

HOUSE BILL No. 1339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-11.1.

Synopsis: Entertainment zones. Establishes entertainment zones within a consolidated city. Provides that the city-county council may establish a public safety plan for all or a designated part of an entertainment zone. Provides that a public safety plan for an entertainment zone may include a restriction on the possession of firearms within the entertainment zone, or within a particular area of the entertainment zone designated by the public safety plan, during certain hours. Establishes procedures for approving the public safety plan.

Effective: July 1, 2024.

DeLaney

January 10, 2024, read first time and referred to Committee on Veterans Affairs and Public Safety.



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. 1339



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) The enforcement by a consolidated city (as defined in**
33 **IC 3-5-2-12) of a restriction on the possession of firearms**
34 **within the bounds of a designated entertainment zone in**
35 **accordance with section 4.1 of this chapter.**

36 SECTION 2. IC 35-47-11.1-4.1 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2024]: **Sec. 4.1. (a) As used in this section,**
39 **"city-county council" refers to the Indianapolis city-county council**
40 **established by IC 36-3-4-2.**

41 **(b) As used in this section, "consolidated city" has the meaning**
42 **set forth in IC 3-5-2-12.**



1 (c) Notwithstanding any other law, restrictions on firearms may
 2 be imposed by a consolidated city within an entertainment zone
 3 that has been established under this section.

4 (d) The following entertainment zones are established within a
 5 consolidated city:

6 (1) The central business zoning district of Indianapolis.

7 (2) An area designated as a cultural district by the city of
 8 Indianapolis.

9 (e) The city-county council may establish a public safety plan for
 10 all or a designated part of an entertainment zone established by
 11 subsection (d). To establish a public safety plan, the city-county
 12 council must, with respect to each separate entertainment zone
 13 established by subsection (d), do the following:

14 (1) Adopt, after at least one (1) public hearing, a declaratory
 15 resolution that contains findings of fact related to the need for
 16 enhanced public safety measures within the entertainment
 17 zone, and directs the executive of the consolidated city, or the
 18 executive's designee, to prepare and submit to the city-county
 19 council a public safety plan describing with particularity the
 20 following:

21 (A) The enhanced public safety measures to be enforced
 22 within the entertainment zone (including the precise
 23 geographic description of the area within the
 24 entertainment zone in which the public safety measures
 25 shall be applied).

26 (B) The consolidated city's plan to enforce the enhanced
 27 public safety measures within the entertainment zone.

28 (C) The estimated cost of the enforcement described in
 29 clause (B).

30 (D) Feedback received from residents and business owners
 31 within the boundaries of the entertainment zone.

32 (2) Adopt, after at least one (1) public hearing after the public
 33 hearing described in subdivision (1), a confirmatory
 34 resolution approving the public safety plan for the
 35 entertainment zone.

36 (f) A public safety plan for an entertainment zone may include
 37 a restriction on the possession of firearms within the entertainment
 38 zone, or within a particular area of the entertainment zone
 39 designated by the public safety plan, during certain hours. Within
 40 the area designated by the public safety plan restricting the
 41 possession of a firearm, the consolidated city may enforce the
 42 restriction and may assist property owners or contracted security



1 officers in enforcing the firearm restriction.

2 (g) The penalty for a violation of the firearm restriction
3 described in subsection (f) shall be limited to the exclusion of a
4 pedestrian presenting at an entry point with a firearm from the
5 area in which the restriction applies, or removal from the area in
6 which the restriction applies of a visitor who is found to be
7 carrying a firearm within the area. This subsection shall not be
8 construed to authorize searches and seizures not otherwise
9 permitted by law or to authorize the imposition of any civil or
10 criminal penalties not otherwise permitted by law.

11 (h) A firearm restriction adopted as part of a public safety plan
12 under subsection (f) for an entertainment zone may be enforced
13 only if, in accordance with the public safety plan:

14 (1) all pedestrian entrances to the area of the entertainment
15 zone in which a firearm restriction applies, during the hours
16 when the firearm restriction is in place, have clearly posted
17 notices of the firearm restriction and the applicable hours;
18 and

19 (2) all vehicular access is blocked to the area of the
20 entertainment zone in which a firearm restriction applies
21 during the hours when the firearm restriction is in place.

22 (i) A firearm restriction adopted as part of a public safety plan
23 under subsection (f) for all or part of an entertainment zone shall
24 apply only to pedestrian visitors to the area of the entertainment
25 zone in which the firearm restriction applies who have entered the
26 restricted area, or who seek entry to the restricted area, through
27 controlled and clearly marked entry points. A firearm restriction
28 shall not apply to:

29 (1) any residents of the area encompassed by the firearm
30 restriction;

31 (2) possession or carrying of firearms by a person who owns
32 real property within the restricted area while on the person's
33 real property;

34 (3) any law enforcement officer; or

35 (4) a privately retained security officer that is identified to a
36 law enforcement agency designated by the city-county council.

