



February 23, 2024

ENGROSSED HOUSE BILL No. 1235

DIGEST OF HB 1235 (Updated February 20, 2024 4:52 pm - DI 106)

Citations Affected: IC 34-6; IC 34-12.

Synopsis: Prohibited causes of action concerning firearms. Provides that only the state of Indiana may bring or maintain an action by or on behalf of a political subdivision against a firearm or ammunition manufacturer, trade association, seller, or dealer, concerning certain matters. Prohibits a political subdivision from otherwise independently bringing or maintaining such an action. Specifies exceptions.

Effective: Upon passage; July 1, 2024.

Jeter, Manning, Davis, Torr

(SENATE SPONSORS — FREEMAN, TOMES, DORIOT, BOHACEK)

January 9, 2024, read first time and referred to Committee on Judiciary.
January 18, 2024, reported — Do Pass.
January 22, 2024, read second time, ordered engrossed. Engrossed.
January 23, 2024, read third time, passed. Yeas 68, nays 27.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Corrections and Criminal Law.
February 22, 2024, amended, reported favorably — Do Pass.

EH 1235—LS 6990/DI 144



February 23, 2024

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.

ENGROSSED HOUSE BILL No. 1235

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-110, AS AMENDED BY P.L.2-2007,
2 SECTION 371, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: Sec. 110. "Political subdivision", for
4 purposes of **IC 34-12-3.5 and IC 34-13-3**, means a:
5 (1) county;
6 (2) township;
7 (3) city;
8 (4) town;
9 (5) separate municipal corporation;
10 (6) special taxing district;
11 (7) state educational institution;
12 (8) city or county hospital;
13 (9) school corporation;
14 (10) board or commission of one (1) of the entities listed in
15 subdivisions (1) through (9);
16 (11) drug enforcement task force operated jointly by political
17 subdivisions;

EH 1235—LS 6990/DI 144



1 (12) community correctional service program organized under
2 IC 12-12-1; or

3 (13) solid waste management district established under IC 13-21
4 or IC 13-9.5-2 (before its repeal).

5 SECTION 2. IC 34-12-3.5 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]:

8 **Chapter 3.5. Legal Actions by a Political Subdivision Against a**
9 **Firearm or Ammunition Manufacturer, Trade Association, Seller,**
10 **or Dealer**

11 **Sec. 1. This chapter applies to an action or suit filed by a**
12 **political subdivision before, after, or on August 27, 1999.**

13 **Sec. 2. The following definitions apply throughout this chapter:**

14 (1) "Ammunition" has the meaning set forth in
15 IC 35-47-1-2.5.

16 (2) "Firearm" has the meaning set forth in 18 U.S.C.
17 921(a)(3).

18 (3) "Political subdivision" has the meaning set forth in
19 IC 34-6-2-110.

20 (4) "Trade association" means a corporation, unincorporated
21 association, federation, business league, professional
22 organization, or business organization that meets all of the
23 following requirements:

24 (A) The entity is not organized or operated for profit.

25 (B) No part of the net earnings of the entity inures to the
26 benefit of a private shareholder or individual.

27 (C) The entity is an organization:

28 (i) described in 26 U.S.C. 501(c)(6); and

29 (ii) exempt from taxation under 26 U.S.C. 501(a).

30 (D) Two (2) or more members of the entity are
31 manufacturers or dealers in firearms or ammunition.

32 **Sec. 3. (a) Notwithstanding IC 34-12-3 or any other law, only the**
33 **state of Indiana may bring or maintain an action by or on behalf**
34 **of a political subdivision against a firearm or ammunition**
35 **manufacturer, trade association, seller, or dealer, concerning the:**

36 (1) design;

37 (2) manufacture;

38 (3) import;

39 (4) export;

40 (5) distribution;

41 (6) advertising;

42 (7) marketing;



1 **(8) sale; or**
2 **(9) criminal, unlawful, or unintentional use;**
3 **of a firearm, ammunition, or a component part of a firearm or**
4 **ammunition.**
5 **(b) Except as provided in subsection (c), notwithstanding**
6 **IC 34-12-3 or any other law, a political subdivision may not**
7 **independently bring or maintain an action described in subsection**
8 **(a).**
9 **(c) This section does not prohibit a political subdivision from**
10 **bringing an action against a firearm or ammunition manufacturer,**
11 **seller, or dealer:**
12 **(1) alleging the breach of a contract or warranty as it relates**
13 **to a firearm or ammunition purchased by the political**
14 **subdivision; or**
15 **(2) to enforce a generally applicable zoning or business**
16 **ordinance that applies to a firearm or ammunition**
17 **manufacturer, seller, or dealer to the same degree as other**
18 **similar businesses.**
19 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1235 as introduced.)

JETER

Committee Vote: Yeas 8, Nays 2

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 9 through 13, begin a new paragraph and insert:

"(c) This section does not prohibit a political subdivision from bringing an action against a firearm or ammunition manufacturer, seller, or dealer:

(1) alleging the breach of a contract or warranty as it relates to a firearm or ammunition purchased by the political subdivision; or

(2) to enforce a generally applicable zoning or business ordinance that applies to a firearm or ammunition manufacturer, seller, or dealer to the same degree as other similar businesses."

and when so amended that said bill do pass.

(Reference is to HB 1235 as printed January 18, 2024.)

FREEMAN, Chairperson

Committee Vote: Yeas 5, Nays 3.

