TO: Indiana Public Libraries

FROM: Indiana State Library – Legal

RE: Firearms in Libraries - Update

DATE: 6/7/2022

Q: What’s new?

A: [HEA 1296](http://iga.in.gov/legislative/2022/bills/house/1296), passed by the Indiana General Assembly in the 2022 legislative session, removes the requirement for firearm owners to have a license to carry a firearm in Indiana.

Q: When does this take effect?

A: The change takes effect July 1, 2022.

Q: How does this effect my library?

A: It might not change anything for your library. However, in recent months, State Library staff have been made aware of several library policies that include a provision that require a license to carry a firearm in the library. Libraries with policies that refer to firearm licenses will need to update their policies to remove any such requirement.

Q: What hasn’t changed?

Libraries still cannot create or enforce rules or policies that prohibit legal U.S. residents who legally possess a firearm from carrying those firearms and any accessories, including ammunition, on library property. There are a couple exceptions to this that could apply to libraries. [IC 35-47-11.1](http://iga.in.gov/legislative/laws/2021/ic/titles/035/#35-47-11.1)

There is an exception that would allow a library to create and enforce a policy that prohibits or restricts the intentional display of a firearm at the library’s public meetings (meetings held by the library board or library board committees).

There is an exception that allows employers to restrict employees who are on duty in the building from carrying a firearm. However, the employees must be allowed to keep their firearms in their locked vehicles stored in the glove compartment or trunk or otherwise out of plain view. [IC 34-28-7](http://iga.in.gov/legislative/laws/2021/ic/titles/034/#34-28-7)

Libraries still cannot ask about firearm ownership on employment applications or make ownership or non-ownership a condition of employment.

Q: Can we at least require people to carry their firearm in a concealed manner.

Open or concealed carry. Indiana law is still silent on this, so libraries likely cannot require concealed carry except at public meetings where there is a specific statutory carve out that allows policies that prohibit intentional display of a firearm at public meetings (in other words, the library’s board and committee meetings). See [IC 35-47-11,1-2](http://iga.in.gov/legislative/laws/2021/ic/titles/035/#35-47-11.1-2) which prohibits policies and regulations that prohibit or regulate the possession, carrying, transporting, or storing of firearms and any accessories, including ammunition.

Q: Can we prohibit other types of weapons?

There is no prohibition against banning other types of weapons. However, because firearm is defined so broadly in the law, libraries might want to treat pellet guns, bb guns, airsoft guns, and any other weapons that are “capable of expelling or [are] designed to expel… a projectile by means of an explosion” as a firearm until we have better guidance on how to interpret the definition of firearm.

Q: How can we ensure patron and staff safety?

Libraries are encouraged to partner with their local law enforcement officials and find out how the law enforcement officials want the library to handle armed patrons. Then, advise staff so everyone is aware of the protocol.

Pointing a firearm is still against the law as is also battery, criminal recklessness, and provocation.

Libraries are encouraged to regulate behavior that is illegal or disruptive by library policy. Regulate the behavior and not the guns.

Engage your local attorney if you want to create a policy related to firearms. Sample policy language is included on the following pages.

There is an archived webinar from 2018 on firearms in libraries posted here. <https://continuinged.isl.in.gov/guns-in-libraries-1-leu/>)

**Sample optional policy language that can be incorporated into the library’s policies**

**Patron Conduct Policy** *(The library can include some or all of the below language in its patron conduct policy in place of language prohibiting firearms.)*

The library is committed to maintaining a safe and healthy environment conducive to the use and enjoyment of the library by its patrons and in furtherance of library’s purpose… (*state the library’s purpose)*.

Patrons shall be engaged in activities associated with the use of a public library while in the building. Patrons not engaged in reading, studying, attending library programs, or using library materials or library resources will be asked to leave the building.

The following rules apply within the library or anywhere on library property:

* Patrons shall not interfere with the use of the library by other patrons, or interfere with library employees’ performance of their duties.
* Patrons shall respect the rights of other patrons and shall not harass, annoy, or intimidate others through noisy, boisterous, or threatening activities; by unnecessary staring at another person; by following another person about the inside or outside of the building; by playing audio equipment so that others can hear it; by singing or talking loudly to others or in monologues; or by behaving in any other manner which reasonably can be expected to disturb other persons.
* Patrons shall not utilize library property or other property that has been brought into the library by the patron or another individual in a manner that creates a safety hazard for library patrons.
* *(Add any other desired prohibitions)*

“The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Public Library prohibits the intentional display of firearms during public meetings.” (T*his language can also be included on the bottom of the library’s meeting notices as a reminder to meeting attendees.)*

Violators will receive a warning and an opportunity to cease a behavior that violates this policy. Continued or repeat violations may result in suspension of library privileges for a duration commensurate with the severity of the offense, the patron’s history of policy violations, and any other relevant factors. Patrons engaged in behaviors that pose a serious imminent risk to health or safety may be immediately expelled from the library without prior warning and with or without the assistance of library security or local law enforcement.

When possible, patrons who have their library privileges suspended will be provided with written notification stating the specific library policy violated and specifying the length of the suspension. Appeal requests may be made in writing to the library director. Further appeals may be made in writing to the library board.

*(Additional details can be provided about the appeal process. Behavior policies should be posted and/or provided in a manner that library patrons can reasonably be expected to be aware of the contents therein.)*

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**Employee/Personnel manual** *(If the library wishes to regulate employees carrying firearms on their person during work hours, the following language may be added to the library’s personnel language)*

“Library employees are prohibited from carrying firearms on their person while the employee is on duty. Employees who are legally permitted to possess firearms may store such firearms out of sight (in glove box, trunk, etc.) in their locked automobile while the employee is on duty. “