

HOUSE BILL No. 1051

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1.5; IC 35-52-1.1.

Synopsis: Firearms and federalism. Prohibits a state agency, political subdivision, or employee of an agency or political subdivision from: (1) participating in the enforcement of a federal firearms law enacted after January 1, 2017; or (2) using any state funds to aid the federal government in the enforcement of a federal firearms law enacted after January 1, 2017; unless the participation or use of state funds is required by a court order. Provides that a state employee, an employee of a political subdivision, or an agent of the state or a political subdivision who participates in the enforcement of a federal firearms law enacted after January 1, 2017, commits a Class B infraction, and increases the penalty to a Class A misdemeanor if the person has a prior adjudication or conviction. Specifies that a political subdivision may not receive state grant funds if the political subdivision requires the political subdivision or an employee to participate in the enforcement of a federal firearms law adopted after January 1, 2017.

Effective: Upon passage.

Judy

January 4, 2017, read first time and referred to Committee on Public Policy.



First Regular Session of the 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.

HOUSE BILL No. 1051

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 1-1.5 IS ADDED TO THE INDIANA CODE AS A
2 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **ARTICLE 1.5. FUNDAMENTAL CONSTITUTIONAL RIGHT**
5 **TO BEAR ARMS**
6 **Chapter 1. Legislative Statements**
7 **Sec. 1. The general assembly finds:**
8 (1) that the right to keep and bear arms is a fundamental
9 individual right that shall not be infringed;
10 (2) that it is the intent of the general assembly in enacting this
11 article to protect Indiana employees, including law
12 enforcement officers, from being directed, through federal
13 executive orders, agency orders, statutes, laws, rules, or
14 regulations enacted or promulgated after January 1, 2017, to
15 violate their oath of office and individual rights affirmed
16 under the Second Amendment to the Constitution of the
17 United States and Article 1, Section 32 of the Constitution of



1 the State of Indiana;

2 (3) that under and in furtherance of the principles of
3 federalism enshrined in the Constitution of the United States,
4 the federal government may not commandeer Indiana
5 officers, agents, or employees to participate in the
6 enforcement or facilitation of any federal program not
7 expressly required by the Constitution of the United States;

8 (4) that this right to be free from the commandeering hand of
9 the federal government has been most notably recognized by
10 the United States Supreme Court in *Printz v. United States*,
11 521 U.S. 898 (1997), when the court held: "The Federal
12 Government may neither issue directives requiring the States
13 to address particular problems, nor command the States'
14 officers, or those of their political subdivisions, to administer
15 or enforce a federal regulatory program"; and

16 (5) that the anticommandeering principles recognized in
17 *Printz v. United States* are predicated upon the advice of
18 James Madison, who in *Federalist No. 46* advised "a refusal
19 to cooperate with officers of the Union" in response to either
20 unconstitutional federal measures or constitutional but
21 unpopular federal measures.

22 **Chapter 2. Definitions**

23 **Sec. 1.** As used in this chapter, "political subdivision" has the
24 meaning set forth in IC 36-1-2-13.

25 **Chapter 3. Prohibitions**

26 **Sec. 1.** Unless ordered to do so by a court, notwithstanding any
27 law, regulation, rule, or order to the contrary, a state agency,
28 political subdivision, or employee of a state agency or political
29 subdivision acting in the employee's official capacity may not do
30 the following:

31 (1) Knowingly or intentionally participate in any way in the
32 enforcement of a federal act, law, order, rule, or regulation
33 issued, enacted, or promulgated after January 1, 2017,
34 regarding a personal firearm, firearm accessory, or
35 ammunition.

36 (2) Use any assets, state funds, or funds allocated by the state
37 to a political subdivision after January 1, 2017, in whole or in
38 part, to engage in any activity that aids a federal agency,
39 federal agent, or corporation providing services to the federal
40 government in any enforcement action or investigation in
41 connection with the enforcement of a federal act, law, order,
42 rule, or regulation issued, enacted, or promulgated after



1 **January 1, 2017, regarding a personal firearm, firearm**
 2 **accessory, or ammunition.**
 3 **Chapter 4. Penalties**
 4 **Sec. 1. (a) A state employee, an employee of a political**
 5 **subdivision, or an agent of the state or a political subdivision who**
 6 **violates IC 1-1.5-3-1 commits a Class B infraction.**
 7 **(b) A state employee, an employee of a political subdivision, or**
 8 **an agent of the state or a political subdivision who:**
 9 **(1) knowingly or intentionally violates IC 1-1.5-3-1; and**
 10 **(2) has a prior conviction or adjudication for a violation of**
 11 **IC 1-1.5-3-1;**
 12 **commits a Class A misdemeanor.**
 13 **Sec. 2. A political subdivision may not receive state grant funds**
 14 **if the political subdivision adopts a rule, order, ordinance, or policy**
 15 **requiring the political subdivision or an employee or agent of the**
 16 **political subdivision to violate IC 1-1.5-3-1. State grant funds for**
 17 **the political subdivision shall be denied for the fiscal year following**
 18 **the year in which a final judicial determination is made that the**
 19 **political subdivision has knowingly or intentionally required the**
 20 **political subdivision or an employee or agent of the political**
 21 **subdivision to perform an action that violates IC 1-1.5-3-1.**
 22 **SECTION 2. IC 35-52-1.1 IS ADDED TO THE INDIANA CODE**
 23 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 24 **UPON PASSAGE]:**
 25 **Chapter 1.1. IC 1 Criminal Statutes**
 26 **Sec. 1. IC 1-1.5-4-1 defines a crime concerning enforcing certain**
 27 **federal laws.**
 28 **SECTION 3. An emergency is declared for this act.**

