

# SENATE BILL No. 288

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 1-1-2-1; IC 1-1.5; IC 35-52-1.1.

**Synopsis:** Applicability of federal law in Indiana. Provides that any act, decree, injunction, law, opinion, order, rule, regulation, or statute of any branch of the federal government found by the general assembly to be inconsistent with the power granted to the federal government in the Constitution of the United States is void in Indiana. Provides that a resident of Indiana has a cause of action to enjoin the enforcement or implementation or the attempted enforcement or implementation of a federal act, decree, injunction, law, opinion, order, rule, regulation, or statute declared void by the general assembly. Provides that a plaintiff who prevails in such an action is entitled to reasonable attorney's fees and costs. Removes a statement that the common law of England and certain statutes of the British Parliament are governing Indiana law. Provides that a person who knowingly or intentionally implements or enforces, or attempts to implement or enforce, a federal law that is declared void by the general assembly commits a Level 6 felony.

**Effective:** Upon passage.

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January 7, 2016, read first time and referred to Committee on Public Policy.

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Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# SENATE BILL No. 288

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 1-1-2-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 1. The law governing ~~this state~~  
3 **Indiana** is declared to be **the following**:  
4 ~~First: (1) The Constitution of the United States and the~~  
5 ~~Constitution of this state: the State of Indiana.~~  
6 ~~Second: (2) All statutes of the Indiana general assembly of the~~  
7 ~~state in force, and not inconsistent with such constitutions: the~~  
8 ~~Constitution of the United States and the Constitution of the~~  
9 ~~State of Indiana.~~  
10 ~~Third: (3) All statutes of the United States in force, and relating~~  
11 ~~to subjects over which Congress has power to legislate. for the~~  
12 ~~states and not A statute of the United States found~~ inconsistent  
13 with the Constitution of the United States **under IC 1-1.5 or**  
14 **other lawful authority is not law in Indiana.**  
15 ~~Fourth: The common law of England and statutes of the British~~  
16 ~~Parliament made in aid thereof prior to the fourth year of the reign~~  
17 ~~of James the First (except the second section of the sixth chapter~~



1 of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth,  
 2 and the ninth chapter of thirty-seventh Henry the Eighth,) and  
 3 which are of a general nature not local to that kingdom, and not  
 4 inconsistent with the first, second and third specifications of this  
 5 section.

6 SECTION 2. IC 1-1.5 IS ADDED TO THE INDIANA CODE AS A  
 7 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
 8 PASSAGE]:

9 **ARTICLE 1.5. INAPPLICABILITY OF CERTAIN FEDERAL**  
 10 **LAW IN INDIANA**

11 **Chapter 1. Legislative Statements**

12 **Sec. 1. The general assembly finds the following:**

13 **(1) The people of the several states comprising the United**  
 14 **States of America created the federal government to be their**  
 15 **agent for certain enumerated purposes as set forth in the**  
 16 **Constitution of the United States and for nothing more.**

17 **(2) The Tenth Amendment to the Constitution of the United**  
 18 **States defines the total scope of federal power as being that**  
 19 **which has been delegated by the people of the several states to**  
 20 **the federal government, and all powers not delegated to the**  
 21 **federal government in the Constitution of the United States**  
 22 **are reserved to the states respectively, or to the people**  
 23 **themselves.**

24 **Chapter 2. Status of Federal Law Found Inconsistent With the**  
 25 **Power of Congress Defined in the Constitution of the United States**

26 **Sec. 1. As used in this chapter, "law" includes an act, a decree,**  
 27 **an injunction, a law, an opinion, an order, a rule, a regulation, or**  
 28 **a statute of any branch of the federal government.**

29 **Sec. 2. A law found by the general assembly under IC 1-1.5-1 to**  
 30 **be inconsistent with the power granted to the federal government**  
 31 **in the Constitution of the United States is void in Indiana.**

32 **Sec. 3. (a) A resident of Indiana has a private right of action to**  
 33 **enjoin the enforcement or implementation, or the attempted**  
 34 **enforcement or implementation, of a law declared void under**  
 35 **section 2 of this chapter.**

36 **(b) A plaintiff who prevails in an action brought under this**  
 37 **section is entitled to recover reasonable attorney's fees and costs of**  
 38 **the action.**

39 **Sec. 4. A person who knowingly or intentionally implements or**  
 40 **enforces a law, or attempts to implement or enforce a law, that is**  
 41 **declared void under section 2 of this chapter commits a Level 6**  
 42 **felony.**



1           SECTION 3. IC 35-52-1.1 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]:  
4           **Chapter 1.1. IC 1 Criminal Statutes**  
5           **Sec. 1. IC 1-1.5-2-4 defines a crime concerning implementing or**  
6 **enforcing certain federal laws.**  
7           SECTION 4. **An emergency is declared for this act.**

