial diversion program (IC 33-39-1); or

28 (B) subject to a protective order issued under IC 34-26-5.

29 Sec. 5. Notwithstanding IC 34-13-3, a person adversely affected
30 by a rule, measure, enactment, or policy adopted or enforced by a
31 state educational institution that violates this chapter may bring an
32 action, in a court with appropriate jurisdiction, against the state
33 educational institution for:

34 (1) declarative and injunctive relief; and

35 (2) actual and consequential damages attributable to the state
36 educational institution's violation of section 2 of this chapter.

37 Sec. 6. A person is adversely affected, for purposes of section 5
38 of this chapter, if either of the following applies:

39 (1) The person is an individual who meets all of the following
40 requirements:

41 (A) The individual lawfully resides within the United
42 States.



- 1 **(B) The individual may legally possess a firearm under**
- 2 **Indiana law.**
- 3 **(C) The individual is or was subject to the rule, measure,**
- 4 **enactment, or policy of the state educational institution**
- 5 **that is the subject of an action brought under section 5 of**
- 6 **this chapter. An individual is or was subject to the rule,**
- 7 **measure, enactment, or policy of the state educational**
- 8 **institution if the individual is or was physically present**
- 9 **within the jurisdiction of the state educational institution**
- 10 **for any reason.**
- 11 **(2) The person is a membership organization that:**
- 12 **(A) includes at least two (2) individuals described in**
- 13 **subdivision (1); and**
- 14 **(B) is dedicated in whole or in part to protecting the rights**
- 15 **of persons who possess, own, or use firearms for**
- 16 **competitive, sporting, defensive, or other lawful purposes.**
- 17 **Sec. 7. Notwithstanding IC 34-13-3, a prevailing plaintiff in an**
- 18 **action brought under section 5 of this chapter is entitled to recover**
- 19 **the following from the state educational institution:**
- 20 **(1) The greater of the following:**
- 21 **(A) Actual damages, including consequential damages.**
- 22 **(B) Liquidated damages equal to three (3) times the**
- 23 **plaintiff's attorney's fees.**
- 24 **(2) Court costs (including fees).**
- 25 **(3) Reasonable attorney's fees.**
- 26 **SECTION 14. An emergency is declared for this act.**

