

2023RD ASSEMBLY
1ST SESSION

HR 10

IN THE
House of Commons

JUNE 22ND - THE GENTLEMEN, LEO CAVINDER, SUBMITS THE FOLLOWING BILL FOR CONSIDERATION; WHICH WAS REFERED TO THE COMMITTEE ON RULES & REFORM, COMMITTEE ON NATURAL RESOURCES.

JUNE 24TH - REPORTED FAVORABLY BY THE COMMITTEE ON NATURAL RESOURCES.

JULY 8TH - ORDERED ENGROSSED ON THIRD READING.

A BILL TO

Address the use of cameras, reasons for entry into a Member's room, search and seizure rights and appeal, restroom privacy, internet privacy, taxation clarification amendments, access to revenue records, provides rights for animals and exemptions, require seatbelt use, firearm restrictions, and establishment of torts.

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BE IT ENACTED *by this House of Commons with the advice and consent of the same, as follows:*

- 1 **SECTION 1. Title.**
2 This Act may be cited as “The Privacy Act of 2023.”
3 **PART A – Privacy Matters.**
4 **SECTION 2. Finding of the Assembly.**
5 The House finds that Members have a privileged
6 reasonable sense of privacy when it is deemed necessary.
7 Members right to privacy may be revoked when deem in
8 the House’s interest to ensure the general welfare of the
9 House.
10 **SECTION 3. Camera monitoring.**
11 (a) **ILLEGAL USE.**—It shall be unlawful for any persons
12 to install a camera for the purposes of spying on an
13 individual’s activity.

14 (b) **LAWFUL USES.**—The Highway Management Agency
15 shall install cameras to:

- 16 (1) monitor the roads of the House; and to
- 17 (2) monitor outside activity that remains on the
18 property of the House.

19 (c) **GOOD CAUSE EXEMPTIONS.**—A Member may
20 introduce a Resolution to permit camera usage outside of
21 the scope described in this Act if it is in the best interest
22 of the House.

23 (1) **APPROVAL.**—The Resolution shall require
24 approval of three-fourths of the House.

25 (2) **DESCRIPTIVE.**—The Resolution shall be exact
26 in:

- 27 (A) how long the exemption will last;
- 28 (B) how many camera(s) will be installed;
- 29 (C) where the camera(s) will be installed;
- 30 and
- 31 (D) the intention and purpose for installing
32 the cameras.

33 **SECTION 4. Requested entry into room.**

34 An official of the House shall be permitted to enter a room
35 without delay if:

- 36 (1) it is necessary to enforce House Code pursuant
37 to HCC § 1-1-9;
- 38 (2) they are collecting business funds for unpaid
39 tickets pursuant to HCC § 2-1-6(d);
- 40 (3) they are collecting assets or wages for unpaid
41 tickets pursuant to HCC § 2-1-6(g);
- 42 (4) it is necessary to enforce a State of Emergency
43 pursuant to HCC § 2-5-6(e)(3);

- 44 (5) it is necessary to assist with an investigation
45 pursuant to HCC § 2-10-3(b);
46 (6) it is necessary to verify a tax exemption
47 pursuant to HCC § 2-11-7(b);
48 (7) it is necessary to verify a tax deduction
49 pursuant to HCC § 2-11-17(f);
50 (8) it is necessary to verify reporting of certain
51 transactions pursuant to HCC § 2-13-1;
52 (9) it is necessary to test a fire alarm and/or a fire
53 extinguisher pursuant to HCC §§ 6-2-2(a), 6-2-6(a)
54 (10) it is necessary to ensure that the room is
55 reasonably clear pursuant to HCC § 6-2-4(a);
56 (11) it is necessary to either verify or enforce a
57 directive issued by the Health Advisor pursuant to
58 HCC §§ 11-1-2(c), 11-3-1(c);
59 (12) it is necessary to seize a product that is
60 prohibited under statute pursuant to HCC §§ 11-6-2,
61 11-2-1; or
62 (13) it is necessary to issue a subpoena pursuant to
63 HCC §§ 12-2-3(b), 12-1-3(e).

64 **SECTION 5. Search and seizure rights.**

65 (a) SEIZED ENTRY.—When there is a reasonable belief
66 that a Member is committing an illegal act, or that an
67 illegal product is in a room, the Sergeant-at-Arms or the
68 Speaker is permitted to enter any Member’s room under
69 §§ 4(a)(12), 4(a)(1) of this Act for the sole purpose to
70 conduct a search solely based on the grounds of either the
71 suspicion of illegal activity or an illegal substance.

72 (1) PRIOR TO SEARCH.—Before a search is
73 conducted, the person conducting the search shall:

74 (A) knock on the door;
75 (B) present a warrant, which shall be issued
76 by the Sergeant-at-Arms, to the Member and
77 inform them that they will be conducting a
78 search in accordance with House Code and
79 the Constitution of the House; and
80 (C) inform the Member there is a reasonable
81 suspicion of illegal activity or an illegal
82 substance in their possession.

83 (b) MONENTARY FORCED COLLECTION.—Should a
84 Member be under forced collection pursuant to HCC § 2-1-
85 6(f) and the Department of Revenue determines that it is
86 necessary to invoke its power under HCC § 2-1-6(g)(2), the
87 Department of Revenue shall be permitted entry in order
88 to collect assets when there is a failure to pay in
89 accordance with § 4(a)(3) of this Act.

90 (c) CONSTITUTIONAL RIGHTS.—Nothing in this
91 section shall supersede any provision in the Constitution
92 of the House, specifically Art. I § 7, nor the Constitution of
93 the United States or State of Indiana.

94 (d) REMOVAL OF ITEMS IN QUESTION.—Should a
95 search be conducted under subsection (a) and an item that
96 is believed to be illegal is found, the Sergeant-at-Arms or
97 the Speaker shall have the right to seize the item in
98 question for further investigation.

99 (e) BELIEF OF UNREASONABLE SEARCH AND
100 SEIZURE.—If a Member believes that an unreasonable
101 search and possible seizure was conducted and that their
102 constitutional rights were violated, they may file a
103 complaint with The Office of the Inspector General for an

104 investigation within five (5) days of the date the search
105 was conducted.

106 (1) INVESTIGATION.—The Office of the Inspector
107 General shall determine if a violation of the
108 Member’s constitutional rights occurred. Should a
109 violation have occurred, the Inspector General shall
110 inform the Clerk of the House and the Department
111 of Revenue, who shall issue monetary relief to the
112 Member in an amount that shall be just and fair.

113 (A) ACCUSED RIGHTS.—Upon a Member
114 filing that their constitutional rights were
115 violated, the Member shall have the right to,
116 in addition to their Constitutional rights:

- 117 (i) submit evidence to support their
118 case within thirty (30) days;
- 119 (ii) have due process of law;
- 120 (iii) have fair and just treatment in all
121 hearing or investigations; and
- 122 (iv) compel witnesses to testify on
123 their behalf.

124 (B) DECISION TIMEFRAME.—Prior to
125 making a decision, at least one (1) hearing
126 shall be conducted into the alleged violation.
127 The Member and all the witnesses shall
128 state their case for why they feel that the
129 Member’s rights were violated. The person
130 who conducted the search, if different from
131 The Inspector General, shall also testify on
132 why they believe they conducted a legal
133 search and/or seizure. The Inspector General

134 shall preside over the hearing and may ask
135 any question in regard to the matter before
136 them.

137 (i) A decision shall be issued within
138 forty-five (45) days after the hearing.

139 **SECTION 6. Restroom doors.**

140 Any Member who is occupied in a restroom shall close the
141 respective door(s) to ensure that another person does not
142 walk in.

143 **SECTION 7. Internet privacy.**

144 (a) Any Member who has an electronic device that:

- 145 (1) is connected to the Network of the House; or
- 146 (2) is purchased under funds by the House;

147 shall be subject to monitoring for the purposes of ensuring
148 compliance with HCC § 6-1-3(d).

149 (b) GUEST NETWORK.—Any persons connected to the
150 Guest Network of the House shall have the understanding
151 that:

- 152 (1) any activity conducted under the Network is
153 subject to monitoring;
- 154 (2) attempting to circumvent any blocked website
155 under HCC § 6-1-2(a) is unlawful pursuant to HCC
156 § 6-1-3(d); and
- 157 (3) conducting any illegal activities under the
158 Network is unlawful pursuant to § 7(c) of this Act.

159 (c) ILLEGAL ACTIVITIES OVER NETWORK.—Any
160 persons who attempts or is successful in conducting an
161 illegal activity over the Network of the House shall have
162 committed a Class B Felony.

163 (1) Subsection (c) shall not apply to HCC § 6-1-3(d).

164 (d) DEFINITIONS.—

165 (1) “*Illegal activity.*” any attempt or action done
166 that is in violation of a Federal, State, Local, or
167 House statute.

168 (2) “*Network.*” internet connection provided by the
169 House.

170 **PART B – Taxation Measures.**

171 **SECTION 8. Tax amendment.**

172 (a) REMOVE ONE THOUSAND DOLLARS PROFIT
173 REQUIREMENT.—HCC § 2-11-8(a)(2) is amended by
174 striking all and inserting:

175 “(2) Working for themselves in a business filed
176 under HCC § 2-8-4 and the business falls under the
177 jurisdiction of the Secretary of Commerce under
178 HCC § 2-8-3(a).”

179 (b) REMOVAL OF NON-EMPLOYMENT STATUE.—
180 Repeal HCC § 2-11-6(a)(2).

181 (c) REMOVAL OF AGE TAXATION.—Repeal HCC § 2-
182 11-10(b).

183 (d) CLARIFIED UNEMPLOYMENT AMOUNT.—HCC §
184 2-11-5(b) is amended by inserting “employment tax”
185 between “any” and “amount.”

186 (e) This section shall take effect immediately.

187 **SECTION 9. Access to revenue records.**

188 (a) GENERAL RIGHT.—Members shall have the right to
189 access records relating to the respective:

- 190 (1) amount of money they owe;
191 (2) amount of money that has been paid; and
192 (3) their tax documentation.

193 (b) UNLAWFUL ACCESS.—It shall be unlawful for
194 anyone to access another Member’s records and shall be a
195 Class A Misdemeanor.

196 (c) MANAGEMENT.—The Department of Revenue shall
197 manage all record access with House agencies reporting
198 all monetary transactions to the Department of Revenue.

199 **PART C – Wildlife Affairs.**

200 **SECTION 10. Animal redress.**

201 (a) GENERAL UNLAWFUL.—It shall be unlawful for any
202 person to torture in an inhumane way a wild or
203 domesticated animal.

204 (b) WILD ANIMALS THAT POSE A THREAT TO THE
205 HOUSE.—Animals that pose an ability to harm
206 domesticated animals of the House may be:

207 (1) captured; and

208 (2) relocated.

209 (c) STANDARDS DURING CAPTURE.—Animals that
210 have been captured shall be given reasonable standards
211 pending relocation.

212 (d) CAPTURE UNLAWFUL.—It shall be unlawful to
213 upon capturing an animal that poses a threat to:

214 (1) not feed nor provide water to it;

215 (2) shoot it, leading to death; or

216 (3) drown it, leading to death.

217 (e) IMMEDIATE THREAT.—Notwithstanding subsection
218 (d), should an wild animal posses an immediate threat to
219 the House whereas the animal is likely to kill or injury
220 domesticated animals, action may be taken, only if
221 warranted, to kill the animal that poses said threat.

222 (1) The exemption shall not apply to hawks.

223 **PART D – Motor Vehicle Measure.**

224 **SECTION 11. Seatbelt use in motor vehicles.**

225 (a) REQUIREMENT.—Every person in a motor vehicle
226 that is operating shall have a seatbelt properly on at all
227 times the motor vehicle:

228 (1) has its engine on; and

229 (2) it is in the drive (D) mode.

230 (b) EXEMPTION.—If a person has an exemption on their
231 Drivers License issued by the State of Indiana, they shall
232 be exempt from subsection (a).

233 **PART E – Firearms Measures.**

234 **SECTION 12. Firearms.**

235 (a) FIREARM FREE ZONES.—It shall be unlawful for
236 any person to possess a firearm within the House of
237 Commons buildings, excluding:

238 (1) locked compartments in the garage; or

239 (2) locked motor vehicles.

240 (b) PERSONS PROHIBITED.—Any person who:

241 (1) is under the age of twenty-one (21);

242 (2) has a mental disability or diagnosis; or

243 (3) is not a Member of the House;

244 shall be prohibited from owning and/or possessing a
245 firearm on House property.

246 (c) CONCEALED CARRY.—It shall be prohibited to
247 conceal a firearm on House property.

248 (d) SIGNAGE.—The Highway Management Agency shall
249 display signs reflecting the policies of this Section.

250 (e) ASSULT RIFLES.—It shall be prohibited for any
251 person to own a assault rifle on House property.

252 (f) HOUSE FIREARM LICENSE SYSTEM.—Any person
253 who lawfully possesses a firearm must file within thirty
254 (30) days from the date of purchase, or within thirty (30)
255 days from the date of enactment:

256 (1) the purchase of a firearm;

257 (2) the type of firearm; and

258 (3) purpose of the firearm.

259 (g) MANAGEMENT.—The Office of Inspector General
260 shall manage this Section of the Act and shall issue a
261 firearm license to all persons who lawfully possess a
262 firearm if they meet all requirements as described in this
263 Act.

264 (h) DISPLAY OF LICENSE.—Any House person must
265 carry their firearm license on them at all times and
266 present their firearm license by demand of a House
267 official.

268 (i) WAITING PERIOD.—Any person wanting to own a
269 firearm must:

270 (1) apply with the Inspector General informing
271 them that they qualify to own a firearm and wish to
272 lawfully possess one;

273 (2) conduct a background check by the House;

274 (3) complete any necessary forms with the State
275 and the Alcohol, Tobacco, and Firearm Commission
276 (ATF); and

277 (4) wait twenty-one (21) days after informing the
278 Inspector General of the Member's intention;

279 before they can lawfully possess a firearm.

280 (j) BACKGROUND CHECK COSTS.—Any costs
281 associated with a House conducted background check are
282 the responsibility of the Member wishing to be licensed.

283 (k) PROHIBITED LICENSURE.—Any person who does
284 not possess a license from the House to own a firearm
285 shall be prohibited from possessing a firearm until they
286 receive a license from the House.

287 (l) WITHDRAW OF LICENSURE.—The Speaker or the
288 Inspector General may, if warranted, withdraw a license
289 if there are sufficient grounds that they may harm
290 themselves or others.

291 (m) DEFINITIONS.—

292 (1) “*Firearm.*”—

293 (A) any weapon (including a starter gun)
294 which will or is designed to or may readily be
295 converted to expel a projectile by the action
296 of an explosive;

297 (B) the frame or received of any such
298 weapon;

299 (C) any firearm muffler or firearm silencer;
300 or

301 (D) any destructive device, excluding antique
302 firearms.

303 (2) “*Destructive device.*”—

304 (A) any explosive, incendiary, or poison gas;
305 or

306 (B) any type of weapon by whatever name
307 knows which will, or which may be readily
308 converted to, expel a projectile by the action
309 of an explosive or other propellant, and

310 which has any barrel with a bore of more
311 than one-half inch in diameter.

312 (3) "*Shotgun.*"—any weapon designed or
313 redesigned, made or remand, and intended to be
314 fire from the shoulder and designed or redesigned
315 and made or remand to use the energy of the
316 explosive in a fixed shotgun shell to fire through a
317 smooth bore either a number of ball shot or a single
318 projectile for each single full of the trigger.

319 (4) "*Rifle.*"—a weapon designed or redesigned,
320 made or remade, and intended to be fired from the
321 shoulder and designed or redesigned and made or
322 remade to use the energy of the explosive in a fixed
323 metallic cartridge to fire only a single projectile
324 through a rifled bore for each single pull of the
325 trigger.

326 (n) Subsection (b) shall not apply to those exercising the
327 Immediate Threat standard under Section 10(e) of this
328 Act.

329 (o) APPEAL WITHDRAW OF LICENSURE.—Any
330 Member whose license was revoked shall have the right to
331 appeal the decision with the Office of the Inspector
332 General.

333 (1) MANAGEMENT.—The Office of the Inspector
334 General shall be permitted to take all reasonable
335 steps necessary to enact this subsection.

336 (2) INVESTIAGATION AND HEARINGS.—

337 (A) The Office of the Inspector General shall
338 determine if it is reasonable for the Member
339 not to have a firearm license. Should there

340 be no just cause for the Member not to be
341 licensed, the Inspector General shall re-
342 instate said license.

343 (B) HEARING.—Prior to making a decision,
344 at least one (1) hearing shall be conducted
345 into the matter. The Member whose license
346 was revoked shall state their case for why
347 they feel that the revocation has no grounds
348 and should be re-instated. The person who
349 revoked the license shall also testify on why
350 they believe there is just cause for the
351 revocation. The Inspector General shall
352 preside over the hearing and may ask any
353 question in regard to the matter before them.

354 (i) A decision shall be issued, in
355 writing with all conclusions based in
356 law and fact, within forty-five (45)
357 days after the hearing.

358 **PART F – Civil Crimes Measure.**

359 **SECTION 13. Torts.**

360 It shall be unlawful to:

- 361 (1) ASSAULT.—Act intentionally causing the
362 reasonable apprehension of an immediate harmful
363 or offensive contact;
- 364 (2) BATTERY.—Application of force directly or
365 indirectly upon another person or their personal
366 belongings, causing bodily injury or offensive
367 contact;

368 (3) FALSE IMPRISONMENT.—Intentionally
369 restrict another person’s movement within any
370 area without legal authority, justification, or the
371 restrained person’s permission;

372 (4) INTENTIONAL INFLICTION OF
373 EMOTIONAL DISTRESS.—Intentionally or
374 recklessly inflict emotional distress by behaving in
375 an extreme and outrageous way; and

376 (5) DEFAMATION.—Communicate to a third party
377 a false statement about a person, place, or thing
378 that results in damage to their reputation.

379 **SECTION 14. Legislation Website Filter Funding.**

380 (a) The Department of Revenue, with the House
381 concurring, shall provide The Honorable Leo Cavinder
382 \$36.65 for the expenses incurred in regard to updating
383 The Clerk of the House Legislation filter website page.

384 (b) This section shall be repealed upon its execution.

Speaker of the House Assent