

# HOUSE BILL No. 1295

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-47-11.1.

**Synopsis:** Elimination of gun-free zones. Provides that beginning July 1, 2021, the state of Indiana may not regulate: (1) firearms, ammunition, and firearm accessories; and (2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories. Specifies certain exceptions. Provides that any provision of an ordinance, measure, enactment, rule, or policy enacted by the state and pertaining to: (1) firearms; (2) ammunition; (3) firearm accessories; and (4) the: (A) ownership; (B) possession; (C) carrying; (D) transportation; (E) registration; (F) transfer; and (G) storage of; firearms, ammunition, and firearm accessories; is void July 1, 2021. Provides that a person not otherwise prohibited from carrying or possessing a firearm under federal or state law may carry or possess a firearm, without restriction, on property affiliated with, or regulated by, the following state agencies beginning July 1, 2021: (1) The Indiana state fair commission. (2) The Indiana department of administration. Provides the Indiana state fair commission and Indiana department of administration with rulemaking and emergency rulemaking authority to implement these changes. Specifies certain rulemaking deadlines. Defines certain terms. Makes conforming amendments.

**Effective:** Upon passage.

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## Prescott, Lucas, Payne

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January 14, 2021, read first time and referred to Committee on Public Policy.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1295

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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 35-31.5-2-47.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 47.3. "Commission", for**  
4 **purposes of IC 35-47-11.1-4.3, has the meaning set forth in**  
5 **IC 35-47-11.1-4.3(a).**

6 SECTION 2. IC 35-31.5-2-89.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE UPON PASSAGE]: **Sec. 89.5. "Department", for**  
9 **purposes of IC 35-47-11.1-4.5, has the meaning set forth in**  
10 **IC 35-47-11.1-4.5(a).**

11 SECTION 3. IC 35-47-11.1-2, AS ADDED BY P.L.152-2011,  
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 UPON PASSAGE]: Sec. 2. **(a)** Except as provided in section 4 of this  
14 chapter, a political subdivision may not regulate:

- 15 (1) firearms, ammunition, and firearm accessories;  
16 (2) the ownership, possession, carrying, transportation,  
17 registration, transfer, and storage of firearms, ammunition, and



1 firearm accessories; and

2 (3) commerce in and taxation of firearms, firearm ammunition,  
3 and firearm accessories.

4 **(b) Except as provided in section 4 of this chapter, beginning**  
5 **July 1, 2021, the state may not regulate:**

6 **(1) firearms, ammunition, and firearm accessories; and**

7 **(2) the ownership, possession, carrying, transportation,**  
8 **registration, transfer, and storage of firearms, ammunition,**  
9 **and firearm accessories.**

10 SECTION 4. IC 35-47-11.1-3, AS ADDED BY P.L.152-2011,  
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 3. **(a)** Any provision of an ordinance,  
13 measure, enactment, rule, or policy, or exercise of proprietary authority  
14 of a political subdivision, or of an employee or agent of a political  
15 subdivision acting in an official capacity:

16 (1) enacted or undertaken before, on, or after June 30, 2011; and

17 (2) that pertains to or affects the matters listed in section 2 of this  
18 chapter;

19 is void.

20 **(b) Any provision of an ordinance, measure, enactment, rule,**  
21 **policy, or exercise of proprietary authority of the state:**

22 **(1) enacted or undertaken on or after July 1, 2021; and**

23 **(2) that pertains to or affects the matters listed in section 2 of**  
24 **this chapter;**

25 is void.

26 SECTION 5. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,  
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 UPON PASSAGE]: Sec. 4. This chapter may not be construed to  
29 prevent any of the following:

30 (1) A law enforcement agency of a political subdivision from  
31 enacting and enforcing regulations pertaining to firearms,  
32 ammunition, or firearm accessories issued to or used by law  
33 enforcement officers in the course of their official duties.

34 (2) Subject to IC 34-28-7-2, an employer from regulating or  
35 prohibiting the employees of the employer from carrying firearms  
36 and ammunition in the course of the employee's official duties.

37 (3) A court or administrative law judge from hearing and  
38 resolving any case or controversy or issuing any opinion or order  
39 on a matter within the jurisdiction of the court or judge.

40 (4) The enactment or enforcement of generally applicable zoning  
41 or business ordinances that apply to firearms businesses to the  
42 same degree as other similar businesses. However, a provision of



- 1 an ordinance that is designed or enforced to effectively restrict or  
 2 prohibit the sale, purchase, transfer, manufacture, or display of  
 3 firearms, ammunition, or firearm accessories that is otherwise  
 4 lawful under the laws of this state is void. A unit (as defined in  
 5 IC 36-1-2-23) may not use the unit's planning and zoning powers  
 6 under IC 36-7-4 to prohibit the sale of firearms within a  
 7 prescribed distance of any other type of commercial property or  
 8 of school property or other educational property.
- 9 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a  
 10 provision prohibiting or restricting the possession of a firearm in  
 11 any building that contains the courtroom of a circuit, superior,  
 12 city, town, or small claims court. However, if a portion of the  
 13 building is occupied by a residential tenant or private business,  
 14 any provision restricting or prohibiting the possession of a firearm  
 15 does not apply to the portion of the building that is occupied by  
 16 the residential tenant or private business, or to common areas of  
 17 the building used by a residential tenant or private business.
- 18 (6) The enactment or enforcement of a provision prohibiting or  
 19 restricting the intentional display of a firearm at a public meeting.
- 20 (7) The enactment or enforcement of a provision prohibiting or  
 21 restricting the possession of a firearm in a public hospital  
 22 corporation that contains a secure correctional health unit that is  
 23 staffed by a law enforcement officer twenty-four (24) hours a day.
- 24 (8) The imposition of any restriction or condition placed on a  
 25 person participating in:
- 26 (A) a community corrections program (IC 11-12-1);  
 27 (B) a forensic diversion program (IC 11-12-3.7); or  
 28 (C) a pretrial diversion program (IC 33-39-1).
- 29 (9) The enforcement or prosecution of:
- 30 (A) the offense of criminal recklessness (IC 35-42-2-2)  
 31 involving the use of a firearm; **and**  
 32 (B) **beginning July 1, 2021, any other criminal offense**  
 33 **involving the unlawful carrying, display, possession, or use**  
 34 **of a firearm.**
- 35 (10) For an event occurring on property leased from a political  
 36 subdivision or municipal corporation by the promoter or organizer  
 37 of the event:
- 38 (A) the establishment, by the promoter or organizer, at the  
 39 promoter's or organizer's own discretion, of rules of conduct or  
 40 admission upon which attendance at or participation in the  
 41 event is conditioned; or  
 42 (B) the implementation or enforcement of the rules of conduct



- 1 or admission described in clause (A) by a political subdivision  
 2 or municipal corporation in connection with the event.
- 3 (11) The enactment or enforcement of a provision prohibiting or  
 4 restricting the possession of a firearm in a hospital established  
 5 and operated under IC 16-22-2 or IC 16-23.
- 6 (12) A unit from using the unit's planning and zoning powers  
 7 under IC 36-7-4 to prohibit the sale of firearms within two  
 8 hundred (200) feet of a school by a person having a business that  
 9 did not sell firearms within two hundred (200) feet of a school  
 10 before April 1, 1994.
- 11 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)  
 12 from enacting or enforcing a provision prohibiting or restricting  
 13 the possession of a firearm in a building owned or administered  
 14 by the unit if:
- 15 (A) metal detection devices are located at each public entrance  
 16 to the building;
- 17 (B) each public entrance to the building is staffed by at least  
 18 one (1) law enforcement officer:
- 19 (i) who has been adequately trained to conduct inspections  
 20 of persons entering the building by use of metal detection  
 21 devices and proper physical pat down searches; and  
 22 (ii) when the building is open to the public; and
- 23 (C) each:
- 24 (i) individual who enters the building through the public  
 25 entrance when the building is open to the public; and  
 26 (ii) bag, package, and other container carried by the  
 27 individual;
- 28 is inspected by a law enforcement officer described in clause  
 29 (B).
- 30 However, except as provided in subdivision (5) concerning a  
 31 building that contains a courtroom, a unit may not prohibit or  
 32 restrict the possession of a handgun under this subdivision in a  
 33 building owned or administered by the unit if the person who  
 34 possesses the handgun has been issued a valid license to carry the  
 35 handgun under IC 35-47-2.
- 36 SECTION 6. IC 35-47-11.1-4.3 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE UPON PASSAGE]: **Sec. 4.3. (a) As used in this section,**  
 39 **"commission" means the Indiana state fair commission.**  
 40 **(b) 80 IAC 7-1-16(a)(1) is void July 1, 2021.**  
 41 **(c) Any person not otherwise prohibited from carrying or**  
 42 **possessing a firearm under federal or state law shall be permitted**



1 beginning July 1, 2021, to carry or possess, without restriction, a  
2 firearm on any property:

- 3 (1) affiliated with;  
4 (2) operated or managed by;  
5 (3) owned by; or  
6 (4) leased by;

7 the commission.

8 (d) Before July 1, 2021, the commission shall amend 80  
9 IAC 11-2-2 to conform with subsection (c).

10 (e) A rule adopted by the commission that conflicts with  
11 subsection (c) after June 30, 2021, is void.

12 (f) The publisher of the Indiana Administrative Code and  
13 Indiana Register shall:

- 14 (1) remove 80 IAC 7-1-16(a)(1) from the Indiana  
15 Administrative Code after July 1, 2021; and  
16 (2) amend 80 IAC 11-2-2 to reflect any change made by the  
17 commission under subsection (d).

18 (g) The commission shall adopt emergency rules under  
19 IC 4-22-2-37.1 to implement this section. An emergency rule  
20 adopted by the commission under this subsection expires on the  
21 earlier of the following:

- 22 (1) The date the emergency rule is amended or repealed by a  
23 later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.  
24 (2) July 1, 2022.

25 (h) The commission shall adopt rules under IC 4-22-2 that  
26 conform with subsection (c) not later than July 1, 2022.

27 SECTION 7. IC 35-47-11.1-4.5 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) As used in this section,  
30 "department" means the Indiana department of administration.

31 (b) As used in this section, "Indiana government center  
32 campus" has the meaning set forth in 25 IAC 8-2-1(4).

33 (c) 25 IAC 8-2-1(1)(A) is void July 1, 2021.

34 (d) Any person not otherwise prohibited from carrying or  
35 possessing a firearm under federal or state law shall be permitted  
36 beginning July 1, 2021, to carry or possess, without restriction, a  
37 firearm on the Indiana government center campus and any  
38 property:

- 39 (1) affiliated with;  
40 (2) operated or managed by;  
41 (3) owned by; or  
42 (4) leased by;



- 1 the department.
- 2 (e) Before July 1, 2021, the department shall amend 25
- 3 IAC 8-3-1 and 25 IAC 8-3-3 to conform with subsection (d).
- 4 (f) A rule adopted by the department that conflicts with
- 5 subsection (d) after June 30, 2021, is void.
- 6 (g) The publisher of the Indiana Administrative Code and
- 7 Indiana Register shall:
- 8 (1) remove 25 IAC 8-2(1)(A) from the Indiana Administrative
- 9 Code after July 1, 2021; and
- 10 (2) amend 25 IAC 8-3-1 and 25 IAC 8-3-3 to reflect any
- 11 change made by the department under subsection (e).
- 12 (h) The department shall adopt emergency rules under
- 13 IC 4-22-2-37.1 to implement this section. An emergency rule
- 14 adopted by the department under this subsection expires on the
- 15 earlier of the following:
- 16 (1) The date the emergency rule is amended or repealed by a
- 17 later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.
- 18 (2) July 1, 2022.
- 19 (i) The department shall adopt rules under IC 4-22-2 that
- 20 conform with subsection (d) not later than July 1, 2022.
- 21 SECTION 8. An emergency is declared for this act.

