

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1177

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 10-21-1-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 16. (a) A school corporation, charter school, or accredited nonpublic school may apply to the department for a grant from the fund to:**

**(1) increase school safety by:**

**(A) helping teachers, school staff, and school employees acquire specialized firearms instruction as described in IC 10-21-3; and**

**(B) defraying tuition related expenses for teachers, school staff, and school employees who wish to enroll in the course of firearms instruction described in IC 10-21-3; or**

**(2) provide funding in the event of a school shooting to cover the costs of counseling for students, teachers, school staff, and school employees.**

**(b) A school corporation, charter school, or accredited nonpublic school:**

**(1) is not subject to the restriction in section 4 of this chapter that a school corporation, charter school, or accredited nonpublic school may receive only one (1) matching grant each year; and**

**(2) may receive an additional matching grant under section 4**

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**of this chapter for the purposes described in subsection (a).**

**SECTION 2. IC 10-21-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:**

**Chapter 3. Specialized Firearms Instruction for Teachers, School Staff, and School Employees**

**Sec. 1. The following terms are defined for this chapter:**

**(1) "Accredited nonpublic school" means a nonpublic school that:**

**(A) has voluntarily become accredited under IC 20-31-4.1;**

**or**

**(B) is accredited by a national or regional accrediting agency that is recognized by the state board of education.**

**(2) "Charter school" has the meaning set forth in IC 20-24-1-4.**

**(3) "Department" refers to the department of homeland security established by IC 10-19-2-1.**

**(4) "School corporation" has the meaning set forth in IC 20-26-2-4.**

**Sec. 2. A charter school, accredited nonpublic school, or school corporation that has a teacher, staff member, or employee who is:**

**(1) currently employed by:**

**(A) a charter school;**

**(B) an accredited nonpublic school; or**

**(C) a school corporation;**

**(2) not currently subject to:**

**(A) an administrative suspension or investigation;**

**(B) a disciplinary complaint or disciplinary investigation;**

**(C) a criminal investigation or prosecution; or**

**(D) any proceeding or investigation comparable to those described in clauses (A) through (C); and**

**(3) authorized by:**

**(A) a school board (as defined by IC 20-26-9-4); or**

**(B) the body that administers an accredited nonpublic school or a charter school established under IC 20-24;**

**to carry a firearm in or on school property;**

**may apply to the department for a grant from the Indiana secured school fund established by IC 10-21-1-2.**

**Sec. 3. (a) A charter school, accredited nonpublic school, or school corporation shall apply for a grant from the department in the form and manner prescribed by the department.**

**(b) The department may adopt rules under IC 4-22-2, including**



emergency rules in the manner provided under IC 4-22-2-37.1, to implement this section.

**Sec. 4.** A grant provided to a charter school, accredited nonpublic school, or school corporation under section 3 of this chapter must be used by a teacher, school staff member, or school employee to enroll in a course of specialized firearms instruction that:

- (1)** is taught by an instructor who is or instructors who are qualified to provide instruction in the topics described in subdivision (2); and
- (2)** consists of the following topics:
  - (A)** Not less than one (1) hour of general firearms safety. This topic shall consist of the following subtopics:
    - (i)** Safe handling of firearms.
    - (ii)** Safe carrying of firearms.
    - (iii)** Safe storage of firearms.
  - (B)** Not less than one-half (1/2) hour of firearms maintenance. This topic shall consist of the following subtopics:
    - (i)** General care of firearms.
    - (ii)** Basic firearm cleaning, oiling, preventative maintenance, and repair.
  - (C)** Not less than twenty-four (24) hours on the following topics:
    - (i)** Basic marksmanship training that includes a qualification standard established by the course instructor.
    - (ii)** Scenario based training.
  - (D)** Not less than eight (8) hours of dynamic gun drills. This topic shall consist of the following subtopics:
    - (i)** Shooting in high-stress environments.
    - (ii)** Shooting in highly populated environments.
    - (iii)** Shooting while moving and communicating with third parties.
    - (iv)** Shooting at multiple targets.
    - (v)** Shooting while moving to and from cover.
  - (E)** Not less than one (1) hour on the topic of firearms retention. This topic shall consist of the following subtopics:
    - (i)** Retention of a handgun while holstered.
    - (ii)** Retention of a handgun while drawn.
    - (iii)** Retention of shotguns and rifles.



(iv) Responses to common handgun, shotgun, and rifle disarming techniques.

(F) Not less than two (2) hours on the topic of tactical movement and maneuvering while armed. This topic shall discuss the presentation and manipulation of a firearm while:

- (i) moving;
- (ii) in hallways;
- (iii) at room entrances;
- (iv) in open spaces and venues; and
- (v) in restricted spaces and areas.

(G) Not less than one (1) hour on the legal consequences of a use of force action.

(H) Not less than one (1) hour on the topic of post-shooting considerations and consequences. This topic shall consist of the following subtopics:

- (i) Psychological and emotional responses following a shooting or use of force action.
- (ii) The proper securing of a weapon following a shooting.
- (iii) The preservation of evidence following a shooting or use of force action.
- (iv) Safely identifying oneself to a law enforcement officer while armed or immediately following a use of force action.

(I) Not less than one (1) hour on the topic of school shootings and active shooter incidents. This topic shall evaluate and analyze past school shootings and active shooter incidents for the purpose of:

- (i) illustrating concepts discussed during the safety and training course; and
- (ii) critiquing ineffective or dangerous responses made by other individuals during the course of a school shooting or active shooter incident.

(J) Any other topic or remedial training:

- (i) deemed appropriate or necessary by the course instructor; or
- (ii) necessitated by circumstances or conditions unique to a specific school, teacher, or student.

(K) Not less than one (1) hour of tactical emergency medical instruction.

**Sec. 5. A charter school, accredited nonpublic school, or school**



corporation that desires to apply for a grant from the department under section 3 of this chapter must require each teacher, school staff member, or school employee who seeks to use grant funds as specified under this chapter to:

- (1) have successfully completed the Minnesota multiphasic personality inventory 2 (MMPI-2); and
- (2) be able to provide proof of having completed the Minnesota multiphasic personality inventory 2 (MMPI-2) to the department upon request.

**Sec. 6. (a)** A charter school, accredited nonpublic school, or school corporation that receives a grant from the department under section 3 of this chapter shall ensure that any teacher, school staff member, or school employee of the charter school, accredited nonpublic school, or school corporation who receives training funded by the grant enrolls in a course of firearms instruction that meets the requirements specified in section 4 of this chapter.

(b) The course of firearms instruction may be completed in parts or phases if permitted by the course instructor.

**Sec. 7. (a)** A teacher, school staff member, or school employee who successfully completes a course of firearms instruction described in section 4 of this chapter shall be awarded a certificate of completion by the course instructor.

(b) A certificate of completion described under this section shall display the following information:

- (1) The course enrollee's name.
- (2) The course instructor's name.
- (3) The course instructor's handwritten signature.
- (4) The date of course completion.
- (5) Any other information deemed relevant or necessary by the course instructor.

**Sec. 8.** A grant provided under section 3 of this chapter may not be used to acquire firearms instruction that:

- (1) fails to address each topic and subtopic described in section 4 of this chapter; or
- (2) is provided by a person lacking a valid certification or necessary qualification, as applicable, to teach each topic and subtopic described in section 4 of this chapter.

**Sec. 9.** A charter school, accredited nonpublic school, or school corporation that:

- (1) violates section 8 of this chapter;
- (2) uses a grant provided under section 3 of this chapter for a purpose not specified in section 4 of this chapter; or



- (3) is unable to provide the department with:**
- (A) a certificate of completion described in section 7(b) of this chapter for a teacher, school staff member, or school employee;**
  - (B) proof that the teacher, school staff member, or school employee is:**
    - (i) currently enrolled in; or**
    - (ii) otherwise in the process of completing;****a course of firearms instruction that complies with section 4 of this chapter upon request; or**
  - (C) proof that a teacher, school staff member, or school employee has completed the Minnesota multiphasic personality inventory 2 (MMPI-2) upon request by the department;**

**must reimburse the department in an amount equal to the amount of any grant originally issued to the charter school, accredited nonpublic school, or school corporation under this chapter.**

**Sec. 10. (a) The identity of a person who has enrolled in, participated in, or completed the firearms instruction described in section 4 of this chapter is confidential.**

**(b) A charter school, accredited nonpublic school, or school corporation may not disclose the identity of any person described in subsection (a) unless otherwise required by law.**

**SECTION 3. IC 20-19-3-30.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30.4. (a) The department, in collaboration with the state police department, shall:**

- (1) identify a set of best practices; and**
- (2) develop a set of educational materials;**

**regarding recommendations for the safe possession and storage of a firearm in a home with a child.**

**(b) The best practices and educational materials described in subsection (a) must include information on:**

- (1) firearm access;**
- (2) firearm handling;**
- (3) firearm storage;**
- (4) ammunition access; and**
- (5) ammunition storage.**

**(c) After December 31, 2023, the department shall provide the best practices and educational materials described in subsection (a) to public schools, charter schools, and state accredited nonpublic schools for annual distribution to parents of students.**



**(d) The department shall maintain a public website that contains the best practices and educational materials described in subsection (a). The department shall publicize the website and promote the best practices and educational materials to all elementary and high schools operating in the state.**

SECTION 4. IC 20-26-5-42.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 42.5. (a) Notwithstanding any other law or provision, a public school, including a charter school, or a state accredited nonpublic school may not conduct a training or drill for an employee of the school that includes as any part of the training or drill the expelling of any type of projectile at the employee unless:**

- (1) the school informs the employee of the use of projectiles in the training or drill; and**
- (2) the employee provides the school with written consent to participate in training or a drill involving the use of projectiles.**

**(b) Notwithstanding any other law or provision, a public school, charter school, or state accredited nonpublic school may not conduct or approve of any training or a drill for a student of the school that includes as any part of the training or drill the expelling of any type of projectile at a student.**

SECTION 5. IC 20-49-10-4, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4. (a) The school corporation and charter school safety advance program is established. The purpose of the program is to:**

- (1) make advances to school corporations or charter schools (or one (1) or more coalitions of public schools applying jointly) for equipment purchases or capital improvements necessary to improve school security;**
- (2) increase school safety by:**
  - (A) helping teachers, school staff, and school employees acquire specialized firearms instruction; and**
  - (B) defraying tuition related expenses for teachers, school staff, and school employees who wish to enroll in the course of firearms instruction described in IC 10-21-3; and**
- (3) provide funding in the event of a school shooting to cover the costs of counseling for students, teachers, school staff, and school employees.**

**(b) The state board, in consultation with the secured school safety**



board established by IC 10-21-1-3, shall administer the program.

(c) The total amount of advances that the state board may make under this chapter during the state biennium beginning July 1, 2017, and ending June 30, 2019, may not exceed thirty-five million dollars (\$35,000,000).

SECTION 6. IC 20-49-10-5, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Advances made under this chapter may be used to:

- (1) purchase equipment, or make capital improvements needed to:
  - (~~1~~) (A) restrict access to schools;
  - (~~2~~) (B) expedite the notification of first responders; or
  - (~~3~~) (C) improve school security;
- (2) **increase school safety by:**
  - (A) **helping teachers, school staff, and school employees acquire specialized firearms instruction; and**
  - (B) **defraying tuition related expenses for teachers, school staff, and school employees who wish to enroll in the course of firearms instruction described in IC 10-21-3; or**
  - (3) **provide funding in the event of a school shooting to cover the costs of counseling for students, teachers, school staff, and school employees.**

(b) The maximum amount of an advance that a school corporation or charter school may receive under this chapter may not exceed five hundred thousand dollars (\$500,000).

(c) The maximum amount of the advance that the state board may approve under section 6(c) of this chapter is the lesser of:

- (1) the maximum amount of an advance that may be awarded as established by subsection (b); or
- (2) the amount needed to cover costs approved by the secured school safety board that are in excess of the amount awarded by the secured school safety board under IC 10-21-1-4 and the amount committed as a match by the school corporation or charter school (or coalition of public schools filing jointly) that applied for the grant under IC 10-21-1-5.

SECTION 7. IC 35-47-9-1, AS AMENDED BY P.L.107-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) This chapter does not apply to the following:

- (1) A:
  - (A) federal;
  - (B) state; or
  - (C) local;





law enforcement officer.

**(2) A:**

**(A) qualified law enforcement officer (as defined in 18 U.S.C. 926B); or**

**(B) qualified retired law enforcement officer (as defined in 18 U.S.C. 926C);**

**if the qualified law enforcement officer or qualified retired law enforcement officer, as applicable, carries the photographic identification required by 18 U.S.C. 926B or 18 U.S.C. 926C.**

~~(2)~~ **(3)** A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

~~(3)~~ **(4)** Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle.

~~(4)~~ **(5)** A person who is a school resource officer, as defined in IC 20-26-18.2-1.

~~(5)~~ **(6)** Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses only a firearm that is:

(i) locked in the trunk of the person's motor vehicle;

(ii) kept in the glove compartment of the person's locked motor vehicle; or

(iii) stored out of plain sight in the person's locked motor vehicle.

~~(6)~~ **(7)** A person who:

(A) may legally possess a firearm; and

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

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

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

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



(b) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a person does not include a person who is:

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

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

(c) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.



\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

