

HOUSE BILL No. 1391

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-9-1.

Synopsis: Retired law enforcement officers and firearms. Exempts certain law enforcement and retired law enforcement officers described in the federal Law Enforcement Officers Safety Act (LEOSA) from the prohibition against carrying a firearm on school property. Makes conforming amendments.

Effective: July 1, 2020.

**Klinker, Stutzman, Wolkins,
Campbell**

January 15, 2020, read first time and referred to Committee on Education.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1391

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 35-47-9-1, AS AMENDED BY P.L.107-2019,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 1. (a) This chapter does not apply to the following:
4 (1) A:
5 (A) federal;
6 (B) state; or
7 (C) local;
8 law enforcement officer.
9 (2) A:
10 (A) **qualified law enforcement officer (as defined in 18**
11 **U.S.C. 926B); or**
12 **(B) qualified retired law enforcement officer (as defined in**
13 **18 U.S.C. 926C);**
14 **if the qualified law enforcement officer or qualified retired**
15 **law enforcement officer carries the identification required by**
16 **18 U.S.C. 926B or 18 U.S.C. 926C.**
17 (2) (3) A person who may legally possess a firearm and who has



- 1 been authorized by:
- 2 (A) a school board (as defined by IC 20-26-9-4); or
- 3 (B) the body that administers a charter school established
- 4 under IC 20-24;
- 5 to carry a firearm in or on school property.
- 6 ~~(3)~~ **(4)** Except as provided in subsection (b) or (c), a person who:
- 7 (A) may legally possess a firearm; and
- 8 (B) possesses the firearm in a motor vehicle.
- 9 ~~(4)~~ **(5)** A person who is a school resource officer, as defined in
- 10 IC 20-26-18.2-1.
- 11 ~~(5)~~ **(6)** Except as provided in subsection (b) or (c), a person who:
- 12 (A) may legally possess a firearm; and
- 13 (B) possesses only a firearm that is:
- 14 (i) locked in the trunk of the person's motor vehicle;
- 15 (ii) kept in the glove compartment of the person's locked
- 16 motor vehicle; or
- 17 (iii) stored out of plain sight in the person's locked motor
- 18 vehicle.
- 19 ~~(6)~~ **(7)** A person who:
- 20 (A) may legally possess a firearm; and
- 21 (B) possesses a firearm on school property in connection with
- 22 or while:
- 23 (i) attending a worship service or religious ceremony
- 24 conducted at a house of worship located on the school
- 25 property; or
- 26 (ii) carrying out the person's official duties at a house of
- 27 worship located on the school property, if the person is
- 28 employed by or a volunteer at the house of worship.
- 29 This subdivision does not affect the right of a property owner to
- 30 prohibit, in whole or in part, the possession of a firearm on a
- 31 property where a school or house of worship is located.
- 32 (b) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a
- 33 person does not include a person who is:
- 34 (1) enrolled as a student in any high school except if the person is
- 35 a high school student and is a member of a shooting sports team
- 36 and the school's principal has approved the person keeping a
- 37 firearm concealed in the person's motor vehicle on the days the
- 38 person is competing or practicing as a member of a shooting
- 39 sports team; or
- 40 (2) a former student of the school if the person is no longer
- 41 enrolled in the school due to a disciplinary action within the
- 42 previous twenty-four (24) months.



1 (c) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a
2 motor vehicle does not include a motor vehicle owned, leased, or
3 controlled by a school or school district unless the person who
4 possesses the firearm is authorized by the school or school district to
5 possess a firearm.

