

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

HOUSE ENROLLED ACT No. 1043

AN ACT to amend the Indiana Code concerning state and local government.

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

SECTION 1. IC 34-12-3 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]:

Chapter 3. Legal Actions Involving Firearms and Ammunition Manufacturers, Trade Associations, and Sellers

Sec. 1. As used in this chapter, "firearm" has the meaning set forth in IC 35-47-1-5.

Sec. 2. As used in this chapter, "person" has the meaning set forth in IC 35-41-1-22.

Sec. 3. Except as provided in section 5 of this chapter, a person may not bring an action against a firearms or ammunition manufacturer, trade association, or seller for:

(1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful:

- (A) design;**
- (B) manufacture;**
- (C) marketing; or**
- (D) sale;**

of a firearm or ammunition for a firearm; or

(2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

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Sec. 4. If a court finds that a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter, the finding constitutes conclusive evidence that the action is groundless. If a court makes a finding under this section, the court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.

Sec. 5. Nothing in this chapter may be construed to prohibit a person from bringing an action against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages for the following:

- (1) Breach of contract or warranty concerning firearms or ammunition purchased by a person.**
- (2) Damage or harm to a person or to property owned or leased by a person caused by a defective firearm or ammunition.**
- (3) Injunctive relief to enforce a valid statute, rule, or ordinance.**

SECTION 2. [EFFECTIVE UPON PASSAGE] IC 34-12-3, as added by this act, applies only to actions filed after the effective date of this act.

SECTION 3. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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