



Reprinted  
January 28, 2020

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## SENATE BILL No. 291

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DIGEST OF SB 291 (Updated January 27, 2020 3:57 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. Provides that "law enforcement officer" also includes 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.

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### Grooms, Koch, Sandlin

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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.

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SB 291—LS 6858/DI 106





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January 28, 2020

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

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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:**

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- 1 (1) a law enforcement officer (as defined in
- 2 IC 35-31.5-2-185(c));
- 3 (2) an off-duty law enforcement officer; and
- 4 (3) a qualified retired law enforcement officer (as defined in
- 5 18 U.S.C. 926C), if the qualified retired law enforcement
- 6 officer carries the identification required by 18 U.S.C. 926C.

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

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

16 (c) The commission shall adopt rules under IC 4-22-2, including  
 17 emergency rules under IC 4-22-2-37.1, to:

- 18 (1) permit a law enforcement officer to carry a handgun in a
- 19 licensed facility;
- 20 (2) require a law enforcement officer who is carrying a
- 21 handgun to notify the commission or an enforcement agent
- 22 before entering the licensed facility that the law enforcement
- 23 officer is carrying a handgun;
- 24 (3) require the licensed facility to provide the law enforcement
- 25 officer with a wristband or other readily identifiable wearable
- 26 item that informs the licensed facility and its agents and
- 27 employees that the law enforcement officer is carrying a
- 28 handgun; and
- 29 (4) implement a reasonable method of enforcing the rules
- 30 described in subdivisions (1) through (3).

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

34 SECTION 3. [EFFECTIVE JULY 1, 2020] (a) 68 IAC 1-7-1(b) is  
 35 void. The publisher of the Indiana Administrative Code and  
 36 Indiana Register shall remove this subsection from the Indiana  
 37 Administrative Code.

38 (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

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 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.

Renumber all SECTIONS consecutively.

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

GROOMS

