

STARKE COUNTY ORDINANCE 2011- 03 RESTRICTIONS ON FIREARMS

AND OTHER WEAPONS AT COURTHOUSE FACILITIES AND PUBLIC MEETINGS

THE BOARD OF COMMISSIONERS OF STARKE COUNTY (the "Commissioners") have determined that certain restrictions on possession of firearms and other weapons in buildings housing courts would be beneficial to the maintenance of the security of the facilities, the health, safety and welfare of persons employed at and using the facilities;

AND FURTHER HAVE DETERMINED, that the secure, orderly and lawful functioning of public meetings would be enhanced by certain restrictions on firearms and other weapons at public meetings conducted by the county and its various boards, committees and other entities,

NOW, THEREFORE, BE IT ORDAINED that the Starke County Code be amended to add Ordinance 2011-____, RESTRICTIONS ON FIREARMS AND OTHER WEAPONS AT COURTHOUSE FACILITIES AND PUBLIC MEETINGS superseding, replacing and repealing all prior ordinances inconsistent with the terms hereof. The ordinance is as follows:

Section I. Definitions

In this Ordinance:

1. The term "Public Meeting" is defined by Ind. Code § 5-14-1.5-2(c).
2. The term "Court Facility" is defined as any building that houses a courtroom of a circuit, superior, city, town or small claims court.
3. The term "Firearm" is defined by IC § 35-47-1-5.
4. The term "Other Weapon" means a weapon other than a firearm, including:
 - (a) A "Deadly Weapon" (other than firearms) as defined by IC § 35-41-1-8,
 - (b) An "Electric Stun Gun" as defined by IC § 35-47-8-1,
 - (c) A "Stun Gun" as defined by IC § 35-47-8-2,
 - (d) A Taser" as defined by IC § 35-47-8-3,
 - (e) A knife, club or similar weapon,
 - (f) An explosive or explosive device, including any agent, substance or device intended to, or capable of exploding with sufficient force to cause harm to any person or property,
 - (g) Any other object or device used in a manner, or likely to be used, or intended to be used, or readily capable of causing serious bodily injury as defined by IC § 35-41-1-25, as determined by the Starke County Sheriff, or deputies, or by persons employed by the county as security personnel.

Section II. Firearms Restrictions

Except as expressly provided in Section III of this Ordinance, Firearms are subject to the following restrictions:

1. Possession of a Firearm in any Court Facility in Starke is prohibited.
2. The intentional display of a Firearm at any Public Meeting is prohibited.

Section III. Restrictions Applying to Other Weapons

All Other Weapons are prohibited in all Starke County government facilities, including without limitation all Court Facilities, and at all Public Meetings in the county, regardless of whether the meeting is conducted at a county facility.

Section IV. Exceptions to Firearms and Other Weapons Restrictions

The following persons are exempt from the restrictions set forth in Sections II and III above:

1. Law enforcement officers under IC § 35-41-1-17;
2. Officers of the Indiana Dept. of Corrections;
3. Community Corrections officers;
4. Judicial officers; and,
5. Probation officers in the courthouse for official business and duly authorized to carry deadly weapons.

Section V. Penalties and Confiscation of Firearms or Other Weapons

Any person who knowingly or intentionally violates either Section II or Section III of this Ordinance in a Court Facility shall be subject to punishment for indirect contempt of court pursuant to IC § 34-47-3 and a fine not to exceed \$2500.00. Any person who knowingly or intentionally violates either Section II or Section III of this Ordinance in a location other than a Court Facility shall be subject to a fine not to exceed \$2500.00. Any person in violation of Section II or Section III shall also be subject to having the Firearm or Other Weapon confiscated by appropriate law enforcement officers.

Section VI. Severability

Each section, subsections, sentence, clause and phrase of this Ordinance is intended to be, and is hereby declared, to be an independent component, and therefore the finding or holding that any part is void, unconstitutional, unlawful, or otherwise ineffective for any cause shall not affect any other part of this Ordinance.

Section VII. Effective Date

All ordinances or portions thereof in conflict with this Ordinance are hereby repealed. This Ordinance shall take effect upon passage, after publication as required by law.

Presented to the Board of Commissioners of Starke County, Indiana, and approved on the first reading the 2nd day of ~~April~~^{MAY}, 2011, by the following vote:

Dated: 5/2/11, 2011.

BOARD OF COMMISSIONERS OF STARKE COUNTY

VOTE

yes

Daniel Bridegroom
Daniel D. Bridegroom, President

yes

Kathy J. Norem
Kathy J. Norem, Vice President

yes

Jennifer Davis
Jennifer Davis, Member

ATTEST:

Katherine Chaffins
Katherine Chaffins, Auditor
Of Starke County Indiana