

## **IC 34-28-8**

### **Chapter 8. Disclosure of Firearm or Ammunition Information as a Condition of Employment**

#### **IC 34-28-8-1**

##### **"Firearm"**

Sec. 1. As used in this chapter, "firearm" has the meaning set forth in IC 35-47-1-5.

*As added by P.L.17-2011, SEC.2.*

#### **IC 34-28-8-2**

##### **"Political subdivision"**

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

*As added by P.L.17-2011, SEC.2.*

#### **IC 34-28-8-3**

##### **"Private employer"**

Sec. 3. As used in this chapter, "private employer" means:

- (1) an individual;
- (2) a partnership;
- (3) a firm;
- (4) an association;
- (5) a corporation; or
- (6) a nonprofit organization;

that employs or offers to employ one (1) or more individuals in Indiana.

*As added by P.L.17-2011, SEC.2.*

#### **IC 34-28-8-4**

##### **"Public employer"**

Sec. 4. As used in this chapter, "public employer" means:

- (1) the state; or
- (2) a political subdivision;

including, but not limited to, a department, agency, board, commission, institution, authority, or instrumentality of the state or a political subdivision.

*As added by P.L.17-2011, SEC.2.*

#### **IC 34-28-8-5**

##### **"Public official"**

Sec. 5. As used in this chapter, "public official" means an elected or appointed official in the executive, legislative, or judicial branch of the state or a political subdivision, as well as an individual acting on behalf of a public employer, whether temporarily or permanently, including but not limited to, members of boards, committees, commissions, authorities, and other instrumentalities of the state or a political subdivision.

*As added by P.L.17-2011, SEC.2.*

#### **IC 34-28-8-6**

##### **Disclosure of firearm or ammunition information to employer or potential employer**

Sec. 6. A public or private employer doing business in Indiana may not:

- (1) require an applicant for employment or an employee to disclose information about whether the applicant or employee owns, possesses, uses, or transports a firearm or ammunition, unless the disclosure concerns the possession, use, or transportation of a firearm or ammunition that is used in fulfilling the duties of the employment of the individual; or
- (2) condition employment, or any rights, benefits, privileges, or opportunities offered by the employment, upon an agreement that the applicant for employment or the employee forego the:
  - (A) rights of the applicant or employee under this chapter; or
  - (B) otherwise lawful:
    - (i) ownership;
    - (ii) possession;
    - (iii) storage;
    - (iv) transportation; or
    - (v) use;of a firearm or ammunition.

*As added by P.L.17-2011, SEC.2.*

#### **IC 34-28-8-7**

##### **Civil action by employee or potential employee authorized when required to divulge firearm or ammunition information**

Sec. 7. (a) An individual aggrieved by what the individual believes is a violation of section 6 of this chapter may bring a civil action in a court with jurisdiction against a public or private employer or a public official that is alleged to have violated section 6 of this chapter.

(b) If a person is found by a court in an action brought under subsection (a) to have violated section 6 of this chapter, the court may do the following:

- (1) Award:
  - (A) actual damages;
  - (B) court costs and attorney's fees; and
  - (C) in the case of a knowing and willful violation, exemplary or punitive damages;to the prevailing plaintiff.
- (2) Enjoin further violations of this chapter.

*As added by P.L.17-2011, SEC.2.*

#### **IC 34-28-8-8**

##### **Tort claim exception; when not allowed**

Sec. 8. IC 34-13-3 does not apply whenever:

- (1) a public employer or public official is sued for civil damages; and
- (2) the civil action arises out of a violation of section 6 of this

chapter.  
*As added by P.L.17-2011, SEC.2.*

**IC 34-28-8-9**

**Regulation or prohibition of firearm possession or carrying a firearm by employee; when authorized**

Sec. 9. Notwithstanding section 6 of this chapter, this chapter does not prohibit a public or private employer from:

- (1) regulating or prohibiting the possession or carrying of a firearm by an employee during and in the course of the duties of the employee on behalf of the employer or while on the property of the employer; or
- (2) enforcing a regulation or prohibition adopted under subdivision (1).

However, a regulation or prohibition adopted under subdivision (1) may not apply to a firearm stored or transported in accordance with IC 34-28-7.

*As added by P.L.17-2011, SEC.2.*