

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 54 be amended to read as follows:

- 1 Page 2, between lines 8 and 9, begin a new paragraph and insert:
- 2 "SECTION 2. IC 34-6-2-46.7 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46.7. "Firearm", for
- 4 purposes of **IC 34-28-7 and IC 34-30-20**, has the meaning set forth in
- 5 IC 35-47-1-5.
- 6 SECTION 3. IC 34-6-2-103 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 103. (a) "Person", for
- 8 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.
- 9 (b) "Person", for purposes of IC 34-24-4 **and IC 34-28-7**, means:
- 10 (1) an individual;
- 11 (2) a governmental entity;
- 12 (3) a corporation;
- 13 (4) a firm;
- 14 (5) a trust;
- 15 (6) a partnership; or
- 16 (7) an incorporated or unincorporated association that exists under
- 17 or is authorized by the laws of this state, another state, or a foreign
- 18 country.
- 19 (c) "Person", for purposes of section 44.8 of this chapter, means an
- 20 adult or a minor.
- 21 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
- 22 in IC 35-41-1-22.
- 23 (e) "Person", for purposes of IC 34-30-5, means any of the
- 24 following:
- 25 (1) An individual.

- 1 (2) A corporation.
 2 (3) A partnership.
 3 (4) An unincorporated association.
 4 (5) The state (as defined in IC 34-6-2-140).
 5 (6) A political subdivision (as defined in IC 34-6-2-110).
 6 (7) Any other entity recognized by law.
 7 (f) "Person", for purposes of IC 34-30-6, means an individual, a
 8 corporation, a limited liability company, a partnership, an
 9 unincorporated association, or a governmental entity that:
 10 (1) has qualifications or experience in:
 11 (A) storing, transporting, or handling a hazardous substance or
 12 compressed gas;
 13 (B) fighting fires;
 14 (C) emergency rescue; or
 15 (D) first aid care; or
 16 (2) is otherwise qualified to provide assistance appropriate to
 17 remedy or contribute to the remedy of the emergency.
 18 (g) "Person", for purposes of IC 34-30-18, includes:
 19 (1) an individual;
 20 (2) an incorporated or unincorporated organization or association;
 21 (3) the state of Indiana;
 22 (4) a political subdivision (as defined in IC 36-1-2-13);
 23 (5) an agency of the state or a political subdivision; or
 24 (6) a group of such persons acting in concert.
 25 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
 26 chapter, means an individual, an incorporated or unincorporated
 27 organization or association, or a group of such persons acting in
 28 concert.
 29 (i) "Person", for purposes of IC 34-30-10.5, means the following:
 30 (1) A political subdivision (as defined in IC 36-1-2-13).
 31 (2) A volunteer fire department (as defined in IC 36-8-12-2).
 32 (3) An employee of an entity described in subdivision (1) or (2)
 33 who acts within the scope of the employee's responsibilities.
 34 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
 35 acting for a volunteer fire department.
 36 (5) After March 31, 2002, a corporation, a limited liability
 37 company, a partnership, an unincorporated association, or any
 38 other entity recognized by law.
- 39 SECTION 4. IC 34-28-7 IS ADDED TO THE INDIANA CODE
 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2006]:
- 42 **Chapter 7. Possession of Firearms on Certain Property**
 43 **Sec. 1. This chapter applies only to possession of a firearm by an**
 44 **individual who may legally possess a firearm.**
 45 **Sec. 2. (a) Notwithstanding any other law and except as**
 46 **provided in subsection (b), a person may not adopt or enforce a**
 47 **policy or rule that prohibits or has the effect of prohibiting an**

- 1 individual from possessing:
- 2 (1) a loaded or unloaded handgun; or
- 3 (2) an unloaded rifle or shotgun;
- 4 that is locked in the individual's motor vehicle while the motor
- 5 vehicle is in or on the person's property.
- 6 (b) Subsection (a) does not apply to an individual who possesses
- 7 a firearm:
- 8 (1) on school property or on a school bus in violation of
- 9 IC 20-33-8-16 or IC 35-47-9;
- 10 (2) on the property of:
- 11 (A) a child caring institution;
- 12 (B) an emergency shelter care child caring institution;
- 13 (C) a private secure facility;
- 14 (D) a group home; or
- 15 (E) an emergency shelter care group home;
- 16 in violation of 470 IAC 3-11-80, 470 IAC 3-12-79, 470
- 17 IAC 3-13-80, 470 IAC 3-14-78, or 470 IAC 3-15-77;
- 18 (3) on the property of a penal facility (as defined in
- 19 IC 35-41-1-21);
- 20 (4) on the property of an oil refinery; or
- 21 (5) in violation of federal law.
- 22 **Sec. 3. (a) An individual may bring a civil action to enforce**
- 23 **section 2 of this chapter.**
- 24 (b) If a person violates section 2 of this chapter, the court, in an
- 25 action brought under subsection (a), may do the following:
- 26 (1) Award:
- 27 (A) actual damages; and
- 28 (B) court costs and attorney's fees;
- 29 to the prevailing individual.
- 30 (2) Enjoin further violations of this chapter.
- 31 **Sec. 4. This chapter does not limit a person's rights or remedies**
- 32 **under any other state or federal law.**
- 33 **Sec. 5. A person is not liable for any injury or damage resulting**
- 34 **from the person's compliance with section 2 of this chapter."**
- 35 Renumber all SECTIONS consecutively.
(Reference is to ESB 54 as printed February 17, 2006.)

Representative Ulmer