

# HOUSE BILL No. 1312

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47-17.

**Synopsis:** Enforcement of federal firearms laws. Prohibits certain law enforcement officers from enforcing particular federal firearms laws that are more restrictive than Indiana law. Permits the filing of an action by a person injured by an officer's enforcement of those laws. Specifies exceptions and defines certain terms.

**Effective:** July 1, 2022.

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## Ellington

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January 11, 2022, read first time and referred to Committee on Public Policy.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1312

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 35-47-17 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2022]:
- 4 **Chapter 17. Enforcement of Federal Firearms Laws**
- 5 **Sec. 1. The following definitions apply throughout this chapter:**
- 6 (1) "Ammunition" means one (1) or more loaded cartridges:
- 7 (A) with or without one (1) or more projectiles; and
- 8 (B) consisting of:
- 9 (i) a primed case; and
- 10 (ii) propellant.
- 11 (2) "Firearm" means a weapon:
- 12 (A) that is:
- 13 (i) capable of expelling; or
- 14 (ii) designed to expel; or
- 15 (B) that may be readily converted to expel;
- 16 a projectile by means of an explosion.
- 17 (3) "Firearm accessory" means:



- 1 (A) a device specifically designed or adapted to enable:  
 2 (i) the wearing or carrying about one's person; or  
 3 (ii) the storage or mounting in or on a conveyance;  
 4 of a firearm; or  
 5 (B) an attachment or device specifically designed or  
 6 adapted to be inserted into or affixed onto a firearm to  
 7 enable, alter, or improve the functioning or capabilities of  
 8 the firearm.
- 9 (4) "Magazine" means an ammunition feeding and storage  
 10 device within or attachable to a firearm.
- 11 (5) "Semiautomatic firearm" means a firearm that:  
 12 (A) uses a portion of the energy of a firing cartridge to  
 13 extract the fired cartridge case and chamber the next  
 14 cartridge; and  
 15 (B) requires a separate pull of the trigger to fire each  
 16 cartridge.
- 17 (6) "Suppressor" means a device that may be used to silence,  
 18 muffle, or diminish the report of a portable firearm. The term  
 19 includes a combination of parts, designed or redesigned,  
 20 intended for the use in assembling or fabricating a firearm  
 21 silencer or firearm muffler.
- 22 **Sec. 2. A federal law, rule, regulation, or executive order that**  
 23 **prohibits, restricts, or limits the possession or use of:**  
 24 (1) ammunition;  
 25 (2) a firearm accessory;  
 26 (3) a magazine;  
 27 (4) certain types of firearms, including a semiautomatic  
 28 firearm; or  
 29 (5) a suppressor;  
 30 **in a manner that is more restrictive than Indiana law may not be**  
 31 **enforced by a law enforcement officer employed by a political**  
 32 **subdivision or the state of Indiana.**
- 33 **Sec. 3. (a) If a person suffers a loss or injury due to the actions**  
 34 **of a law enforcement officer who violates section 2 of this chapter,**  
 35 **the person may bring an action against the law enforcement**  
 36 **officer's employer to recover damages for the person's loss or**  
 37 **injury.**
- 38 (b) The court may award reasonable attorney's fees and costs to  
 39 the prevailing party in an action filed under subsection (a).  
 40 However, the court may not award attorney's fees and costs if the  
 41 law enforcement officer's employer is the prevailing party.
- 42 **Sec. 4. Nothing in this chapter may be construed to prohibit a**



- 1 **law enforcement officer from:**
- 2 **(1) accepting aid from a federal official in an effort to enforce**
- 3 **Indiana law; or**
- 4 **(2) providing assistance to a federal official in an effort to**
- 5 **enforce a federal law, rule, regulation, or executive order that**
- 6 **is not described in section 2 of this chapter.**

