



March 24, 2017

ENGROSSED SENATE BILL No. 43

DIGEST OF SB 43 (Updated March 22, 2017 4:43 pm - DI 107)

Citations Affected: IC 2-3; IC 34-28.

Synopsis: Firearms matters. 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 in the trunk or glove compartment or out of plain sight in the employee's locked vehicle. Permits certain employees of the general assembly and members of the Indiana lobby registration commission to carry a handgun within the state capitol building and on the property of the state capitol complex if the employee or member: (1) possesses a valid Indiana license to carry a handgun; and (2) is otherwise permitted to possess a handgun.

Effective: Upon passage.

**Tomes, Head, Kruse, Doriot, Glick,
Charbonneau, Hershman, Ford, Buck,
Boots, Brown L, Eckerty, Young M,
Crane, Niemeyer, Koch, Walker, Messmer,
Houchin, Freeman, Crider, Leising,
Sandlin, Delph, Becker**
(HOUSE SPONSORS — LUCAS, MACER, JUDY)

January 3, 2017, read first time and referred to Committee on Civil Law.
February 13, 2017, amended, reported favorably — Do Pass.
February 16, 2017, read second time, ordered engrossed. Engrossed.
February 20, 2017, returned to second reading.
February 21, 2017, re-read second time, amended, ordered engrossed.
February 22, 2017, re-engrossed.
February 23, 2017, read third time, passed. Yeas 40, nays 9.

HOUSE ACTION

March 6, 2017, read first time and referred to Committee on Public Policy.
March 23, 2017, amended, reported — Do Pass.

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March 24, 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.

ENGROSSED 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 2-3-10 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 10. Handguns**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 (1) "Governing authority" means:

7 (A) the speaker of the house of representatives, with
8 respect to employees of the house of representatives;

9 (B) the president pro tempore of the senate, with respect to
10 employees of the senate;

11 (C) the legislative council, with respect to employees of the
12 legislative services agency; or

13 (D) the Indiana lobby registration commission established
14 under IC 2-7-1.6-1, with respect to employees of the
15 Indiana lobby registration commission.

16 (2) "Professional staff of the general assembly" means a
17 permanent employee of the house of representatives, senate,

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1 **Indiana lobby registration commission, or legislative services**
 2 **agency whose primary function is:**

3 **(A) assisting members of the general assembly in**
 4 **communicating with constituents and responding to**
 5 **constituent concerns;**

6 **(B) advising members of the general assembly concerning**
 7 **the preparation, analysis, fiscal impact, and policy**
 8 **implications of proposed legislation;**

9 **(C) preparing, printing, distributing, editing, or revising**
 10 **proposed legislation and amendments to proposed**
 11 **legislation;**

12 **(D) performing administrative and clerical functions**
 13 **necessary to the operation of the general assembly,**
 14 **including providing travel and payroll services;**

15 **(E) providing technology support to the general assembly**
 16 **or an employee of the general assembly; or**

17 **(F) carrying out the duties of the Indiana lobby**
 18 **registration commission.**

19 **The term includes officers of the house of representatives and**
 20 **of the senate, and any person whose primary function is to**
 21 **supervise a person described in clauses (A) through (E).**

22 **Sec. 2. A member of the general assembly who:**

23 **(1) possesses a valid Indiana license to carry a handgun; and**

24 **(2) is otherwise permitted to possess a handgun;**

25 **has the right to carry a handgun within the state capitol building**
 26 **and on the property of the state capitol complex.**

27 **Sec. 3. (a) Subject to governing authority rules and policies**
 28 **concerning personnel practices, a member of the professional staff**
 29 **of the general assembly who:**

30 **(1) possesses a valid Indiana license to carry a handgun; and**

31 **(2) is otherwise permitted to possess a handgun;**

32 **has the right to carry a handgun within the state capitol building**
 33 **and on the property of the state capitol complex.**

34 **(b) A member of the Indiana lobby registration commission**
 35 **established under IC 2-7-1.6-1 who:**

36 **(1) possesses a valid Indiana license to carry a handgun; and**

37 **(2) is otherwise permitted to possess a handgun;**

38 **has the right to carry a handgun within the state capitol building**
 39 **and on the property of the state capitol complex.**

40 **SECTION 2. IC 34-28-7-2, AS AMENDED BY P.L.157-2014,**
 41 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 42 **UPON PASSAGE]: Sec. 2. (a) Notwithstanding any other law and**



1 except as provided in ~~subsection~~ **subsections (b) and (c)**, a person may
 2 not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

3 (1) prohibits; or

4 (2) has the effect of prohibiting;

5 an employee of the person, including a contract employee, from
 6 possessing a firearm or ammunition that is locked in the trunk of the
 7 employee's vehicle, kept in the glove compartment of the employee's
 8 locked vehicle, or stored out of plain sight in the employee's locked
 9 vehicle.

10 (b) Subsection (a) does not prohibit the adoption or enforcement of
 11 an ordinance, a resolution, a policy, or a rule that prohibits or has the
 12 effect of prohibiting an employee of the person, including a contract
 13 employee, from possessing a firearm or ammunition:

14 (1) on the property of:

15 (A) a child caring institution;

16 (B) an emergency shelter care child caring institution;

17 (C) a private secure facility;

18 (D) a group home;

19 (E) an emergency shelter care group home; or

20 (F) a child care center;

21 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
 22 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
 23 IAC 3-4.7-19;

24 ~~(2) on the property of a penal facility (as defined in~~
 25 ~~IC 35-31.5-2-232);~~

26 ~~(3) (2)~~ in violation of federal law;

27 ~~(4) (3)~~ in or on property belonging to an approved postsecondary
 28 educational institution (as defined in IC 21-7-13-6(b));

29 ~~(5) (4)~~ on the property of a domestic violence shelter;

30 ~~(6) (5)~~ at the employer's residence;

31 ~~(7) (6)~~ on the property of a person that is:

32 (A) subject to the United States Department of Homeland
 33 Security's Chemical Facility Anti-Terrorism Standards issued
 34 April 9, 2007; and

35 (B) licensed by the United States Nuclear Regulatory
 36 Commission under Title 10 of the Code of Federal
 37 Regulations;

38 ~~(8) (7)~~ on property owned by:

39 (A) a public utility (as defined in IC 8-1-2-1) that generates
 40 and transmits electric power; or

41 (B) a department of public utilities created under IC 8-1-11.1;
 42 or



- 1 (9) (8) in the employee's personal vehicle if the employee,
2 including a contract employee, is a direct support professional
3 who:
4 (A) works directly with individuals with developmental
5 disabilities to assist the individuals to become integrated into
6 the individuals' community or least restrictive environment;
7 and
8 (B) uses the employee's personal vehicle while transporting an
9 individual with developmental disabilities.
- 10 (c) **A person shall adopt or enforce an ordinance, a resolution,**
11 **a policy, or a rule that requires an employee of the person,**
12 **including a contract employee, who possesses a firearm or**
13 **ammunition on the property of a penal facility (as defined in**
14 **IC 35-31.5-2-232), to:**
15 (1) **secure the firearm or ammunition or both in a locked case;**
16 **and**
17 (2) **store the firearm or ammunition, or both:**
18 **(A) in the trunk of the employee's vehicle;**
19 **(B) in the glove compartment of the employee's locked**
20 **vehicle; or**
21 **(C) out of plain sight in the employee's locked vehicle.**
22 **SECTION 3. An emergency is declared for this act.**



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.

 SENATE MOTION

Madam President: I move that Engrossed Senate Bill 43, which is eligible for third reading, be returned to second reading for purposes of amendment.

TOMES

 SENATE MOTION

Madam President: I move that Senate Bill 43 be amended to read as follows:

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Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-3-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 10. Handguns

Sec. 1. The following definitions apply throughout this chapter:

(1) "Governing authority" means:

(A) the speaker of the house of representatives, with respect to employees of the house of representatives;

(B) the president pro tempore of the senate, with respect to employees of the senate; or

(C) the legislative council, with respect to employees of the legislative services agency.

(2) "Professional staff of the general assembly" means a permanent full-time employee of the house of representatives, senate, or legislative services agency whose primary function is:

(A) assisting members of the general assembly in communicating with constituents and responding to constituent concerns;

(B) advising members of the general assembly concerning the preparation, analysis, fiscal impact, and policy implications of proposed legislation;

(C) preparing, printing, distributing, editing, or revising proposed legislation and amendments to proposed legislation;

(D) performing administrative and clerical functions necessary to the operation of the general assembly, including providing travel and payroll services; or

(E) providing technology support to the general assembly or an employee of the general assembly.

The term includes officers of the house of representatives and of the senate, and any person whose primary function is to supervise a person described in clauses (A) through (E).

Sec. 2. A member of the general assembly who:

(1) possesses a valid Indiana license to carry a handgun; and

(2) is otherwise permitted to possess a handgun;

has the right to carry a handgun within the state capitol building and on the property of the state capitol complex.

Sec. 3. Subject to governing authority rules and policies concerning personnel practices, a member of the professional staff



of the general assembly who:

(1) possesses a valid Indiana license to carry a handgun; and

(2) is otherwise permitted to possess a handgun;

has the right to carry a handgun within the state capitol building and on the property of the state capitol complex."

Renumber all SECTIONS consecutively.

(Reference is to SB 43 as printed February 14, 2017.)

TOMES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 43, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "JULY" and insert "UPON PASSAGE]:".

Page 1, delete line 3.

Page 1, line 10, delete "or".

Page 1, line 12, delete "agency." and insert "**agency; or**

(D) the Indiana lobby registration commission established under IC 2-7-1.6-1, with respect to employees of the Indiana lobby registration commission."

Page 1, line 14, delete "full-time".

Page 1, line 15, after "senate," insert "**Indiana lobby registration commission,"**

Page 2, line 11, delete "or".

Page 2, line 13, delete "assembly." and insert "**assembly; or**

(F) carrying out the duties of the Indiana lobby registration commission."

Page 2, line 22, after "3." insert "(a)".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"(b) A member of the Indiana lobby registration commission established under IC 2-7-1.6-1 who:

(1) possesses a valid Indiana license to carry a handgun; and

(2) is otherwise permitted to possess a handgun;

has the right to carry a handgun within the state capitol building and on the property of the state capitol complex."

Page 2, line 31, delete "JULY 1, 2017:" and insert "UPON PASSAGE]:".

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Page 4, line 6, after "ammunition" insert ",".

Page 4, after line 10, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 43 as reprinted February 22, 2017.)

SMALTZ

Committee Vote: yeas 9, nays 3.

