

HOUSE BILL No. 1258

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.7.

Synopsis: Firearms on state university campuses. Prohibits a regional campus (campus) of a state educational institution from imposing an enactment, measure, policy, or rule that prohibits or limits the legal carrying, possession, or transportation of a firearm while: (1) on land; or (2) in a building or other structure; leased or owned by the state educational institution. Allows a person adversely affected by campus firearm restrictions to bring a court action against the campus. Requires that 10% of the total operating appropriation for the campus of a state educational institution for the current state fiscal year must be withheld if the person prevails in the court action. Provides that appropriated money withheld from a campus shall be released to the campus upon the dissolution of any imposed firearms restrictions that were found to have adversely affected the person. Provides that the release of withheld money to a campus does not prevent or prohibit a person adversely affected by the firearms restrictions of the campus from seeking any additional relief permitted under state or federal law.

Effective: July 1, 2017.

Lucas

January 10, 2017, read first time and referred to Committee on Public Policy.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1258

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 35-47-2.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]:

4 **Chapter 2.7. Withholding of Campus Appropriations**

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

7 (1) **statute enacted by the general assembly that:**

8 (A) **specifically concerns the carrying, discharge,**
9 **ownership, possession, registration, storage, transfer,**
10 **transportation, or use of firearms, ammunition, or firearm**
11 **accessories; and**

12 (B) **specifies the elements of a crime or infraction; or**

13 (2) **federal law.**

14 **Sec. 2. The following terms apply throughout this chapter:**

15 (1) **"Adversely affected person" means a person who:**

16 (A) **lawfully resides in the United States; and**

17 (B) **is or was subject to an enactment, measure, policy, or**



- 1 rule of a regional campus of a state educational institution
 2 that limits or prohibits a person's ability to carry, possess,
 3 or transport a firearm while on land or in a building or
 4 other structure that is leased or owned by the state
 5 educational institution.
- 6 (2) "Budget agency" means the budget agency established by
 7 IC 4-12-1-3.
- 8 (3) "Budget bill" has the meaning set forth in IC 4-12-1-2.
- 9 (4) "Person" means a person who:
 10 (A) is not prohibited from carrying, possessing, or
 11 transporting a firearm; and
 12 (B) is a current:
 13 (i) staff member; or
 14 (ii) student;
 15 of a state educational institution.
- 16 (5) "State educational institution" has the meaning set forth
 17 in IC 21-7-13-32.
- 18 Sec. 3. Except as provided in section 1 of this chapter, a state
 19 educational institution may not regulate the carrying, possession,
 20 or transportation of ammunition, firearms, or firearms
 21 accessories:
 22 (1) on land that is; or
 23 (2) in buildings or other structures that are;
 24 leased or owned by the state educational institution.
- 25 Sec. 4. Notwithstanding IC 34-13-3, an adversely affected person
 26 may bring an action, in a court with jurisdiction, against the
 27 campus of a state educational institution for a violation of section
 28 3 of this chapter.
- 29 Sec. 5. (a) An adversely affected person may seek:
 30 (1) declarative or injunctive relief; and
 31 (2) actual and consequential damages;
 32 for a violation of section 3 of this chapter.
- 33 (b) If a person prevails against the campus of a state educational
 34 institution for a violation of section 3 of this chapter, the presiding
 35 court shall notify the budget agency of the issued judgment or
 36 relief.
- 37 Sec. 6. If an adversely affected person prevails in an action
 38 described in section 4 of this chapter, ten percent (10%) of the total
 39 operating appropriation made for the campus of a state
 40 educational institution by the budget bill for the current state fiscal
 41 year shall be withheld against the campus of the state educational
 42 institution and may not be allotted.



1 **Sec. 7. (a) Money withheld under section 6 of this chapter shall**
2 **be released to a state educational institution upon compliance with**
3 **section 3 of this chapter.**

4 **(b) A campus chancellor, president, or person of comparable**
5 **executive authority is responsible for demonstrating compliance**
6 **with section 3 of this chapter before money withheld under section**
7 **6 of this chapter may be released or allotted. A chancellor,**
8 **president, or person of comparable executive authority seeking the**
9 **release of money withheld under section 6 of this chapter must**
10 **certify compliance with section 3 of this chapter to the budget**
11 **agency before a withheld appropriation may be released or**
12 **allotted.**

13 **Sec. 8. The release of money previously withheld under section**
14 **6 of this chapter does not prevent or prohibit an adversely affected**
15 **person from seeking any additional relief permitted by state or**
16 **federal law.**

