

ORDINANCE NO. 2025-13

**AN ORDINANCE OF THE HUNTINGTON COUNTY BOARD OF
COMMISSIONERS ESTABLISHING FINES AND PENALTIES FOR POSSESSION OF
PROHIBITED ITEMS WITHIN THE COUNTY COURTHOUSE.**

WHEREAS, Indiana Code Section 36-1-3 *et seq.* grants a county the authority to exercise any powers for the effective operation of government as to local affairs;

WHEREAS, Indiana Code Section 36-1-3-8 prohibits a county from prescribing a penalty of a fine for a violation of any ordinance that is more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance;

WHEREAS, Indiana Code Section 35-47-11.1-4(5) provides that a county may enact or enforce a provision prohibiting or restricting the possession of a firearm in any building that contains the courtroom of a circuit, superior, city, town, or small claims court;

WHEREAS, the County of Huntington, Indiana (“County”) desires to create a safe and secure environment for the County’s courts and public offices located in the County courthouse;

WHEREAS, the County believes that establishing fines and penalties for possession of prohibited items within the County courthouse is for the protection of public health, safety, and welfare; and

WHEREAS, the County desires to establish by Ordinance fines and penalties for possession of prohibited items in the County courthouse.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
AS FOLLOWS:**

Section I. Definitions: The following definitions shall apply throughout this Ordinance:

- a) “Building” shall have the meaning defined in Indiana Code Section 35-47-11.1-4(5) being any building that contains the courtroom of a circuit, superior, city, town, or small claims court.
- b) “Firearm” shall have the meaning defined in Indiana Code Section 35-47-1-5.
- c) “Dangerous Item” shall mean a replica firearm, projectile weapon, air gun. Knife of any length, sharp object with a cutting surface greater than four (4) inches, first-load weapon, ammunition unaccompanied by a Firearm, electronic stun device, firework, improvised explosive or incendiary device (whether functional or not), baton, club-like object, hammer, crowbar, chemical irritant spray, or a disabling or flammable chemical.

- d) "Controlled Substances" shall have the meaning defined in Indiana Code Section 35-48-1-9, and effective July 1, 2025 shall have the meaning defined in Indiana Code Section 35-48-1.1-7

Section II. General Provisions:

- a) Except as permitted within Section 3, no person may possess a Firearm or Dangerous Item within any Building that contains the courtroom of a circuit, superior, city, town, or small claims court.
- b) Any person who is in possession of a Firearm within a Building that contains the courtroom of a circuit, superior, city, town, or small claims court shall be subject to a \$500.00 fine for a first offense, \$1,000.00 fine for the second offense, \$2,500.00 fine for the third offense, and \$7,500.00 fine for the fourth or subsequent offense.
- c) Any person who is in possession of a Dangerous Item within a Building that contains the courtroom of a circuit, superior, city, town, or small claims court shall be subject to a \$250.00 fine for a first offense, \$500.00 fine for the second offense, and a \$1,000.00 fine for the third or subsequent offense.
- d) Any person who is in possession of an improvised explosive or incendiary device within a building that contains the courtroom of a circuit, superior, city, town, or small claims court shall be subject to a \$2,500.00 fine for a first offense, and a \$7,500.00 fine for the second or subsequent offense.
- e) Any person who is in possession of alcohol or any Controlled Substances without a valid prescription on or about his or her person or within any case, container or other package within the control of said person shall be subject to a (1) \$250.00 fine for the first offense, (2) \$500.00 fine for the second offense, and a (3) \$1,000.00 fine for the third and subsequent offense.
- f) This prohibition applies at the exterior doors of the Building and it is a violation to bring a prohibited item to a screening station within the Building even if the alcohol, Controlled Substances, Firearm, or Dangerous Item is not carried into a courtroom. A person who enters the Building being in possession of a Firearm, must immediately disclose to screening station personnel that they are in possession of a Firearm.
- g) Any person found to be in unlawful possession of any prohibited item under this Ordinance may also be subject to prosecution for any offense committed beyond the violation of this Ordinance.

Section III. Exemption:

- a) This ordinance shall not apply to a judicial officer authorized to carry a Firearm pursuant to Indiana Code I.C. 35-47-16-1 or to a law enforcement officer engaged in the execution of the law enforcement officer's official duties and who is

authorized to carry Firearms or Dangerous Items pursuant to Indiana Code I.C. 5-2-1.

- b) This Ordinance shall not prevent law enforcement officers, prosecutors, or other authorized persons from bringing prohibited items into the courthouse when such items constitute evidence to be introduced in legal proceedings, or for some other legitimate purpose.

Section IV. Consent to Searches and Refusal to Comply:

- a) Any person seeking access to the courthouse shall consent to a reasonable search of their person and possessions by courthouse security officers and electronic devices.
- b) Any person who is found to lawfully have in their possession any Firearm or Dangerous Items prohibited in the courthouse by this Ordinance may be required to surrender the prohibited item to courthouse security officers during the person's stay in the courthouse.
- c) Any prohibited item listed in this Ordinance, which is discovered to not be legally possessed may be seized and held for disposition or as evidence provided by Indiana law.
- d) Any person who refuses to comply with this Ordinance shall be denied entry into the courthouse.

Section V. Effective Date: This Ordinance shall be in full force and effect after its passage, and after the occurrence of all other actions required by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA, ON THIS 11 DAY AUGUST, 2025

**This Resolution was adopted on August 11, 2025.
A signed physical copy of this document is
available by request in the Commissioners'
Office located at 201 North Jefferson Street
Huntington, Indiana**