



February 14, 2017

SENATE BILL No. 43

DIGEST OF SB 43 (Updated February 13, 2017 12:32 pm - DI 128)

Citations Affected: IC 34-28.

Synopsis: Possession of firearms in locked vehicles. Removes penal facilities from the list of locations where employer ordinances, resolutions, policies, or rules prohibiting the keeping of firearms on employer property may be enforced. Provides that a penal facility shall require an employee to: (1) secure the employee's firearm or ammunition or both in a locked case, and (2) store the firearm or ammunition or both in the trunk, glove compartment, or out of plain sight in the employee's locked vehicle.

Effective: July 1, 2017.

Tomes

January 3, 2017, read first time and referred to Committee on Civil Law.
February 13, 2017, amended, reported favorably — Do Pass.

SB 43—LS 6045/DI 123



February 14, 2017

First Regular Session 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.

SENATE BILL No. 43

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 34-28-7-2, AS AMENDED BY P.L.157-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 2. (a) Notwithstanding any other law and except
4 as provided in ~~subsection~~ **subsections (b) and (c)**, a person may not
5 adopt or enforce an ordinance, a resolution, a policy, or a rule that:
6 (1) prohibits; or
7 (2) has the effect of prohibiting;
8 an employee of the person, including a contract employee, from
9 possessing a firearm or ammunition that is locked in the trunk of the
10 employee's vehicle, kept in the glove compartment of the employee's
11 locked vehicle, or stored out of plain sight in the employee's locked
12 vehicle.
13 (b) Subsection (a) does not prohibit the adoption or enforcement of
14 an ordinance, a resolution, a policy, or a rule that prohibits or has the
15 effect of prohibiting an employee of the person, including a contract
16 employee, from possessing a firearm or ammunition:
17 (1) on the property of:

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- 1 (A) a child caring institution;
 2 (B) an emergency shelter care child caring institution;
 3 (C) a private secure facility;
 4 (D) a group home;
 5 (E) an emergency shelter care group home; or
 6 (F) a child care center;
 7 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
 8 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
 9 IAC 3-4.7-19;
 10 ~~(2) on the property of a penal facility (as defined in~~
 11 ~~IC 35-31.5-2-232);~~
 12 ~~(3) (2) in violation of federal law;~~
 13 ~~(4) (3) in or on property belonging to an approved postsecondary~~
 14 ~~educational institution (as defined in IC 21-7-13-6(b));~~
 15 ~~(5) (4) on the property of a domestic violence shelter;~~
 16 ~~(6) (5) at the employer's residence;~~
 17 ~~(7) (6) on the property of a person that is:~~
 18 (A) subject to the United States Department of Homeland
 19 Security's Chemical Facility Anti-Terrorism Standards issued
 20 April 9, 2007; and
 21 (B) licensed by the United States Nuclear Regulatory
 22 Commission under Title 10 of the Code of Federal
 23 Regulations;
 24 ~~(8) (7) on property owned by:~~
 25 (A) a public utility (as defined in IC 8-1-2-1) that generates
 26 and transmits electric power; or
 27 (B) a department of public utilities created under IC 8-1-11.1;
 28 or
 29 ~~(9) (8) in the employee's personal vehicle if the employee,~~
 30 ~~including a contract employee, is a direct support professional~~
 31 ~~who:~~
 32 (A) works directly with individuals with developmental
 33 disabilities to assist the individuals to become integrated into
 34 the individuals' community or least restrictive environment;
 35 and
 36 (B) uses the employee's personal vehicle while transporting an
 37 individual with developmental disabilities.
 38 **(c) A person shall adopt or enforce an ordinance, a resolution,**
 39 **a policy, or a rule that requires an employee of the person,**
 40 **including a contract employee, who possesses a firearm or**
 41 **ammunition on the property of a penal facility (as defined in**
 42 **IC 35-31.5-2-232), to:**



- 1 **(1) secure the firearm or ammunition or both in a locked case;**
- 2 **and**
- 3 **(2) store the firearm or ammunition or both:**
- 4 **(A) in the trunk of the employee's vehicle;**
- 5 **(B) in the glove compartment of the employee's locked**
- 6 **vehicle; or**
- 7 **(C) out of plain sight in the employee's locked vehicle.**



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 43, 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 1, line 4, strike "subsection" and insert "**subsections**".

Page 1, line 4, after "(b)" delete "," and insert "**and (c)**".

Page 2, after line 37, begin a new paragraph and insert:

"(c) A person shall adopt or enforce an ordinance, a resolution, a policy, or a rule that requires an employee of the person, including a contract employee, who possesses a firearm or ammunition on the property of a penal facility (as defined in IC 35-31.5-2-232), to:

- (1) secure the firearm or ammunition or both in a locked case;**
- and**
- (2) store the firearm or ammunition or both:**
 - (A) in the trunk of the employee's vehicle;**
 - (B) in the glove compartment of the employee's locked vehicle; or**
 - (C) out of plain sight in the employee's locked vehicle."**

and when so amended that said bill do pass.

(Reference is to SB 43 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 1.

