

SENATE BILL No. 95

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-11.1-4.

Synopsis: Local regulation of firearms. Specifies that certain restrictions on the local regulation of firearms, ammunition, and firearm accessories may not be construed to prevent a county, municipality, or township (unit) from regulating firearms, ammunition, or firearm accessories in a manner more restrictive than Indiana law if the regulation is recommended by a law enforcement agency of the unit and a local advocacy group that works to reduce gun violence in the community. Indicates particular regulations that meet these parameters. Provides that a regulation adopted by a unit must comply with the Constitution of the United States and the Constitution of the State of Indiana.

Effective: July 1, 2024.

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January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 95



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 35-47-11.1-4, AS AMENDED BY P.L.175-2022,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 4. This chapter may not be construed to prevent
4 any of the following:

- 5 (1) A law enforcement agency of a political subdivision from
6 enacting and enforcing regulations pertaining to firearms,
7 ammunition, or firearm accessories issued to or used by law
8 enforcement officers in the course of their official duties.
- 9 (2) Subject to IC 34-28-7-2, an employer from regulating or
10 prohibiting the employees of the employer from carrying firearms
11 and ammunition in the course of the employee's official duties.
- 12 (3) A court or administrative law judge from hearing and
13 resolving any case or controversy or issuing any opinion or order
14 on a matter within the jurisdiction of the court or judge.
- 15 (4) The enactment or enforcement of generally applicable zoning
16 or business ordinances that apply to firearms businesses to the
17 same degree as other similar businesses. However, a provision of



1 an ordinance that is designed or enforced to effectively restrict or
 2 prohibit the sale, purchase, transfer, manufacture, or display of
 3 firearms, ammunition, or firearm accessories that is otherwise
 4 lawful under the laws of this state is void. A unit (as defined in
 5 IC 36-1-2-23) may not use the unit's planning and zoning powers
 6 under IC 36-7-4 to prohibit the sale of firearms within a
 7 prescribed distance of any other type of commercial property or
 8 of school property or other educational property.

9 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 10 provision prohibiting or restricting the possession of a firearm in
 11 any building that contains the courtroom of a circuit, superior,
 12 city, town, or small claims court. However, if a portion of the
 13 building is occupied by a residential tenant or private business,
 14 any provision restricting or prohibiting the possession of a firearm
 15 does not apply to the portion of the building that is occupied by
 16 the residential tenant or private business, or to common areas of
 17 the building used by a residential tenant or private business.

18 (6) The enactment or enforcement of a provision prohibiting or
 19 restricting the intentional display of a firearm at a public meeting.

20 (7) The enactment or enforcement of a provision prohibiting or
 21 restricting the possession of a firearm in a public hospital
 22 corporation that contains a secure correctional health unit that is
 23 staffed by a law enforcement officer twenty-four (24) hours a day.

24 (8) The imposition of any restriction or condition placed on a
 25 person participating in:

26 (A) a community corrections program (IC 11-12-1);

27 (B) a forensic diversion program (IC 11-12-3.7); or

28 (C) a pretrial diversion program (IC 33-39-1).

29 (9) The enforcement or prosecution of the offense of criminal
 30 recklessness (IC 35-42-2-2) involving the use of a firearm.

31 (10) For an event occurring on property leased from a political
 32 subdivision or municipal corporation by the promoter or organizer
 33 of the event:

34 (A) the establishment, by the promoter or organizer, at the
 35 promoter's or organizer's own discretion, of rules of conduct or
 36 admission upon which attendance at or participation in the
 37 event is conditioned; or

38 (B) the implementation or enforcement of the rules of conduct
 39 or admission described in clause (A) by a political subdivision
 40 or municipal corporation in connection with the event.

41 (11) The enactment or enforcement of a provision prohibiting or
 42 restricting the possession of a firearm in a hospital established



1 and operated under IC 16-22-2 or IC 16-23.

2 (12) A unit from using the unit's planning and zoning powers
3 under IC 36-7-4 to prohibit the sale of firearms within two
4 hundred (200) feet of a school by a person having a business that
5 did not sell firearms within two hundred (200) feet of a school
6 before April 1, 1994.

7 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
8 from enacting or enforcing a provision prohibiting or restricting
9 the possession of a firearm in a building owned or administered
10 by the unit if:

11 (A) metal detection devices are located at each public entrance
12 to the building;

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

15 (i) who has been adequately trained to conduct inspections
16 of persons entering the building by use of metal detection
17 devices and proper physical pat down searches; and

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

19 (C) each:

20 (i) individual who enters the building through the public
21 entrance when the building is open to the public; and

22 (ii) bag, package, and other container carried by the
23 individual;

24 is inspected by a law enforcement officer described in clause

25 (B).

26 However, except as provided in subdivision (5) concerning a
27 building that contains a courtroom, a unit may not prohibit or
28 restrict the possession of a handgun under this subdivision in a
29 building owned or administered by the unit if the person who
30 possesses the handgun is not otherwise prohibited from carrying
31 or possessing a handgun.

32 **(14) A unit (as defined in IC 36-1-2-23) from regulating**
33 **firearms, ammunition, or firearm accessories in a manner**
34 **more restrictive than Indiana law, if the regulation is**
35 **recommended by a law enforcement agency of the unit and a**
36 **local advocacy group that works to reduce gun violence in the**
37 **community. A regulation described by this subdivision may**
38 **include:**

39 **(A) requiring the safe storage of firearms;**

40 **(B) requiring a license to carry a handgun;**

41 **(C) expanding background checks for firearm purchases;**

42 **(D) prohibiting the purchase of an assault weapon;**



1 **(E) raising the minimum age to purchase a firearm to**
2 **twenty-one (21) years of age; or**
3 **(F) strengthening laws concerning the seizure and**
4 **retention of a firearm from a dangerous person (red flag**
5 **laws).**
6 **However, a regulation adopted by a unit under this**
7 **subdivision must comply with the Constitution of the United**
8 **States and the Constitution of the State of Indiana.**

