

HOUSE BILL No. 1253

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.1-2; IC 10-14-3-33.5; IC 10-21-2; IC 34-30-31; IC 35-47-9.

Synopsis: Handgun training for teachers. Creates a specialized firearms safety, education, and training curriculum (curriculum) for teachers. Specifies curriculum requirements. Authorizes funds from the Indiana safe schools fund to be used for curriculum related expenses. Provides that a person responsible for a justified use of force on school property is immune from civil liability and damages, including punitive damages, for any act or omission related to the person's justified use of force in certain instances. Provides that no entity or person, by reason of an agency relationship with a person responsible for a justified use of force on school property, may be held liable for damages, including punitive damages, for any act or omission related to the person's justified use of force on school property. Provides that the immunity concerning a justified use of force on school property prohibits the filing of any claim or action by the: (1) estate; (2) personal representative; (3) spouse; or (4) family member; of any person alleging injury or damages related to a justified use of force on school property. Repeals all provisions prohibiting the carrying or possession of a firearm on a: (1) school bus; or (2) property; that is owned or operated by a school. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2019.

Lucas

January 10, 2019, read first time and referred to Committee on Education.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1253

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.25-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 2. (a) The Indiana safe schools fund is established
4 to do the following:
5 (1) Promote school safety through the:
6 (A) use of dogs trained to detect drugs and illegal substances;
7 and
8 (B) purchase of other equipment and materials used to
9 enhance the safety of schools.
10 (2) Combat truancy.
11 (3) Provide matching grants to schools for school safe haven
12 programs.
13 (4) Provide grants for school safety and safety plans.
14 (5) Provide educational outreach and training to school personnel
15 concerning:
16 (A) the identification of;
17 (B) the prevention of; and



- 1 (C) intervention in;
 2 bullying.
 3 (6) Provide educational outreach to school personnel and training
 4 to school safety specialists and school resource officers
 5 concerning:
 6 (A) the identification of;
 7 (B) the prevention of; and
 8 (C) intervention in;
 9 criminal organization activities.
 10 (7) Provide grants for school wide programs to improve school
 11 climate and professional development and training for school
 12 personnel concerning:
 13 (A) alternatives to suspension and expulsion; and
 14 (B) evidence based practices that contribute to a positive
 15 school environment, including classroom management skills,
 16 positive behavioral intervention and support, restorative
 17 practices, and social emotional learning.
 18 **(8) Increase school safety by:**
 19 **(A) helping teachers acquire specialized firearms**
 20 **instruction; and**
 21 **(B) defraying tuition related expenses for teachers who**
 22 **wish to enroll in the course of specialized firearms**
 23 **instruction described in IC 10-21-2.**
 24 (b) The fund consists of amounts deposited:
 25 (1) under IC 33-37-9-4; and
 26 (2) from any other public or private source.
 27 (c) The institute shall determine grant recipients from the fund with
 28 a priority on awarding grants in the following order:
 29 (1) A grant for a safety plan.
 30 (2) A safe haven grant requested under section 10 of this chapter.
 31 (3) A safe haven grant requested under section 7 of this chapter.
 32 (d) Upon recommendation of the council, the institute shall establish
 33 a method for determining the maximum amount a grant recipient may
 34 receive under this section.
 35 SECTION 2. IC 10-14-3-33.5, AS AMENDED BY P.L.114-2012,
 36 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 33.5. (a) Except as provided in subsection (b), the
 38 state, a political subdivision, or any other person may not prohibit or
 39 restrict the lawful possession, transfer, sale, transportation, storage,
 40 display, or use of firearms or ammunition during:
 41 (1) a disaster emergency;
 42 (2) an energy emergency; or



1 (3) a local disaster emergency;
2 declared under this chapter.

3 (b) Subsection (a) does not authorize the possession, transfer, sale,
4 transportation, storage, display, or use of firearms or ammunition
5 during an emergency described in subsection (a):

6 (1) in or on school property, in or on property that is being used
7 by a school for a school function, or on a school bus in violation
8 of IC 20-33-8-16; ~~or IC 35-47-9-2;~~

9 (2) on the property of:

10 (A) a child caring institution;

11 (B) an emergency shelter care child caring institution;

12 (C) a private secure facility;

13 (D) a group home; or

14 (E) an emergency shelter care group home;

15 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC
16 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;

17 (3) on the property of a penal facility (as defined in
18 IC 35-31.5-2-232);

19 (4) in violation of federal law;

20 (5) in or on property belonging to an approved postsecondary
21 educational institution (as defined in IC 21-7-13-6(b));

22 (6) on the property of a domestic violence shelter; or

23 (7) on property owned, operated, controlled, or used by an entity
24 that:

25 (A) is required to:

26 (i) conduct a vulnerability assessment; and

27 (ii) develop and implement a site security plan;

28 under the United States Department of Homeland Security's
29 Chemical Facility Anti-Terrorism Standards issued April 9,
30 2007; or

31 (B) is required to have a security plan under the Maritime
32 Transportation Security Act of 2002, Public Law 107-295.

33 SECTION 3. IC 10-21-2 IS ADDED TO THE INDIANA CODE AS
34 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2019]:

36 **Chapter 2. Specialized Firearms Instruction for Teachers**

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

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

40 (2) "Institute" means the Indiana criminal justice institute
41 established under IC 5-2-6.

42 (3) "Nonpublic school" means a school that:



- 1 (A) is not maintained by a school corporation or charter
2 school; and
3 (B) employs one (1) or more employees.
4 The term includes a private school or a parochial school.
5 (4) "School corporation" has the meaning set forth in
6 IC 20-26-2-4.
- 7 **Sec. 2. A teacher who is:**
8 **(1) currently employed by a:**
9 **(A) charter school;**
10 **(B) nonpublic school; or**
11 **(C) school corporation; and**
12 **(2) is not currently subject to:**
13 **(A) an administrative suspension or investigation;**
14 **(B) a disciplinary complaint or disciplinary investigation;**
15 **(C) a criminal investigation or prosecution; or**
16 **(D) any proceeding or investigation comparable to those**
17 **described in clauses (A) through (C);**
18 **may apply to the institute for a grant from the Indiana safe schools**
19 **fund established by 5-2-10.1-2.**
- 20 **Sec. 3. (a) A teacher shall apply for a grant from the institute in**
21 **the form and manner prescribed by the institute.**
22 **(b) The institute may adopt rules under IC 4-22-2, including**
23 **emergency rules under IC 4-22-2-37.1, to implement this section.**
- 24 **Sec. 4. A grant provided to a teacher under section 3 of this**
25 **chapter must be used by the teacher to enroll in a course of**
26 **specialized firearms instruction that:**
27 **(1) is taught by an instructor who is certified by the National**
28 **Rifle Association; and**
29 **(2) consists of the following topics:**
30 **(A) Not less than one (1) hour of general firearms safety.**
31 **This topic shall consist of the following subtopics:**
32 **(i) Safe handling of firearms.**
33 **(ii) Safe carrying of firearms.**
34 **(iii) Safe storage of firearms.**
35 **(B) Not less than one (1) half hour of firearms**
36 **maintenance. This topic shall consist of the following**
37 **subtopics:**
38 **(i) General care of firearms.**
39 **(ii) Basic firearm cleaning, oiling, preventative**
40 **maintenance, and repair.**
41 **(C) Not less than twenty-four (24) hours on the topic of**
42 **basic marksmanship. This topic shall require a course**



1 participant to successfully meet a qualification standard
2 established by the course instructor.

3 **(D) Not less than eight (8) hours of dynamic gun drills.**

4 **This topic shall consist of the following subtopics:**

5 **(i) Shooting in high-stress environments.**

6 **(ii) Shooting in highly populated environments.**

7 **(iii) Shooting while moving and communicating with
8 third parties.**

9 **(iv) Shooting at multiple targets.**

10 **(v) Shooting while moving to and from cover.**

11 **(E) Not less than one (1) hour on the topic on firearms
12 retention. This topic shall consist of the following
13 subtopics:**

14 **(i) Retention of a handgun while holstered.**

15 **(ii) Retention of a handgun while drawn.**

16 **(iii) Retention of shotguns and rifles.**

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

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

23 **(i) moving;**

24 **(ii) in hallways;**

25 **(iii) at room entrances;**

26 **(iv) in open spaces and venues; and**

27 **(v) in restricted spaces and areas.**

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

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

33 **(i) Psychological and emotional responses following a
34 shooting or use of force action.**

35 **(ii) The proper securing of a weapon following a
36 shooting.**

37 **(iii) The preservation of evidence following a shooting or
38 use of force action.**

39 **(iv) Safely identifying oneself to a law enforcement
40 officer while armed or immediately following a use of
41 force action.**

42 **(I) Not less than one (1) hour on the topic of school**



1 shootings and active shooter incidents. This topic shall
2 evaluate and analyze past school shootings and active
3 shooter incidents for the purpose of:

4 (i) illustrating concepts discussed during the safety and
5 training course; and

6 (ii) critiquing ineffective or dangerous responses made
7 by other individuals during the course of a school
8 shooting or active shooter incident.

9 **(J) Any other topic or remedial training:**

10 (i) deemed appropriate or necessary by the course
11 instructor; or

12 (ii) necessitated by circumstances or conditions unique to
13 a specific school, teacher, or student.

14 **Sec. 5. A teacher who:**

15 (1) receives a grant from the institute under section 3 of this
16 chapter; and

17 (2) enrolls in a course of firearms instruction that meets the
18 requirements specified in section 4 of this chapter;

19 **may complete the course of firearms instruction in parts or phases**
20 **if permitted by the course instructor.**

21 **Sec. 6. (a) A teacher who successfully completes a course of**
22 **firearms instruction described in section 4 of this chapter shall be**
23 **awarded a certificate of completion by the course instructor.**

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

26 (1) The course enrollee's name.

27 (2) The course instructor's name.

28 (3) The course instructor's handwritten signature.

29 (4) The date of course completion.

30 (5) Any other information deemed relevant or necessary by
31 the course instructor.

32 **Sec. 7. A grant provided under section 3 of this chapter may not**
33 **be used to acquire firearms instruction that:**

34 (1) fails to address each topic and subtopic described in
35 section 4 of this chapter; or

36 (2) is provided by any person lacking a valid National Rifle
37 Association certification.

38 **Sec. 8. A teacher who:**

39 (1) violates section 7 of this chapter;

40 (2) uses a grant provided under section 3 of this chapter for a
41 purpose not specified in section 4 of this chapter; or

42 (3) is unable to provide the institute with:



- 1 (A) a certificate of completion described in section 6(b) of
 2 this chapter; and
 3 (B) proof that the teacher is:
 4 (i) currently enrolled; or
 5 (ii) otherwise in the process of completing;
 6 a course of firearms instruction that complies with section
 7 4 of this chapter upon request;
 8 **must reimburse the institute in an amount equal to the amount of**
 9 **any grant originally issued to the teacher under this chapter.**
 10 SECTION 4. IC 34-30-31 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]:
 13 **Chapter 31. Immunity for Justified Use of Force on School**
 14 **Property**
 15 **Sec. 1. The following definitions apply throughout this chapter:**
 16 (1) "Charter school" has the meaning set forth in
 17 IC 20-24-1-4.
 18 (2) "Justified use of force" means a use of force described in
 19 IC 35-41-3-2.
 20 (3) "Nonpublic school" means a school that:
 21 (A) is not maintained by a school corporation or charter
 22 school; and
 23 (B) employs one (1) or more employees.
 24 The term includes a private school or a parochial school.
 25 (4) "School corporation" has the meaning set forth in
 26 IC 20-26-2-4.
 27 (5) "School property" means any property that is owned or
 28 operated by a:
 29 (A) charter school;
 30 (B) nonpublic school; or
 31 (C) school corporation.
 32 **Sec. 2. A person who:**
 33 (1) is:
 34 (A) licensed to carry a handgun; or
 35 (B) exempt from possessing a license to carry a handgun
 36 when carrying a handgun; and
 37 (2) responsible for a justified use of force on school property;
 38 **shall be immune from civil liability and damages, including**
 39 **punitive damages, for any act or omission related to the person's**
 40 **justified use of force.**
 41 **Sec. 3. No person or entity, by reason of an agency relationship**
 42 **with a person described in section 2 of this chapter, may be held**



1 **liable for any damages, including punitive damages, for any act or**
2 **omission related to a justified use of force on school property by a**
3 **person described in section 2 of this chapter.**

4 **Sec. 4. The immunity described in section 2 of this chapter shall**
5 **prohibit the filing of any claim or action for damages, including**
6 **punitive damages, by the:**

7 **(1) estate;**

8 **(2) personal representative;**

9 **(3) spouse; or**

10 **(4) family member;**

11 **of any person with standing to allege injury or damages related to**
12 **a justified use of force on school property by a person described in**
13 **section 2 of this chapter.**

14 SECTION 5. IC 35-47-9 IS REPEALED [EFFECTIVE JULY 1,
15 2019]. (Possession of Firearms on School Property and School Buses).

