

HOUSE BILL No. 1161

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-14.

Synopsis: Restricted use of fireworks. Provides that it is a Class C infraction to ignite, discharge, or use consumer fireworks except during certain hours on the five days preceding July 4, July 4, and the five days following July 4. (Current law provides that it is a Class C infraction to ignite, discharge, or use consumer fireworks after 11 p.m. or before 9 a.m. or during certain hours on certain identified holidays.) Makes technical corrections.

Effective: July 1, 2019.

Klinker

January 7, 2019, read first time and referred to Committee on Public Policy.



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. 1161

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 22-11-14-6, AS AMENDED BY P.L.158-2013,
2 SECTION 255, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A person who recklessly,
4 knowingly, or intentionally violates section 2(f), 4.5, 5(c), 5(d), 7, 8(a),
5 8(c), 8(d), 10, or 11(c) of this chapter commits a Class A misdemeanor.
6 (b) A person who ignites, discharges, or uses consumer fireworks at
7 a site other than:
8 (1) a special discharge location;
9 (2) the property of the person; or
10 (3) the property of another who has given permission to use the
11 consumer fireworks;
12 commits a Class C infraction. However, if a person recklessly,
13 knowingly, or intentionally takes an action described in this subsection
14 within five (5) years after the person previously took an action
15 described in this subsection, whether or not there has been a judgment
16 that the person committed an infraction in taking the previous action,
17 the person commits a Class C misdemeanor.



1 (c) A person less than eighteen (18) years of age who possesses or
 2 uses a firework when an adult is not present and responsible at the
 3 location of the possession or use commits a Class C infraction.
 4 However, if a person possesses or uses a firework when an adult is not
 5 present and responsible at the location of the possession or use within
 6 five (5) years after a previous possession or use by the person as
 7 described in this subsection, whether or not there has been a judgment
 8 that the person committed an infraction in the previous possession or
 9 use, the person commits a delinquent act under IC 31-37.

10 (d) A person who ignites, discharges, or uses consumer fireworks,
 11 **except between the following hours on the following days, commits**
 12 **a Class C infraction:**

13 ~~(1) after 11 p.m. except on a holiday (as defined in IC 1-1-9-1(a))~~
 14 ~~or December 31, on which dates consumer fireworks may not be~~
 15 ~~ignited, discharged, or used after midnight; or~~
 16 ~~(2) before 9 a.m.;~~

17 **(1) 9 a.m. and two (2) hours after sunset on the following:**

18 **(A) June 29.**

19 **(B) June 30.**

20 **(C) July 1.**

21 **(D) July 2.**

22 **(E) July 3.**

23 **(F) July 5.**

24 **(G) July 6.**

25 **(H) July 7.**

26 **(I) July 8.**

27 **(J) July 9.**

28 **(2) 10 a.m. and midnight on July 4.**

29 ~~commits a Class C infraction.~~ However, if a person recklessly,
 30 knowingly, or intentionally takes an action described in this subsection
 31 within five (5) years after the person previously took an action
 32 described in this subsection, whether or not there has been a judgment
 33 that the person committed an infraction in taking the previous action,
 34 the person commits a Class C misdemeanor.

35 (e) A person who recklessly, knowingly, or intentionally uses
 36 consumer fireworks and the violation causes harm to the property of a
 37 person commits a Class A misdemeanor.

38 (f) A person who recklessly, knowingly, or intentionally uses
 39 consumer fireworks and the violation results in serious bodily injury to
 40 a person commits a Level 6 felony.

41 (g) A person who recklessly, knowingly, or intentionally uses
 42 consumer fireworks and the violation results in the death of a person



1 commits a Level 5 felony.

2 (h) A person who knowingly or intentionally fails to collect or remit
3 to the state the public safety fees due under section 12 of this chapter
4 commits a Level 6 felony.

5 SECTION 2. IC 22-11-14-10.5, AS ADDED BY P.L.177-2007,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 10.5. (a) As used in this section, the term "use"
8 means the ability of a county or municipality to regulate the days and
9 hours when consumer fireworks may be used, ignited, or discharged.

10 (b) Notwithstanding any other provision of this chapter:

11 (1) a county may adopt an ordinance concerning the use of
12 consumer fireworks in the unincorporated areas of the county; and

13 (2) a municipality may adopt an ordinance concerning the use of
14 consumer fireworks within the corporate limits of the
15 municipality.

16 (c) An ordinance adopted under this section:

17 (1) may limit the use of consumer fireworks in the county or
18 municipality;

19 (2) may not be more lenient than a rule adopted by a state agency
20 concerning the use of fireworks; and

21 (3) may not limit the use of consumer fireworks:

22 (A) between the hours of ~~5:00~~ **5** p.m. and two (2) hours after
23 sunset on June 29, June 30, July 1, July 2, July 3, July 5, July
24 6, July 7, July 8, and July 9; **and**

25 (B) between the hours of ~~10:00~~ **10** a.m. and ~~12:00~~ midnight on
26 July 4. **and**

27 ~~(C) between the hours of 10:00 a.m. on December 31 and 1:00~~
28 ~~a.m. on January 1.~~

