



Reprinted
February 4, 2020

SENATE BILL No. 291

DIGEST OF SB 291 (Updated February 3, 2020 3:56 pm - DI 128)

Citations Affected: IC 4-33; noncode.

Synopsis: Law enforcement officers and handguns in a casino. Defines "licensed facility" to include gambling game facilities, satellite facilities, riverboats, and property that contains both a gambling game facility and a racetrack with live horse racing. Defines "law enforcement officer" to also include an off-duty law enforcement officer and a qualified retired law enforcement officer under 18 U.S.C. 926C. Requires the gaming commission (commission) to adopt rules: (1) permitting a law enforcement officer to carry a handgun in a licensed facility; (2) requiring a law enforcement officer who is carrying a handgun to notify an enforcement agent or the commission that the law enforcement officer is carrying a handgun; (3) requiring the licensed facility to provide the law enforcement officer with a wristband or other identifiable item that will inform the licensed facility and its agents that the law enforcement officer is carrying a handgun; and (4) implementing a reasonable method to enforce the new rules. Provides that the commission is not prohibited from adopting its own rules or policies concerning the carrying of handguns by its employees or enforcement agents.

Effective: July 1, 2020.

Grooms, Koch, Sandlin

January 9, 2020, read first time and referred to Committee on Judiciary.
January 23, 2020, reported favorably — Do Pass.
January 27, 2020, read second time, amended, ordered engrossed.
January 28, 2020, engrossed. Returned to second reading.
February 3, 2020, re-read second time, amended, ordered engrossed.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 291

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 4-33-4-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2020]: Sec. 2. **Subject to section 2.5 of this**
3 **chapter**, the commission shall adopt rules under IC 4-22-2 for the
4 following purposes:
5 (1) Administering this article.
6 (2) Establishing the conditions under which riverboat gambling
7 in Indiana may be conducted.
8 (3) Providing for the prevention of practices detrimental to the
9 public interest and providing for the best interests of riverboat
10 gambling.
11 (4) Establishing rules concerning inspection of riverboats and the
12 review of the permits or licenses necessary to operate a riverboat.
13 (5) Imposing penalties for noncriminal violations of this article.
14 SECTION 2. IC 4-33-4-2.5 IS ADDED TO THE INDIANA CODE
15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2020]: **Sec. 2.5. (a) As used in this section, "law enforcement**
17 **officer" includes the following:**

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- 1 (1) A state police officer.
 2 (2) A county sheriff.
 3 (3) A county police officer.
 4 (4) A city or town police officer.
 5 (5) A constable.
 6 (6) A marshal.
 7 (7) A state educational institution police officer appointed
 8 under IC 21-39-4.
 9 (8) A school corporation police officer appointed under
 10 IC 20-26-16.
 11 (9) A police officer of a public or private postsecondary
 12 educational institution whose board of trustees has established
 13 a police department under IC 21-17-5-2 or IC 21-39-4-2.
 14 (10) An enforcement officer of the alcohol and tobacco
 15 commission.
 16 (11) A conservation officer.
 17 (12) A correctional police officer.
 18 (13) A prosecuting attorney or deputy prosecuting attorney.
 19 (14) An off-duty law enforcement officer.
 20 (15) A retired law enforcement officer.
 21 (16) A federal enforcement officer (as defined in
 22 IC 35-31.5-2-129).
 23 (17) A qualified retired law enforcement officer (as defined in
 24 18 U.S.C. 926C), if the qualified retired law enforcement
 25 officer carries the identification required by 18 U.S.C. 926C.
 26 (b) As used in this section, "licensed facility" means any of the
 27 following:
 28 (1) A gambling game facility operated under IC 4-35.
 29 (2) A satellite facility operated under IC 4-31-5.5.
 30 (3) A riverboat operated under IC 4-33.
 31 (4) A property owned by a permit holder that contains both
 32 a gambling game facility operated under IC 4-35 and a
 33 racetrack at which live horse racing is conducted under
 34 IC 4-31.
 35 (c) The commission shall adopt rules under IC 4-22-2, including
 36 emergency rules under IC 4-22-2-37.1, to:
 37 (1) permit a law enforcement officer to carry a handgun in a
 38 licensed facility;
 39 (2) require a law enforcement officer who is carrying a
 40 handgun to notify the commission or an enforcement agent
 41 before entering the licensed facility that the law enforcement
 42 officer is carrying a handgun;



1 **(3) require the licensed facility to provide the law enforcement**
2 **officer with a wristband or other readily identifiable wearable**
3 **item that informs the licensed facility and its agents and**
4 **employees that the law enforcement officer is carrying a**
5 **handgun; and**
6 **(4) implement a reasonable method of enforcing the rules**
7 **described in subdivisions (1) through (3).**
8 **This subsection does not prohibit the commission from adopting its**
9 **own rules or policies concerning the carrying of handguns by its**
10 **employees or enforcement agents.**
11 **SECTION 3. [EFFECTIVE JULY 1, 2020] (a) 68 IAC 1-7-1(b) is**
12 **void. The publisher of the Indiana Administrative Code and**
13 **Indiana Register shall remove this subsection from the Indiana**
14 **Administrative Code.**
15 **(b) This SECTION expires July 1, 2021.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 291, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 291 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 8, Nays 3

 SENATE MOTION

Madam President: I move that Senate Bill 291 be amended to read as follows:

Page 1, line 2, delete "(a)".

Page 1, line 2, delete "subsection (b)," and insert "**section 2.5 of this chapter,**".

Page 1, delete lines 14 through 17, begin a new paragraph and insert:

"SECTION 2. IC 4-33-4-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) As used in this section, "law enforcement officer" includes:**

- (1) a law enforcement officer (as defined in IC 35-31.5-2-185(c));
- (2) an off-duty law enforcement officer; and
- (3) a qualified retired law enforcement officer (as defined in 18 U.S.C. 926C), if the qualified retired law enforcement officer carries the identification required by 18 U.S.C. 926C.

(b) As used in this section, "licensed facility" means any of the following:

- (1) A gambling game facility operated under IC 4-35.
- (2) A satellite facility operated under IC 4-31-5.5.
- (3) A riverboat operated under IC 4-33.
- (4) A property owned by a permit holder that contains both a gambling game facility operated under IC 4-35 and a racetrack at which live horse racing is conducted under IC 4-31.

(c) The commission shall adopt rules under IC 4-22-2, including

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emergency rules under IC 4-22-2-37.1, to:

- (1) permit a law enforcement officer to carry a handgun in a licensed facility;
- (2) require a law enforcement officer who is carrying a handgun to notify the commission or an enforcement agent before entering the licensed facility that the law enforcement officer is carrying a handgun;
- (3) require the licensed facility to provide the law enforcement officer with a wristband or OTHER readily identifiable wearable item that informs the licensed facility and its agents and employees that the law enforcement officer is carrying a handgun; and
- (4) implement a reasonable method of enforcing the rules described in subdivisions (1) through (3).

This subsection does not prohibit the commission from adopting its own rules or policies concerning the carrying of handguns by its employees or enforcement agents."

Page 2, delete lines 1 through 10.

Re-number all SECTIONS consecutively.

(Reference is to SB 291 as printed January 24, 2020.)

GROOMS

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 291, which is eligible for third reading, be returned to second reading for purposes of amendment.

GROOMS

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 291 be amended to read as follows:

Page 1, line 17, delete "includes:" and insert "**includes the following:**".

Page 2, delete lines 1 through 6, begin a new line block indented and insert:

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- "(1) A state police officer.**
- (2) A county sheriff.**
- (3) A county police officer.**
- (4) A city or town police officer.**
- (5) A constable.**
- (6) A marshal.**
- (7) A state educational institution police officer appointed under IC 21-39-4.**
- (8) A school corporation police officer appointed under IC 20-26-16.**
- (9) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.**
- (10) An enforcement officer of the alcohol and tobacco commission.**
- (11) A conservation officer.**
- (12) A correctional police officer.**
- (13) A prosecuting attorney or deputy prosecuting attorney.**
- (14) An off-duty law enforcement officer.**
- (15) A retired law enforcement officer.**
- (16) A federal enforcement officer (as defined in IC 35-31.5-2-129).**
- (17) A qualified retired law enforcement officer (as defined in 18 U.S.C. 926C), if the qualified retired law enforcement officer carries the identification required by 18 U.S.C. 926C."**

(Reference is to ESB 291 as reprinted January 28, 2020.)

GROOMS

