



January 15, 2010

## SENATE BILL No. 25

DIGEST OF SB 25 (Updated January 12, 2010 2:26 pm - DI 106)

**Citations Affected:** IC 34-6; IC 34-28; IC 34-30.

**Synopsis:** Firearms in locked vehicles. Prohibits a person (which includes an individual, a corporation, and a governmental entity) from adopting or enforcing a policy or rule that prohibits or has the effect of prohibiting an employee of the person (including a contract employee) from legally possessing a firearm that is locked in the employee's vehicle while the vehicle is in or on the person's property. Excepts possession of a firearm: (1) on school property, on property used by a school for a school function, or on a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; (4) in violation of federal law; (5) on property belonging to an approved postsecondary educational institution; (6) on property belonging to a domestic violence shelter; and (7) at a person's residence. Provides that a person who, in compliance with the prohibition, does not adopt or enforce such a policy or rule is not liable for resulting injury or damage. Authorizes a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation. Deletes an outdated reference.

**Effective:** July 1, 2010.

**Nugent, Hershman, Charbonneau,  
Bray, Steele, Hume, Walker, Paul,  
Waltz, Waterman, Landske, Delph,  
Kruse, Stutzman, Head**

January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
January 14, 2010, amended, reported favorably — Do Pass.

SB 25—LS 6001/DI 96+



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January 15, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular Session of the General Assembly.

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## SENATE BILL No. 25

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1 SECTION 1. IC 34-6-2-46.7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 46.7. "Firearm", for  
3 purposes of **IC 34-28-7 and** IC 34-30-20, has the meaning set forth in  
4 IC 35-47-1-5.

5 SECTION 2. IC 34-6-2-49 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 49. **(a)** "Governmental  
7 entity", for purposes of sections 91 of this chapter, IC 34-13-2,  
8 IC 34-13-3, and IC 34-13-4, means the state or a political subdivision  
9 of the state.

10 **(b) "Governmental entity", for purposes of section 103(j) of this**  
11 **chapter, means the state or a political subdivision of the state.**

12 SECTION 3. IC 34-6-2-103 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 103. (a) "Person", for  
14 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

15 (b) "Person", for purposes of IC 34-24-4, means:

- 16 (1) an individual;  
17 (2) a governmental entity;

SB 25—LS 6001/DI 96+



- 1 (3) a corporation;
- 2 (4) a firm;
- 3 (5) a trust;
- 4 (6) a partnership; or
- 5 (7) an incorporated or unincorporated association that exists
- 6 under or is authorized by the laws of this state, another state, or a
- 7 foreign country.
- 8 (c) "Person", for purposes of section 44.8 of this chapter, means an
- 9 adult or a minor.
- 10 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
- 11 in IC 35-41-1-22.
- 12 (e) "Person", for purposes of IC 34-30-5, means any of the
- 13 following:
- 14 (1) An individual.
- 15 (2) A corporation.
- 16 (3) A partnership.
- 17 (4) An unincorporated association.
- 18 (5) The state (as defined in IC 34-6-2-140).
- 19 (6) A political subdivision (as defined in IC 34-6-2-110).
- 20 (7) Any other entity recognized by law.
- 21 (f) "Person", for purposes of IC 34-30-6, means an individual, a
- 22 corporation, a limited liability company, a partnership, an
- 23 unincorporated association, or a governmental entity that:
- 24 (1) has qualifications or experience in:
- 25 (A) storing, transporting, or handling a hazardous substance or
- 26 compressed gas;
- 27 (B) fighting fires;
- 28 (C) emergency rescue; or
- 29 (D) first aid care; or
- 30 (2) is otherwise qualified to provide assistance appropriate to
- 31 remedy or contribute to the remedy of the emergency.
- 32 (g) "Person", for purposes of IC 34-30-18, includes:
- 33 (1) an individual;
- 34 (2) an incorporated or unincorporated organization or association;
- 35 (3) the state of Indiana;
- 36 (4) a political subdivision (as defined in IC 36-1-2-13);
- 37 (5) an agency of the state or a political subdivision; or
- 38 (6) a group of such persons acting in concert.
- 39 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
- 40 chapter, means an individual, an incorporated or unincorporated
- 41 organization or association, or a group of such persons acting in
- 42 concert.

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- 1 (i) "Person", for purposes of IC 34-30-10.5, means the following:
- 2 (1) A political subdivision (as defined in IC 36-1-2-13).
- 3 (2) A volunteer fire department (as defined in IC 36-8-12-2).
- 4 (3) An employee of an entity described in subdivision (1) or (2)
- 5 who acts within the scope of the employee's responsibilities.
- 6 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
- 7 acting for a volunteer fire department.
- 8 (5) ~~After March 31, 2002;~~ A corporation, a limited liability
- 9 company, a partnership, an unincorporated association, or any
- 10 other entity recognized by law.

- 11 (j) "Person", for purposes of IC 34-28-7, means:
- 12 (1) **an individual;**
- 13 (2) **a governmental entity;**
- 14 (3) **a corporation;**
- 15 (4) **a firm;**
- 16 (5) **a trust;**
- 17 (6) **a partnership; or**
- 18 (7) **an incorporated or unincorporated association that exists**
- 19 **under or is authorized by the laws of this state, another state,**
- 20 **or a foreign country.**

21 SECTION 4. IC 34-6-2-140 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 140. "State":

- 23 (1) for purposes of **section 49(b) of this chapter and** IC 34-13-3,
- 24 means Indiana and its state agencies; and
- 25 (2) for purposes of sections 48.5 and 71.7 of this chapter and
- 26 IC 34-26-5, has the meaning set forth in IC 1-1-4-5.

27 SECTION 5. IC 34-28-7 IS ADDED TO THE INDIANA CODE AS  
 28 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 29 1, 2010]:

30 **Chapter 7. Possession of Firearms in Locked Vehicles**

31 **Sec. 1. This chapter applies only to possession of a firearm by an**  
 32 **individual who may possess a firearm legally.**

33 **Sec. 2. (a) Notwithstanding any other law and except as**  
 34 **provided in subsection (b), a person may not adopt or enforce an**  
 35 **ordinance, a resolution, a policy, or a rule that:**

- 36 (1) **prohibits; or**
- 37 (2) **has the effect of prohibiting;**

38 **an employee of the person, including a contract employee, from**  
 39 **possessing a firearm that is locked in the employee's vehicle.**

40 **(b) Subsection (a) does not prohibit the adoption or enforcement**  
 41 **of an ordinance, a resolution, a policy, or a rule that prohibits, or**  
 42 **has the effect of prohibiting, an employee of the person, including**

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- 1 a contract employee, from possessing a firearm:
- 2 (1) in or on school property, in or on property that is being
- 3 used by a school for a school function, or on a school bus in
- 4 violation of IC 20-33-8-16 or IC 35-47-9-2;
- 5 (2) on the property of:
- 6 (A) a child caring institution;
- 7 (B) an emergency shelter care child caring institution;
- 8 (C) a private secure facility;
- 9 (D) a group home; or
- 10 (E) an emergency shelter care group home;
- 11 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
- 12 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;
- 13 (3) on the property of a penal facility (as defined in
- 14 IC 35-41-1-21);
- 15 (4) in violation of federal law;
- 16 (5) in or on property belonging to an approved postsecondary
- 17 educational institution (as defined in IC 21-7-13-6(b));
- 18 (6) on the property of a domestic violence shelter; or
- 19 (7) at a person's residence.

20 Sec. 3. (a) An individual who believes that a violation of section  
 21 2 of this chapter has occurred may bring a civil action against the  
 22 person who is alleged to have violated section 2 of this chapter,  
 23 other than a person set forth in IC 34-6-2-103(j)(2).

24 (b) If a person is found by a court, in an action brought under  
 25 subsection (a), to have violated section 2 of this chapter, the court  
 26 may do the following:

- 27 (1) Award:
- 28 (A) actual damages; and
- 29 (B) court costs and attorney's fees;
- 30 to the prevailing individual.
- 31 (2) Enjoin further violations of this chapter.

32 Sec. 4. This chapter does not limit a person's rights or remedies  
 33 under any other state or federal law.

34 Sec. 5. A person is not liable for any injury or damage resulting  
 35 from the person's compliance with section 2 of this chapter.

36 SECTION 6. IC 34-30-20.5 IS ADDED TO THE INDIANA CODE  
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2010]:

39 **Chapter 20.5. Immunity for Complying With Law Prohibiting**  
 40 **Adoption or Enforcement of Policy Prohibiting Possession of**  
 41 **Firearms in Locked Vehicles**

42 Sec. 1. A person who complies with IC 34-28-7-2 is immune

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1      **from liability in accordance with IC 34-28-7-5.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 25, 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 3, line 38, delete "individual" and insert "**employee of the person, including a contract employee,**".

Page 3, line 39, delete "individual's" and insert "**employee's**".

Page 3, line 42, delete "individual" and insert "**employee of the person, including a contract employee,**".

Page 4, line 15, delete "or".

Page 4, line 17, delete "." and insert ";

**(6) on the property of a domestic violence shelter; or**

**(7) at a person's residence."**

and when so amended that said bill do pass.

(Reference is to SB 25 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 3.

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