

Final Rule

LSA Document #08-321(F)

DIGEST

Amends [240 IAC 9-2-1](#) to exempt tasers, electronic stun guns, and chemicals or other devices designed to temporarily incapacitate a person from the classification of "deadly weapons" when used by trained law enforcement officers while lawfully engaged in the execution of official duties. Effective 30 days after filing with the Publisher.

[240 IAC 9-2-1](#)

SECTION 1. [240 IAC 9-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[240 IAC 9-2-1](#) Definitions

Authority: [IC 10-11-2-28](#)

Affected: [IC 35-41-1-26.5](#); [IC 35-41-1-29.4](#); [IC 35-47](#); [IC 35-47.5-2-4](#)

Sec. 1. The following definitions apply throughout this article:

(1) "Deadly weapon" means any of the following:

(A) A loaded or unloaded firearm (as defined in [IC 35-47-1-5](#)).

(B) A destructive device, weapon, device, taser (as defined in [IC 35-47-8-3](#)), electronic stun weapon (as defined in [IC 35-47-8-1](#)), or stun gun (as defined in [IC 35-47-8-2](#)), equipment, including knives, chemical substance, or other material, that, in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

(C) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(D) The term does not include:

(i) a taser (as defined in [IC 35-47-8-3](#));

(ii) an electronic stun weapon (as defined in [IC 35-47-8-1](#));

(iii) a chemical designed to temporarily incapacitate a person; or

(iv) another device designed to temporarily incapacitate a person;

if the device described in items (i) through (iv) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

(2) "Department" means the state police department.

(3) "Destructive device" has the meaning set forth in [IC 35-47.5-2-4](#).

(4) "Indiana government center campus" means the following:

(A) The state capitol building.

(B) The Indiana government center north.

(C) The Indiana government center south.

(D) The state library.

(E) The Washington Street garage.

(F) The Senate Avenue garage.

(G) The land adjacent to these buildings that is owned and controlled by the state.

(5) "Person" means:

(A) visitors;

(B) invitees;

(C) state employees;

(D) contractors; and

(E) agents.

(6) "Possession" means on or about a person's body or clothing, or in any:

(A) purse;

(B) backpack;

(C) cooler;

(D) sack;

(E) carrier; or

(F) other container;

carried by the person or under that person's direct and immediate control.

(7) "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population (as defined in [IC 35-41-1-26.5](#)).

(8) "Weapon of mass destruction" has the meaning set forth in [IC 35-41-1-29.4](#).

(State Police Department; [240 IAC 9-2-1](#); filed Feb 20, 2007, 3:17 p.m.: [20070321-IR-240060418FRA](#); filed Mar 24, 2009, 11:39 a.m.: [20090422-IR-240080321FRA](#))

LSA Document #08-321(F)

Notice of Intent: [20080430-IR-240080321NIA](#)

Proposed Rule: [20081126-IR-240080321PRA](#)

Hearing Held: December 30, 2008

Approved by Attorney General: March 16, 2009

Approved by Governor: March 18, 2009

Filed with Publisher: March 24, 2009, 11:39 a.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Lt. Todd E. Smith, Indiana State Police, 100 North Senate, Indianapolis, IN 46204, (317) 232-8998

Posted: 04/22/2009 by Legislative Services Agency

An [html](#) version of this document.