



February 23, 2018

ENGROSSED SENATE BILL No. 33

DIGEST OF SB 33 (Updated February 21, 2018 1:12 pm - DI 107)

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

Synopsis: Houses of worship and firearms. Permits a person who may legally possess a firearm to possess a firearm on school property, unless prohibited by the house of worship, if the person possesses the firearm: (1) as an employee or volunteer of a house of worship located on the school property; or (2) while attending a worship service or religious ceremony conducted at a house of worship. Excludes certain nonexclusive uses of school property from the statutory definition of "school property".

Effective: Upon passage; July 1, 2018.

Sandlin, Tomes, Crane

(HOUSE SPONSORS — SPEEDY, TORR, SMITH M, BACON)

January 3, 2018, read first time and referred to Committee on Judiciary.
February 1, 2018, amended, reported favorably — Do Pass.
February 5, 2018, read second time, amended, ordered engrossed.
February 6, 2018, engrossed. Read third time, passed. Yeas 43, nays 5.

HOUSE ACTION

February 12, 2018, read first time and referred to Committee on Public Policy.
February 22, 2018, amended, reported — Do Pass.

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February 23, 2018

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.

ENGROSSED SENATE BILL No. 33

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 35-31.5-2-285, AS ADDED BY P.L.114-2012,
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 285. **(a) Except as provided in subsection (b),**
4 "school property" means the following:

5 (1) A building or other structure owned or rented by:

6 (A) a school corporation;

7 (B) an entity that is required to be licensed under IC 12-17.2
8 or IC 31-27;

9 (C) a private school that is not supported and maintained by
10 funds realized from the imposition of a tax on property,
11 income, or sales; or

12 (D) a federal, state, local, or nonprofit program or service
13 operated to serve, assist, or otherwise benefit children who are
14 at least three (3) years of age and not yet enrolled in
15 kindergarten, including the following:

16 (i) A Head Start program under 42 U.S.C. 9831 et seq.

17 (ii) A special education preschool program.

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- 1 (iii) A developmental child care program for preschool
2 children.
- 3 (2) The grounds adjacent to and owned or rented in common with
4 a building or other structure described in subdivision (1).
- 5 **(b) The term does not include any portion of a school property**
6 **that is or is reasonably believed to be:**
- 7 **(1) used nonexclusively by an organization or program**
8 **described in subsection (a)(1) in accordance with a rental**
9 **contract, time share contract, property covenant, easement,**
10 **or other similar agreement; or**
- 11 **(2) owned or rented and used by a person other than an**
12 **organization or program described in subsection (a)(1) when**
13 **the property is not under the exclusive use and control of an**
14 **organization or program described in subsection (a)(1).**
- 15 SECTION 2. IC 35-47-9-1, AS AMENDED BY P.L.157-2014,
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 1. (a) This chapter does not apply to the
18 following:
- 19 (1) A:
- 20 (A) federal;
- 21 (B) state; or
- 22 (C) local;
- 23 law enforcement officer.
- 24 (2) A person who may legally possess a firearm and who has been
25 authorized by:
- 26 (A) a school board (as defined by IC 20-26-9-4); or
- 27 (B) the body that administers a charter school established
28 under IC 20-24;
- 29 to carry a firearm in or on school property.
- 30 (3) Except as provided in subsection (b) or (c), a person who:
- 31 (A) may legally possess a firearm; and
- 32 (B) possesses the firearm in a motor vehicle.
- 33 (4) A person who is a school resource officer, as defined in
34 IC 20-26-18.2-1.
- 35 (5) Except as provided in subsection (b) or (c), a person who:
- 36 (A) may legally possess a firearm; and
- 37 (B) possesses only a firearm that is:
- 38 (i) locked in the trunk of the person's motor vehicle;
- 39 (ii) kept in the glove compartment of the person's locked
40 motor vehicle; or
- 41 (iii) stored out of plain sight in the person's locked motor
42 vehicle.



1 **(6) Unless the person knows or reasonably should know that**
 2 **the house of worship has prohibited the person from**
 3 **possessing a firearm on school property, either individually or**
 4 **as a part of a policy adopted by the house of worship, a person**
 5 **who:**

6 **(A) may legally possess a firearm; and**

7 **(B) possesses a firearm on school property in connection**
 8 **with or while:**

9 **(i) attending a worship service or religious ceremony**
 10 **conducted at a house of worship located on the school**
 11 **property; or**

12 **(ii) carrying out the person's official duties at a house of**
 13 **worship located on the school property, if the person is**
 14 **employed by or a volunteer at the house of worship.**

15 **This subdivision does not affect the right of a house of**
 16 **worship to prohibit, in whole or in part, the possession of a**
 17 **firearm on school property.**

18 (b) For purposes of subsection (a)(3) and (a)(5), a person does not
 19 include a person who is:

20 (1) enrolled as a student in any high school except if the person is
 21 a high school student and is a member of a shooting sports team
 22 and the school's principal has approved the person keeping a
 23 firearm concealed in the person's motor vehicle on the days the
 24 person is competing or practicing as a member of a shooting
 25 sports team; or

26 (2) a former student of the school if the person is no longer
 27 enrolled in the school due to a disciplinary action within the
 28 previous twenty-four (24) months.

29 (c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle
 30 does not include a motor vehicle owned, leased, or controlled by a
 31 school or school district unless the person who possesses the firearm
 32 is authorized by the school or school district to possess a firearm.

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



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 33, 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:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 12, delete "and".

Page 2, between lines 12 and 13, begin a new line double block indented and insert:

"(B) has the permission of the house of worship to possess the firearm on the school property; and".

Page 2, line 13, delete "(B)" and insert "(C)".

Page 2, after line 35, begin a new paragraph and insert:

"SECTION 2. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to SB 33 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 5, Nays 2.

 SENATE MOTION

Madam President: I move that Senate Bill 33 be amended to read as follows:

Page 2, line 12, delete "A" and insert "**Unless the person knows or reasonably should know that the house of worship has prohibited the person from possessing a firearm on school property, either individually or as a part of a policy adopted by the house of worship, a**".

Page 2, line 13, after "firearm;" insert "**and**".

Page 2, delete lines 14 through 15.

Page 2, line 16, delete "(C)" and insert "**(B)**".

Page 2, between lines 23 and 24, begin a new line block indented and insert:

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"This subdivision does not affect the right of a house of worship to prohibit, in whole or in part, the possession of a firearm on school property."

(Reference is to SB 33 as printed February 2, 2018.)

SANDLIN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 33, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-31.5-2-285, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 285. **(a) Except as provided in subsection (b), "school property" means the following:**

- (1) A building or other structure owned or rented by:
 - (A) a school corporation;
 - (B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;
 - (C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or
 - (D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:
 - (i) A Head Start program under 42 U.S.C. 9831 et seq.
 - (ii) A special education preschool program.
 - (iii) A developmental child care program for preschool children.
- (2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

(b) The term does not include any portion of a school property that is or is reasonably believed to be:

- (1) used nonexclusively by an organization or program



**described in subsection (a)(1) in accordance with a rental contract, time share contract, property covenant, easement, or other similar agreement; or
(2) owned or rented and used by a person other than an organization or program described in subsection (a)(1) when the property is not under the exclusive use and control of an organization or program described in subsection (a)(1)."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 33 as reprinted February 6, 2018.)

SMALTZ

Committee Vote: yeas 10, nays 0.

