



Reprinted
January 29, 2008

SENATE BILL No. 356

DIGEST OF SB 356 (Updated January 28, 2008 7:41 pm - DI 106)

Citations Affected: IC 35-47.

Synopsis: Possession of handguns on public property. Provides that a person who possesses a valid Indiana license to carry a handgun may not be prohibited from possessing a handgun: (1) on land that is; or (2) in buildings and other structures that are; owned or leased by the state or a political subdivision of the state. Provides exceptions for airports, county courthouses (including a building connected to a county courthouse), and penal facilities. Permits a court to adopt a court rule authorizing persons licensed to carry a handgun to carry a handgun in a county courthouse.

Effective: July 1, 2008.

**Nugent, Jackman, Waltz, Delph,
Steele, Drozda, Waterman, Paul**

January 14, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 24, 2008, amended, reported favorably — Do Pass.
January 28, 2008, read second time, amended, ordered engrossed.

C
O
P
Y



Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

C
O
P
Y

SENATE BILL No. 356

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 35-47-9-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter does not
3 apply to the following:
- 4 (1) A:
- 5 (A) federal;
- 6 (B) state; or
- 7 (C) local;
- 8 law enforcement officer.
- 9 (2) A person who has been employed or authorized by:
- 10 (A) a school; or
- 11 (B) another person who owns or operates property being used
12 by a school for a school function;
- 13 to act as a security guard, perform or participate in a school
14 function, or participate in any other activity authorized by a
15 school.
- 16 (3) A person who:
- 17 (A) may legally possess a firearm; and

SB 356—LS 6169/DI 69+



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

4 **(4) A person who possesses a valid license to carry a handgun**
5 **issued under IC 35-47-2.**

6 SECTION 2. IC 35-47-11-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. Notwithstanding
8 IC 36-1-3, a unit may not regulate in any manner the ownership,
9 possession, sale, transfer, or transportation of firearms (as defined in
10 IC 35-47-1-5) or ammunition except as follows:

11 (1) **Subject to IC 35-47-16**, this chapter does not apply to land,
12 buildings, or other real property owned or administered by a unit,
13 except highways (as defined in IC 8-23-1-23) or public highways
14 (as defined in IC 8-2.1-17-14).

15 (2) Notwithstanding the limitation in this section, a unit may use
16 the unit's planning and zoning powers under IC 36-7-4 to prohibit
17 the sale of firearms within two hundred (200) feet of a school by
18 a person having a business that did not sell firearms within two
19 hundred (200) feet of a school before April 1, 1994.

20 (3) Notwithstanding the limitation in this section, a legislative
21 body of a unit other than a township may adopt an emergency
22 ordinance or a unit other than a township may take other action
23 allowed under section 6 of this chapter to regulate the sale of
24 firearms anywhere within the unit for a period of not more than
25 seventy-two (72) hours after the regulatory action takes effect.

26 SECTION 3. IC 35-47-16 IS ADDED TO THE INDIANA CODE
27 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2008]:

29 **Chapter 16. Possession of Handguns on Public Property**

30 **Sec. 1. This chapter does not apply to the following:**

31 (1) **A state prison, a correctional facility, a city or county jail,**
32 **a penitentiary, or any other facility used to confine persons**
33 **who:**

34 (A) **have been sentenced for committing crimes; or**

35 (B) **are awaiting trial or sentencing for committing crimes.**

36 (2) **IC 35-47-6 concerning weapons in airports and on aircraft.**

37 (3) **Unless otherwise provided by court rule, a county**
38 **courthouse, including a building connected to the county**
39 **courthouse.**

40 **Sec. 2. As used in this chapter, "political subdivision" means a:**

41 (1) **county;**

42 (2) **township;**

C
o
p
y



1 (3) city;
2 (4) town; or
3 (5) municipal corporation (as defined in IC 36-1-2-10).
4 Sec. 3. As used in this chapter, "state" means Indiana or any
5 agency of state government.
6 Sec. 4. A person who possesses a valid license to carry a
7 handgun issued under IC 35-47-2 may not be prohibited from
8 possessing a handgun:
9 (1) on land that is; or
10 (2) in buildings and other structures that are;
11 owned or leased by the state or a political subdivision of the state.

**C
o
p
y**



SENATE MOTION

Madam President: I move that Senator Jackman be added as second author of Senate Bill 356.

NUGENT

SENATE MOTION

Madam President: I move that Senators Waltz, Delph, Steele, Drozda and Waterman be added as coauthors of Senate Bill 356.

NUGENT

SENATE MOTION

Madam President: I move that Senator Paul be added as coauthor of Senate Bill 356.

NUGENT

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 356, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 36 and 37, begin a new line block indented and insert:

"(3) A courthouse."

and when so amended that said bill do pass.

(Reference is to SB 356 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 3.



C
O
P
Y

SENATE MOTION

Madam President: I move that Senate Bill 356 be amended to read as follows:

Page 2, line 37, delete "A" and insert "**Unless otherwise provided by court rule, a county**".

Page 2, line 37, delete "." and insert ", **including a building connected to the county courthouse.**".

(Reference is to SB 356 as printed January 25, 2008.)

ZAKAS

**C
o
p
y**

