

## **IC 35-47-11.1**

### **Chapter 11.1. Local Regulation of Firearms, Ammunition, and Firearm Accessories**

#### **IC 35-47-11.1-1**

##### **Application**

Sec. 1. This chapter applies to a political subdivision (as defined in IC 3-5-2-38).

*As added by P.L.152-2011, SEC.4.*

#### **IC 35-47-11.1-2**

##### **Political subdivision regulation of firearms, ammunition, and firearm accessories prohibited**

Sec. 2. Except as provided in section 4 of this chapter, a political subdivision may not regulate:

- (1) firearms, ammunition, and firearm accessories;
- (2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and
- (3) commerce in and taxation of firearms, firearm ammunition, and firearm accessories.

*As added by P.L.152-2011, SEC.4.*

#### **IC 35-47-11.1-3**

##### **Voidance of political subdivision ordinances, measures, enactments, rules, policies, and exercises of proprietary authority**

Sec. 3. Any provision of an ordinance, measure, enactment, rule, or policy or exercise of proprietary authority of a political subdivision or of an employee or agent of a political subdivision acting in an official capacity:

- (1) enacted or undertaken before, on, or after June 30, 2011; and
- (2) that pertains to or affects the matters listed in section 2 of this chapter;

is void.

*As added by P.L.152-2011, SEC.4.*

#### **IC 35-47-11.1-4**

##### **Not prohibited by chapter**

Sec. 4. This chapter may not be construed to prevent any of the following:

- (1) A law enforcement agency of a political subdivision from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by law enforcement officers in the course of their official duties.
- (2) Subject to IC 34-28-7-2, an employer from regulating or prohibiting the employees of the employer from carrying firearms and ammunition in the course of the employee's

official duties.

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

(4) The enactment or enforcement of generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other similar businesses. However, a provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, ammunition, or firearm accessories that is otherwise lawful under the laws of this state is void. A unit (as defined in IC 36-1-2-23) may not use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

(5) Subject to IC 35-47-16-1, the enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in any building that contains the courtroom of a circuit, superior, city, town, or small claims court. However, if a portion of the building is occupied by a residential tenant or private business, any provision restricting or prohibiting the possession of a firearm does not apply to the portion of the building that is occupied by the residential tenant or private business, or to common areas of the building used by a residential tenant or private business.

(6) The enactment or enforcement of a provision prohibiting or restricting the intentional display of a firearm at a public meeting.

(7) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a public hospital corporation that contains a secure correctional health unit that is staffed by a law enforcement officer twenty-four (24) hours a day.

(8) The imposition of any restriction or condition placed on a person participating in:

(A) a community corrections program (IC 11-12-1);

(B) a forensic diversion program (IC 11-12-3.7); or

(C) a pretrial diversion program (IC 33-39-1).

(9) The enforcement or prosecution of the offense of criminal recklessness (IC 35-42-2-2) involving the use of a firearm.

(10) For an event occurring on property leased from a political subdivision or municipal corporation by the promoter or organizer of the event:

(A) the establishment, by the promoter or organizer, at the promoter's or organizer's own discretion, of rules of conduct or admission upon which attendance at or participation in the event is conditioned; or

(B) the implementation or enforcement of the rules of conduct or admission described in clause (A) by a political subdivision or municipal corporation in connection with the event.

(11) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a hospital established and operated under IC 16-22-2 or IC 16-23.

(12) A unit from using the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.

(13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23) from enacting or enforcing a provision prohibiting or restricting the possession of a firearm in a building owned or administered by the unit if:

(A) metal detection devices are located at each public entrance to the building;

(B) each public entrance to the building is staffed by at least one (1) law enforcement officer:

(i) who has been adequately trained to conduct inspections of persons entering the building by use of metal detection devices and proper physical pat down searches; and

(ii) when the building is open to the public; and

(C) each:

(i) individual who enters the building through the public entrance when the building is open to the public; and

(ii) bag, package, and other container carried by the individual;

is inspected by a law enforcement officer described in clause (B).

However, except as provided in subdivision (5) concerning a building that contains a courtroom, a unit may not prohibit or restrict the possession of a handgun under this subdivision in a building owned or administered by the unit if the person who possesses the handgun has been issued a valid license to carry the handgun under IC 35-47-2.

*As added by P.L.152-2011, SEC.4. Amended by P.L.6-2012, SEC.232; P.L.147-2014, SEC.3.*

#### **IC 35-47-11.1-5**

##### **Civil actions concerning political subdivision violations**

Sec. 5. A person adversely affected by an ordinance, a measure, an enactment, a rule, or a policy adopted or enforced by a political subdivision that violates this chapter may file an action in a court with competent jurisdiction against the political subdivision for:

(1) declarative and injunctive relief; and

(2) actual and consequential damages attributable to the

violation.  
*As added by P.L.152-2011, SEC.4.*

**IC 35-47-11.1-6**

**Civil actions; adversely affected persons**

Sec. 6. A person is "adversely affected" for purposes of section 5 of this chapter if either of the following applies:

(1) The person is an individual who meets all of the following requirements:

(A) The individual lawfully resides within the United States.

(B) The individual may legally possess a firearm under the laws of Indiana.

(C) The individual is or was subject to the ordinance, measure, enactment, rule, or policy of the political subdivision that is the subject of an action filed under section 5 of this chapter. An individual is or was subject to the ordinance, measure, enactment, rule, or policy of the political subdivision if the individual is or was physically present within the boundaries of the political subdivision for any reason.

(2) The person is a membership organization that:

(A) includes two (2) or more individuals described in subdivision (1); and

(B) is dedicated in whole or in part to protecting the rights of persons who possess, own, or use firearms for competitive, sporting, defensive, or other lawful purposes.

*As added by P.L.152-2011, SEC.4.*

**IC 35-47-11.1-7**

**Civil actions; recovery of damages, costs, and fees**

Sec. 7. A prevailing plaintiff in an action under section 5 of this chapter is entitled to recover from the political subdivision the following:

(1) The greater of the following:

(A) Actual damages, including consequential damages.

(B) Liquidated damages of three (3) times the plaintiff's attorney's fees.

(2) Court costs (including fees).

(3) Reasonable attorney's fees.

*As added by P.L.152-2011, SEC.4.*