

SENATE BILL No. 216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-47-2-25.

Synopsis: Storage of firearms at public venues. Provides that a person in possession of: (1) a valid Indiana handgun permit; or (2) a valid handgun permit from a state sharing a reciprocity agreement with Indiana; may carry or possess a handgun on the grounds or premises of certain buildings, facilities, and structures. Provides that a law enforcement officer or an off duty law enforcement officer may carry or possess a handgun on the grounds or premises of certain buildings, facilities, or structures without restriction. Creates certain exceptions. Provides that any: (1) administrative rule; (2) contractual term; (3) ordinance; (4) policy; (5) regulation; (6) rule; or (7) statute; that prevents or prohibits a person possessing a valid handgun permit or a law enforcement officer from carrying or possessing a handgun on the grounds or premises of certain buildings, facilities, or structures, is void. Creates certain exceptions.

Effective: July 1, 2018.

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January 3, 2018, read first time and referred to Committee on Judiciary.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 216

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 35-31.5-2-177.6 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 177.6. "Invitee", for purposes of**
4 **IC 35-47-2-25, has the meaning set forth in IC 35-47-2-25(a).**
5 SECTION 2. IC 35-31.5-2-185, AS AMENDED BY P.L.238-2015,
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2018]: Sec. 185. (a) "Law enforcement officer" means:
8 (1) a police officer (including a correctional police officer),
9 sheriff, constable, marshal, prosecuting attorney, special
10 prosecuting attorney, special deputy prosecuting attorney, the
11 securities commissioner, or the inspector general;
12 (2) a deputy of any of those persons;
13 (3) an investigator for a prosecuting attorney or for the inspector
14 general;
15 (4) a conservation officer;
16 (5) an enforcement officer of the alcohol and tobacco
17 commission;



1 (6) an enforcement officer of the securities division of the office
2 of the secretary of state; or

3 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
4 control officer employed by the gaming control division under
5 IC 4-33-20.

6 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
7 includes an alcoholic beverage enforcement officer, as set forth in
8 IC 35-42-2-1.

9 (c) "Law enforcement officer", for purposes of IC 35-45-15,
10 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

11 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
12 IC 35-44.1-3-2, includes a school resource officer (as defined in
13 IC 20-26-18.2-1) and a school corporation police officer appointed
14 under IC 20-26-16.

15 (e) **"Law enforcement officer", for purposes of IC 35-47-2-25,
16 has the meaning set forth in IC 35-47-2-25(a).**

17 SECTION 3. IC 35-31.5-2-237.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2018]: **Sec. 237.5. "Political subdivision", for
20 purposes of IC 35-47-2-25, has the meaning set forth in
21 IC 35-47-2-25(a).**

22 SECTION 4. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
24 1, 2018]: **Sec. 25. (a) The following terms are defined for this
25 section:**

26 (1) **"Invitee" means a person who pays consideration for a
27 license to attend a concert, competition, exhibition, show, or
28 activity of a comparable nature at a specific building, facility,
29 structure, or venue.**

30 (2) **"Law enforcement officer" means any of the following:**

31 (A) **A state police officer.**

32 (B) **A county sheriff.**

33 (C) **A county police officer.**

34 (D) **A correctional officer.**

35 (E) **An excise police officer.**

36 (F) **A county police reserve officer.**

37 (G) **A conservation enforcement officer.**

38 (H) **A town marshal.**

39 (I) **A deputy town marshal.**

40 (J) **A state educational institution police officer appointed
41 under IC 21-39-4.**

42 (K) **A person employed by a political subdivision and**



- 1 appointed as a special deputy under IC 36-8-10-10.6.
 2 (L) A school corporation police officer appointed under
 3 IC 20-26-16.
 4 (M) A police officer of a public or private postsecondary
 5 educational institution whose board of trustees has
 6 established a police department under IC 21-17-5-2 or
 7 IC 21-39-4-2.
 8 (3) "Political subdivision" has the meaning set forth in
 9 IC 36-1-2-13.
 10 (b) A building, structure, facility, or venue that is:
 11 (1) administered, controlled, maintained, managed, operated,
 12 or owned by a political subdivision; and
 13 (2) used:
 14 (A) by a professional sports franchise for practice or
 15 competitive sporting events; or
 16 (B) as a site for:
 17 (i) the hosting of conventions serving national or regional
 18 markets;
 19 (ii) the hosting of tourism related events serving national
 20 or regional markets;
 21 (iii) a museum;
 22 (iv) a zoo;
 23 (v) public attractions of national significance;
 24 (vi) a performing arts venue; or
 25 (vii) a concert;
 26 shall provide invitees with the means to safely and securely store
 27 a handgun on grounds or premises affiliated with or located within
 28 a building, facility, structure, or venue described in this section.
 29 (c) A person in possession of a:
 30 (1) valid Indiana handgun permit; or
 31 (2) valid handgun permit from a state sharing a reciprocity
 32 agreement with Indiana;
 33 may carry or possess a handgun on the grounds or premises
 34 affiliated with or located within a building, facility, structure, or
 35 venue described in subsection (b) for the purpose of safely and
 36 securely storing the person's handgun in a handgun storage facility
 37 required under subsection (b).
 38 (d) Subject to subsection (g):
 39 (1) an identifiable law enforcement officer; or
 40 (2) an off duty law enforcement officer:
 41 (A) displaying; or
 42 (B) in possession of;



1 **identification or credentials capable of identifying the officer**
 2 **as a law enforcement officer;**
 3 **may carry or possess a handgun on the grounds or premises**
 4 **affiliated with or located within a building, facility, structure, or**
 5 **venue described in subsection (b) without restriction.**

6 **(e) Notwithstanding any other law or provision, any:**

- 7 **(1) administrative rule;**
 8 **(2) contractual term;**
 9 **(3) ordinance;**
 10 **(4) policy;**
 11 **(5) regulation;**
 12 **(6) rule; or**
 13 **(7) statute;**

14 **that prevents or prohibits a person in possession of a valid Indiana**
 15 **handgun permit or a valid handgun permit from a state with a**
 16 **reciprocity agreement with Indiana from carrying or possessing a**
 17 **handgun on the grounds or premises affiliated with or located**
 18 **within a building, facility, structure, or venue described in**
 19 **subsection (b) for the purpose of safely and securely storing the**
 20 **person's handgun in a handgun storage facility required under**
 21 **subsection (b) is void.**

22 **(f) Notwithstanding any other law or provision, any:**

- 23 **(1) administrative rule;**
 24 **(2) contractual term;**
 25 **(3) ordinance;**
 26 **(4) policy;**
 27 **(5) regulation;**
 28 **(6) rule; or**
 29 **(7) statute;**

30 **that prevents or prohibits an identifiable law enforcement officer**
 31 **or an off duty law enforcement officer displaying or possessing**
 32 **credentials or identification that identify the off duty law**
 33 **enforcement officer as a law enforcement officer from carrying or**
 34 **possessing a handgun on the grounds or premises affiliated with or**
 35 **located within a building, facility, structure, or venue described in**
 36 **subsection (b) is void.**

37 **(g) This section may not be construed to prevent building,**
 38 **facility, structure, or venue management from regulating the carry**
 39 **or possession of firearms:**

- 40 **(1) by building, facility, structure, or venue employees**
 41 **(subject to IC 35-47-11.1-4);**
 42 **(2) in controlled or restricted access areas of the building,**



- 1 **facility, structure, or venue;**
- 2 **(3) in areas where alcohol may be purchased or consumed by**
- 3 **invitees;**
- 4 **(4) in areas where children are present or expected to be**
- 5 **present; or**
- 6 **(5) in areas where invitees congregate, need to congregate, or**
- 7 **are expected to congregate for the purpose of attending or**
- 8 **observing a concert, competition, exhibition, show, or activity**
- 9 **of a comparable nature.**

