

# SENATE BILL No. 181

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47.

**Synopsis:** Possession of firearms on state property. Prohibits a state agency, including a state supported college or university, 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 or leased by the state. Provides for certain exceptions. Voids, as of July 1, 2012, any rules or policies enacted or undertaken by a state agency before, on, or after June 30, 2012, concerning possession or transportation of firearms, ammunition, or firearm accessories on land or in structures owned or leased by the state. Allows a person to bring an action against a state agency if the person is adversely affected by a rule, a measure, an enactment, or a policy of the state agency that violates this law.

**Effective:** July 1, 2012.

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## Banks, Kruse

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January 4, 2012, read first time and referred to Committee on Judiciary.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 181



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 35-47-1-2.5, AS ADDED BY P.L.152-2011,  
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2012]: Sec. 2.5. "Ammunition", for purposes of IC 35-47-11.1  
 4 **and IC 35-47-16**, means:  
 5 (1) fixed cartridge ammunition;  
 6 (2) shotgun shells;  
 7 (3) the individual components of fixed cartridge ammunition and  
 8 shotgun shells;  
 9 (4) projectiles for muzzle loading firearms; and  
 10 (5) any propellant used in a firearm or in firearm ammunition.

11 SECTION 2. IC 35-47-16 IS ADDED TO THE INDIANA CODE  
 12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2012]:

14 **Chapter 16. Possession and Transportation of Firearms on State**  
 15 **Property**

16 **Sec. 1. This chapter does not apply to the administration or**  
 17 **enforcement of a:**



- 1 (1) statute enacted by the general assembly that:
- 2 (A) specifically concerns the ownership, possession,
- 3 carrying, use, discharge, transportation, registration,
- 4 transfer, and storage of firearms, ammunition, and
- 5 firearms accessories; or
- 6 (B) constitutes a crime or an infraction; or
- 7 (2) federal law.
- 8 Sec. 2. (a) As used in this chapter, "state agency" means an
- 9 authority, a board, a branch, a bureau, a commission, a committee,
- 10 a council, a department, a division, an office, an officer, a service,
- 11 or any other instrumentality of the executive, judicial, or legislative
- 12 branch of state government.
- 13 (b) The term includes a state supported college or university.
- 14 Sec. 3. Except as provided in section 5 of this chapter, a state
- 15 agency may not regulate the possession or transportation of
- 16 firearms, ammunition, or firearm accessories:
- 17 (1) on land that is; or
- 18 (2) in buildings and other structures that are;
- 19 owned or leased by the state.
- 20 Sec. 4. Any provision of a rule, a measure, an enactment, or a
- 21 policy of a state agency or of an employee or agent of a state
- 22 agency acting in an official capacity:
- 23 (1) enacted or undertaken before, on, or after June 30, 2012;
- 24 and
- 25 (2) that pertains to or affects the matters described in section
- 26 3 of this chapter;
- 27 is void.
- 28 Sec. 5. Section 3 of this chapter may not be construed to prevent
- 29 any of the following:
- 30 (1) A law enforcement agency from enacting and enforcing
- 31 rules or policies concerning firearms, ammunition, or firearm
- 32 accessories issued to or used by law enforcement officers in
- 33 the course of the officers' official duties.
- 34 (2) A court or an administrative law judge from hearing and
- 35 resolving any case or controversy, or issuing any opinion or
- 36 order, on a matter within the jurisdiction of the court or
- 37 judge.
- 38 (3) The enactment or enforcement of a provision prohibiting
- 39 or restricting the possession of a firearm in any building that
- 40 contains a courtroom used by the supreme court, court of
- 41 appeals, or tax court.
- 42 (4) The enactment or enforcement of a provision prohibiting

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1 or restricting the intentional display of a firearm at a public  
2 meeting.

3 **(5) For an event occurring on property leased from a state  
4 agency by the promoter or organizer of an event:**

5 **(A) the establishment, by the promoter or organizer, at the  
6 promoter's or organizer's own discretion, of rules of  
7 conduct or admission upon which attendance at or  
8 participation in the event is conditioned; or**

9 **(B) the implementation or enforcement of rules of conduct  
10 or admission described in clause (A) by a state agency in  
11 connection with the event.**

12 **(6) A state agency from enacting or enforcing a provision  
13 prohibiting or restricting the possession of a firearm in a  
14 building owned or administered by the state if:**

15 **(A) metal detection devices are located at each public  
16 entrance to the building;**

17 **(B) each public entrance to the building is staffed by at  
18 least one (1) law enforcement officer:**

19 **(i) who has been adequately trained to conduct  
20 inspections of persons entering the building by use of  
21 metal detection devices and proper physical pat down  
22 searches; and**

23 **(ii) when the building is open to the public; and**

24 **(C) each:**

25 **(i) individual who enters the building through the public  
26 entrance when the building is open to the public; and**

27 **(ii) bag, package, and other container carried by the  
28 individual;**

29 **is inspected by a law enforcement officer described in  
30 clause (B).**

31 **However, except as provided in subdivision (3) concerning a  
32 building that contains a courtroom, a state agency may not  
33 prohibit or restrict the possession of a handgun under this  
34 subdivision in a building owned or administered by the state  
35 if the person who possesses the handgun has been issued a  
36 valid license to carry the handgun under IC 35-47-2.**

37 **Sec. 6. Notwithstanding IC 34-13-3, a person adversely affected  
38 by a rule, a measure, an enactment, or a policy adopted or enforced  
39 by a state agency that violates this chapter may bring an action in  
40 a court against the state agency for:**

41 **(1) declarative and injunctive relief; and**

42 **(2) actual and consequential damages attributable to the**

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- violation.
- Sec. 7. A person is "adversely affected" for purposes of section 6 of this chapter if either of the following applies:
  - (1) The person is an individual who meets all the following requirements:
    - (A) The individual lawfully resides within the United States.
    - (B) The individual may legally possess a firearm under Indiana law.
    - (C) The individual is or was subject to the rule, measure, enactment, or policy of the state agency that is the subject of an action brought under section 6 of this chapter. An individual is or was subject to the rule, measure, enactment, or policy of the state agency if the individual is or was physically present within the jurisdiction of the state agency for any reason.
  - (2) The person is a membership organization that:
    - (A) includes at least two (2) individuals described in subdivision (1); and
    - (B) is dedicated in whole or in part to protecting the rights of persons who possess, own, or use firearms for competitive, sporting, defensive, or other lawful purposes.
- Sec. 8. Notwithstanding IC 34-13-3, a prevailing plaintiff in an action brought under section 6 of this chapter is entitled to recover the following from the state agency:
  - (1) The greater of the following:
    - (A) Actual damages, including consequential damages.
    - (B) Liquidated damages of three (3) times the plaintiff's attorney's fees.
  - (2) Court costs (including fees).
  - (3) Reasonable attorney's fees.

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