

HOUSE BILL No. 1130

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-177.7; IC 35-47.

Synopsis: Judicial officers and firearms. Provides that certain judicial officers: (1) may possess and use a firearm in the same locations that a law enforcement officer who is authorized to carry a firearm may possess a firearm while the law enforcement officer is engaged in the execution of the law enforcement officer's official duties; and (2) may not be prohibited from possessing a firearm on land or in buildings and other structures owned or leased by the state or any agency of state government or a political subdivision. Specifies that a judicial officer who possesses and uses a firearm has the same civil and criminal immunities and defenses that a law enforcement officer has when the law enforcement officer: (1) possesses and uses a firearm; and (2) is engaged in the execution of the law enforcement officer's official duties.

Effective: July 1, 2014.

Goodin

January 9, 2014, read first time and referred to Committee on Public Policy.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1130

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 35-31.5-2-177.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 177.7. "Judicial officer", for**
4 **purposes of IC 35-47-16, has the meaning set forth in**
5 **IC 35-47-16-1.**

6 SECTION 2. IC 35-47-11.1-4, AS AMENDED BY P.L.6-2012,
7 SECTION 232, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2014]: Sec. 4. This chapter may not be
9 construed to prevent any of the following:

- 10 (1) A law enforcement agency of a political subdivision from
11 enacting and enforcing regulations pertaining to firearms,
12 ammunition, or firearm accessories issued to or used by law
13 enforcement officers in the course of their official duties.
14 (2) Subject to IC 34-28-7-2, an employer from regulating or
15 prohibiting the employees of the employer from carrying firearms
16 and ammunition in the course of the employee's official duties.



- 1 (3) A court or administrative law judge from hearing and
 2 resolving any case or controversy or issuing any opinion or order
 3 on a matter within the jurisdiction of the court or judge.
- 4 (4) The enactment or enforcement of generally applicable zoning
 5 or business ordinances that apply to firearms businesses to the
 6 same degree as other similar businesses. However, a provision of
 7 an ordinance that is designed or enforced to effectively restrict or
 8 prohibit the sale, purchase, transfer, manufacture, or display of
 9 firearms, ammunition, or firearm accessories that is otherwise
 10 lawful under the laws of this state is void. A unit (as defined in
 11 IC 36-1-2-23) may not use the unit's planning and zoning powers
 12 under IC 36-7-4 to prohibit the sale of firearms within a
 13 prescribed distance of any other type of commercial property or
 14 of school property or other educational property.
- 15 (5) **Subject to IC 35-47-16-2**, the enactment or enforcement of a
 16 provision prohibiting or restricting the possession of a firearm in
 17 any building that contains the courtroom of a circuit, superior,
 18 city, town, or small claims court. However, if a portion of the
 19 building is occupied by a residential tenant or private business,
 20 any provision restricting or prohibiting the possession of a firearm
 21 does not apply to the portion of the building that is occupied by
 22 the residential tenant or private business, or to common areas of
 23 the building used by a residential tenant or private business.
- 24 (6) The enactment or enforcement of a provision prohibiting or
 25 restricting the intentional display of a firearm at a public meeting.
- 26 (7) The enactment or enforcement of a provision prohibiting or
 27 restricting the possession of a firearm in a public hospital
 28 corporation that contains a secure correctional health unit that is
 29 staffed by a law enforcement officer twenty-four (24) hours a day.
- 30 (8) The imposition of any restriction or condition placed on a
 31 person participating in:
- 32 (A) a community corrections program (IC 11-12-1);
 33 (B) a forensic diversion program (IC 11-12-3.7); or
 34 (C) a pretrial diversion program (IC 33-39-1).
- 35 (9) The enforcement or prosecution of the offense of criminal
 36 recklessness (IC 35-42-2-2) involving the use of a firearm.
- 37 (10) For an event occurring on property leased from a political
 38 subdivision or municipal corporation by the promoter or organizer
 39 of the event:
- 40 (A) the establishment, by the promoter or organizer, at the
 41 promoter's or organizer's own discretion, of rules of conduct or
 42 admission upon which attendance at or participation in the



- 1 event is conditioned; or
 2 (B) the implementation or enforcement of the rules of conduct
 3 or admission described in clause (A) by a political subdivision
 4 or municipal corporation in connection with the event.
- 5 (11) The enactment or enforcement of a provision prohibiting or
 6 restricting the possession of a firearm in a hospital established
 7 and operated under IC 16-22-2 or IC 16-23.
- 8 (12) A unit from using the unit's planning and zoning powers
 9 under IC 36-7-4 to prohibit the sale of firearms within two
 10 hundred (200) feet of a school by a person having a business that
 11 did not sell firearms within two hundred (200) feet of a school
 12 before April 1, 1994.
- 13 (13) **Subject to IC 35-47-16-2**, a unit (as defined in
 14 IC 36-1-2-23) from enacting or enforcing a provision prohibiting
 15 or restricting the possession of a firearm in a building owned or
 16 administered by the unit if:
- 17 (A) metal detection devices are located at each public entrance
 18 to the building;
- 19 (B) each public entrance to the building is staffed by at least
 20 one (1) law enforcement officer:
- 21 (i) who has been adequately trained to conduct inspections
 22 of persons entering the building by use of metal detection
 23 devices and proper physical pat down searches; and
 24 (ii) when the building is open to the public; and
- 25 (C) each:
- 26 (i) individual who enters the building through the public
 27 entrance when the building is open to the public; and
 28 (ii) bag, package, and other container carried by the
 29 individual;
- 30 is inspected by a law enforcement officer described in clause
 31 (B).
- 32 However, except as provided in subdivision (5) concerning a
 33 building that contains a courtroom, a unit may not prohibit or
 34 restrict the possession of a handgun under this subdivision in a
 35 building owned or administered by the unit if the person who
 36 possesses the handgun has been issued a valid license to carry the
 37 handgun under IC 35-47-2.
- 38 SECTION 3. IC 35-47-16 IS ADDED TO THE INDIANA CODE
 39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]:
- 41 **Chapter 16. Possession of Firearms by Judicial Officers**
 42 **Sec. 1. As used in this chapter, "judicial officer" means an**



1 individual who holds one (1) of the following offices or
2 appointments:

- 3 (1) Justice of the supreme court.
4 (2) Judge of the court of appeals.
5 (3) Judge of the tax court.
6 (4) Judge of a circuit court.
7 (5) Judge of a superior court.
8 (6) Judge of a probate court.
9 (7) Judge of a city court.
10 (8) Judge of a town court.
11 (9) Judge of a small claims court.
12 (10) A judge pro tempore, a senior judge, a temporary judge,
13 or any other individual serving as judge in an action or a
14 proceeding in an Indiana court.
15 (11) Magistrate.

16 **Sec. 2. A judicial officer:**

- 17 (1) may possess and use a firearm in the same locations that
18 a law enforcement officer who is authorized to carry a
19 firearm under IC 5-2-1 may possess a firearm while the law
20 enforcement officer is engaged in the execution of the law
21 enforcement officer's official duties; and
22 (2) may not be prohibited from possessing a firearm on land
23 or in buildings and other structures owned or leased by:
24 (A) the state or any agency of state government; or
25 (B) a political subdivision (as defined in IC 3-5-2-38).

26 **Sec. 3. A judicial officer who possesses a firearm as described in**
27 **section 2 of this chapter has the same civil and criminal immunities**
28 **and defenses concerning possession and use of the firearm that a**
29 **law enforcement officer has when the law enforcement officer:**

- 30 (1) possesses and uses a firearm; and
31 (2) is engaged in the execution of the law enforcement officer's
32 official duties.

