

# SENATE BILL No. 26

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2; IC 3-14-3-4.5; IC 35-52-3-47.5.

**Synopsis:** Prohibition of firearms at polling places. Prohibits a person from carrying a firearm in or near: (1) a chute; (2) polls; (3) certain areas where voters congregate or are likely to congregate; or (4) any room where ballots are being counted. Provides that the offense is a Class C misdemeanor. Enhances the offense to a: (1) Class A misdemeanor if the person has a prior unrelated conviction for the offense; or (2) Level 6 felony if the firearm is pointed at another person. Specifies: (1) a defense; and (2) certain notice requirements. Prohibits other defenses. Defines particular terms. Makes conforming amendments.

**Effective:** July 1, 2024.

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## Randolph Lonnie M

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January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# SENATE BILL No. 26

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

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

- 1 SECTION 1. IC 3-5-2-24.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2024]: **Sec. 24.7. "Firearm", for purposes of IC 3-14-3-4.5, has**
- 4 **the meaning set forth in IC 35-47-1-5.**
- 5 SECTION 2. IC 3-5-2-38.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2024]: **Sec. 38.5. (a) "Polling place" refers to the entire building**
- 8 **or structure where any of the following occur:**
- 9 (1) **Voters vote in a precinct on election day.**
- 10 (2) **Voters vote at a vote center on election day.**
- 11 (3) **Voters are entitled to cast absentee ballots, including:**
- 12 (A) **an office as described in IC 3-11-10-26; and**
- 13 (B) **a vote center established under IC 3-11-18.1.**
- 14 (b) **The term does not include a building or structure:**
- 15 (1) **that is the:**
- 16 (A) **voter's private residence; or**
- 17 (B) **building or structure in which the voter's private**



- 1            residence is located;  
 2            if the voter marks the voter's absentee ballot in or on the  
 3            premises of the voter's private residence; or  
 4            (2) where a voter chooses to mark the voter's absentee ballot  
 5            if the building or structure where the voter's absentee ballot  
 6            is marked is not designated under this title as a location for a  
 7            voter to vote on election day or to cast an absentee ballot.
- 8            SECTION 3. IC 3-5-2-39, AS AMENDED BY P.L.169-2015,  
 9            SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10            JULY 1, 2024]: Sec. 39. "Polls" means the room in a ~~structure~~ **polling**  
 11            **place** where the voters of a ~~precinct~~ vote by casting ballots on election  
 12            day.
- 13            SECTION 4. IC 3-14-3-4.5 IS ADDED TO THE INDIANA CODE  
 14            AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 15            1, 2024]: **Sec. 4.5. (a) This section:**
- 16                    (1) **applies when an election officer is present in or on the**  
 17                    **premises of a polling place and is acting within the scope of**  
 18                    **the election officer's official duties; and**  
 19                    (2) **does not apply to a:**
- 20                            (A) **federal;**  
 21                            (B) **state; or**  
 22                            (C) **local;**  
 23                    **law enforcement officer.**
- 24                    (b) **Subject to subsection (c), and except as provided in**  
 25                    **subsection (f), a person may not knowingly or intentionally carry**  
 26                    **a firearm within fifty (50) feet of the following:**
- 27                            (1) **The chute.**  
 28                            (2) **The polls.**  
 29                            (3) **Any area where voters congregate or are likely to**  
 30                            **congregate for any purpose related to voting or the casting of**  
 31                            **ballots.**  
 32                            (4) **Any room where ballots are being counted.**
- 33                    (c) **Except as provided in subsection (f), a person may not**  
 34                    **knowingly or intentionally carry a firearm anywhere in or on the**  
 35                    **premises of a polling place if less than fifty (50) feet exists between**  
 36                    **a boundary or property line, as applicable, and one (1) or more of**  
 37                    **the following:**
- 38                            (1) **The chute.**  
 39                            (2) **The polls.**  
 40                            (3) **Any area where voters congregate or are likely to**  
 41                            **congregate for any purpose related to voting or the casting of**  
 42                            **ballots.**



- 1           **(4) Any room where ballots are being counted.**  
 2           **(d) A person who violates subsection (b) or (c) commits a Class**  
 3 **C misdemeanor. However, the offense is a:**  
 4           **(1) Class A misdemeanor if the person has a prior unrelated**  
 5           **conviction under this section; or**  
 6           **(2) Level 6 felony if the firearm is pointed at another person.**  
 7           **(e) It is not a defense to a prosecution under this section that the**  
 8 **firearm was:**  
 9           **(1) concealed;**  
 10           **(2) holstered;**  
 11           **(3) unloaded;**  
 12           **(4) not immediately accessible;**  
 13           **(5) disabled;**  
 14           **(6) in a partial or complete state of disassembly; or**  
 15           **(7) otherwise inoperable;**  
 16 **at the time the firearm was carried.**  
 17           **(f) It is a defense to a prosecution under this section that the**  
 18 **requirements specified in subsections (g) and (h) were not met at**  
 19 **the time the firearm was possessed.**  
 20           **(g) An election officer shall conspicuously display a firearm**  
 21 **prohibition notice in, on, or at each of the following locations, as**  
 22 **applicable:**  
 23           **(1) The chute.**  
 24           **(2) The polls.**  
 25           **(3) Any area where voters congregate or are likely to**  
 26 **congregate for any purpose related to voting or the casting of**  
 27 **ballots.**  
 28           **(4) Any room where ballots are being counted.**  
 29           **(5) Along any fifty (50) foot perimeter described in subsection**  
 30 **(b) at practicable intervals.**  
 31 **A firearm prohibition notice described under this subsection must**  
 32 **comply with the requirements specified in subsection (h).**  
 33           **(h) A firearm prohibition notice must do the following:**  
 34           **(1) Clearly state that the carrying of firearms is prohibited:**  
 35           **(A) within fifty (50) feet of:**  
 36           **(i) the chute;**  
 37           **(ii) the polls;**  
 38           **(iii) any area where voters congregate or are likely to**  
 39 **congregate for any purpose related to voting or the**  
 40 **casting of ballots; or**  
 41           **(iv) any room where ballots are being counted; and**  
 42           **(B) anywhere in or on the premises of the polling place if**



1           the conditions specified in subsection (c) are met.  
2           **(2) Specify that the carrying of a firearm in violation of**  
3           **subsection (b) or (c) is an arrestable offense.**  
4           **(3) Specify all possible:**  
5           **(A) criminal penalties; and**  
6           **(B) fines;**  
7           **for a violation of a firearm prohibition described in subsection**  
8           **(b) or (c).**  
9           **(i) Nothing in this chapter shall be construed to alter, limit,**  
10          **relax, or supersede a more restrictive firearms prohibition policy**  
11          **or rule enacted by a person with executive authority over a polling**  
12          **place.**  
13          SECTION 5. IC 35-52-3-47.5 IS ADDED TO THE INDIANA  
14          CODE AS A NEW SECTION TO READ AS FOLLOWS  
15          [EFFECTIVE JULY 1, 2024]: **Sec. 47.5. IC 3-14-3-4.5 defines a**  
16          **crime concerning firearms and voting.**

