



January 18, 2024

---

---

## HOUSE BILL No. 1235

---

DIGEST OF HB 1235 (Updated January 17, 2024 10:18 am - DI 140)

**Citations Affected:** IC 34-6; IC 34-12.

**Synopsis:** Prohibited causes of action concerning firearms. Provides that only the state of Indiana may bring or maintain an action by or on behalf of a political subdivision against a firearm or ammunition manufacturer, trade association, seller, or dealer, concerning certain matters. Prohibits a political subdivision from otherwise independently bringing or maintaining such an action. Specifies an exception.

**Effective:** Upon passage; July 1, 2024.

---

---

### Jeter, Manning, Davis, Torr

---

---

January 9, 2024, read first time and referred to Committee on Judiciary.  
January 18, 2024, reported — Do Pass.

---

---

HB 1235—LS 6990/DI 144





January 18, 2024

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.

## HOUSE BILL No. 1235

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 34-6-2-110, AS AMENDED BY P.L.2-2007,  
2 SECTION 371, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2024]: Sec. 110. "Political subdivision", for  
4 purposes of **IC 34-12-3.5 and IC 34-13-3**, means a:  
5 (1) county;  
6 (2) township;  
7 (3) city;  
8 (4) town;  
9 (5) separate municipal corporation;  
10 (6) special taxing district;  
11 (7) state educational institution;  
12 (8) city or county hospital;  
13 (9) school corporation;  
14 (10) board or commission of one (1) of the entities listed in  
15 subdivisions (1) through (9);  
16 (11) drug enforcement task force operated jointly by political  
17 subdivisions;

**HB 1235—LS 6990/DI 144**



1 (12) community correctional service program organized under  
2 IC 12-12-1; or

3 (13) solid waste management district established under IC 13-21  
4 or IC 13-9.5-2 (before its repeal).

5 SECTION 2. IC 34-12-3.5 IS ADDED TO THE INDIANA CODE  
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]:

8 **Chapter 3.5. Legal Actions by a Political Subdivision Against a**  
9 **Firearm or Ammunition Manufacturer, Trade Association, Seller,**  
10 **or Dealer**

11 **Sec. 1. This chapter applies to an action or suit filed by a**  
12 **political subdivision before, after, or on August 27, 1999.**

13 **Sec. 2. The following definitions apply throughout this chapter:**

14 (1) "Ammunition" has the meaning set forth in  
15 IC 35-47-1-2.5.

16 (2) "Firearm" has the meaning set forth in 18 U.S.C.  
17 921(a)(3).

18 (3) "Political subdivision" has the meaning set forth in  
19 IC 34-6-2-110.

20 (4) "Trade association" means a corporation, unincorporated  
21 association, federation, business league, professional  
22 organization, or business organization that meets all of the  
23 following requirements:

24 (A) The entity is not organized or operated for profit.

25 (B) No part of the net earnings of the entity inures to the  
26 benefit of a private shareholder or individual.

27 (C) The entity is an organization:

28 (i) described in 26 U.S.C. 501(c)(6); and

29 (ii) exempt from taxation under 26 U.S.C. 501(a).

30 (D) Two (2) or more members of the entity are  
31 manufacturers or dealers in firearms or ammunition.

32 **Sec. 3. (a) Notwithstanding IC 34-12-3 or any other law, only the**  
33 **state of Indiana may bring or maintain an action by or on behalf**  
34 **of a political subdivision against a firearm or ammunition**  
35 **manufacturer, trade association, seller, or dealer, concerning the:**

36 (1) design;

37 (2) manufacture;

38 (3) import;

39 (4) export;

40 (5) distribution;

41 (6) advertising;

42 (7) marketing;



1           **(8) sale; or**  
2           **(9) criminal, unlawful, or unintentional use;**  
3           **of a firearm, ammunition, or a component part of a firearm or**  
4           **ammunition.**  
5           **(b) Except as provided in subsection (c), notwithstanding**  
6           **IC 34-12-3 or any other law, a political subdivision may not**  
7           **independently bring or maintain an action described in subsection**  
8           **(a).**  
9           **(c) This section does not prohibit a political subdivision from**  
10           **bringing an action against a firearm or ammunition manufacturer,**  
11           **seller, or dealer alleging the breach of a contract or warranty as it**  
12           **relates to a firearm or ammunition purchased by the political**  
13           **subdivision.**  
14           **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1235 as introduced.)

JETER

Committee Vote: Yeas 8, Nays 2

