ORDINANCE 2011- 6
(Replaces 1998-4)

ORDINANCE PROHIBITING DEADLY WEAPONS WITHIN THE VERMILLION COUNTY COURTHOUSE AND COUNTY JAIL

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VERMILLION COUNTY, INDIANA:

Section 1-Definitions:

(a) "deadly weapon" means (1) a loaded or unloaded firearm; or (2) a weapon, device, taser or electronic stun gun, equipment, chemical substance, or other material that in the manner it is used, could ordinarily be used or is intended to be used, is readily capable of causing serious bodily injury.

(b) "firearm" means any weapon which is capable of, designed to or that may be readily converted to expel a projectile by means of an explosion.

(c) "serious bodily injury" means bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ. (I.C. 35-41-1-25)

(d) Small pocket knives, nail clippers and other such tools normally carried in people's pockets shall not be considered deadly weapons absent a clear intent to use such an item as a weapon.

Section 2:

Except as provided in Section 3 of this ordinance, a person shall not possess on or about his person within the Vermillion County Courthouse or the Vermillion County Jail, any deadly weapon.

Section 3:

Excepted Persons: Section 2 of this ordinance does not apply to the following persons while on duty or while appearing in court to testify in their official capacity: Law Enforcement Officers (I.C. 35-41-1-17), Indiana Department of Correction Officers, Community Corrections personnel, Court Personnel, Probation or Parole Officers, employees of the United States duly authorized to carry deadly weapons or any other person recognized by the State of Indiana to lawfully carry a handgun.

The persons described in the foregoing paragraph as being exempt from the provisions of this ordinance shall not be exempt if they or any of them or any member of the family of

one of them is a party to any proceeding taking place in court. Officers not on regular duty, but who may be in the Courthouse on special assignment or on business not associated with their official duties, shall also be exempt from the provisions of this ordinance unless they or any one of them come with the provisions of the first sentence of this paragraph.

Any person who is lawfully carrying a weapon inside the courthouse must take appropriate measures to conceal it from casual view or they must be wearing a uniform or prominently displayed badge that correctly identifies them as one of the professions listed above that is authorized to carry firearms.

Section 4:

Any person of whom the court security officer of any law enforcement officer on duty in an official capacity has probable cause to believe may have on or about his or her person a deadly weapon in violation of this ordinance may be searched for such deadly weapon and any such weapon or illegal contraband found on or about such person shall be seized and held for disposition according to the law, and such person may be subject to prosecution for any offenses committed beyond the violation of this ordinance.

Section 5:

Elected Office holders may place additional restrictions upon their own employees and upon the parts of their office space that are not open to the public.

Section 6:

The County Sheriff shall determine the security requirements of the County Jail and post such restrictions as he sees fit at the entrances to the jail. Violation of any of these restrictions shall be deemed to be in violation of this ordinance.

Section 7:

That nothing in this ordinance shall be construed to limit the Circuit Court's powers to find an individual in contempt or to otherwise limit its legal authority.

Section 8:

That nothing in this ordinance shall be construed so as to prevent a law enforcement officer from taking reasonable steps consistent with existing law to maintain the safety of persons inside the courthouse.

Passed by the Board of County Commissioners of Vermillion County, Indiana, on the 2nd day of May, 2011

Tim Wilson

Harry Crossley

Mike Craig

Attest: _____
Phyllis Orman, Auditor