

In the Circuit and Superior Courts of Grant County, Indiana
New Rule on Court Building Security

The Circuit and Superior Courts of Grant County, Indiana, have adopted a new local court rule on Court Building Security at LR-27-AR00-28. The text of the new rule is attached.

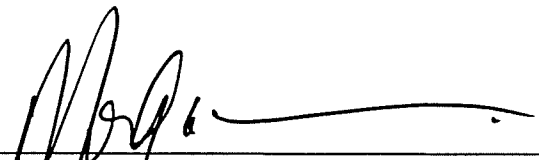
On August 7, 2013, notice of the proposed new local court rule was forwarded to the Grant County Bar Association, and to the Clerk of Grant Circuit Court for publication on the county website, and to the Division of State Court Administration for publication on the judicial website. The notice stated that the undersigned judges and the juvenile magistrate found there is good cause to deviate from the typical adoption schedule contemplated by Ind. Trial Rule 81, and there would be a thirty (30) day comment period from August 8, 2013, through September 9, 2013.

The notice included an invitation to make comments regarding the new rule to Judge Warren Haas, Grant Superior Court 3, 101 East 4th Street, Marion, IN 46952, (765) 668-8123, or by email to whaas@grantcounty.net.

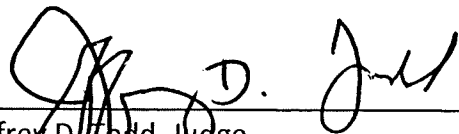
The proposed new local court rule was changed slightly in response to those comments. The final version is attached.

September 10, 2013, is the effective date of this final version of the new local court rule.

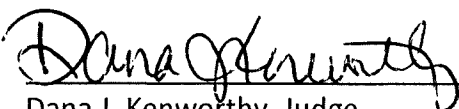
SO ORDERED this 29th day of August, 2013.



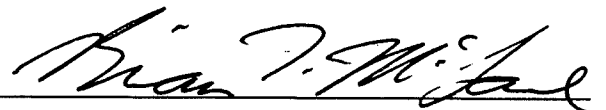
Mark E. Spitzer, Judge
Grant Circuit Court



Jeffrey D. Todd, Judge
Grant Superior Court 1



Dana J. Kenworthy, Judge
Grant Superior Court 2



Brian F. McLane, Juvenile Court Magistrate
Grant Superior Court 2



Warren Haas, Judge
Grant Superior Court 3

Pursuant to the inherent power of the Courts to provide for the orderly operation of the Courts and for the safety of litigants, witnesses, court staff, and the public, the judges of the Grant Circuit and Superior Courts ("the Courts") enter the following orders after completing the process of publishing this Court Building Security Order as a local court rule:

1. Everyone entering the Grant County Courthouse and any other location where a judicial officer of any of the Courts maintains an office or conducts court proceedings (collectively "the courtroom buildings"), must consent to a search of their person, including any package, briefcase, or purse.
2. If a courtroom building has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used only for restricted purposes, as the Courts deem to be appropriate.
3. Unless exempt under Paragraph 6, below, everyone entering a courtroom building is prohibited from having any of the following in their possession when in the courtroom building:
 - (a) an audiovisual recording device as defined by I.C. § 35-31.5-2-23 & I.C. § 35-46-8-2
 - (b) body armor as defined by I.C. § 35-31.5-2-28 & I.C. § 35-47-5-13(a)
 - (c) a bomb as defined by I.C. § 35-31.5-2-31
 - (d) a camera as defined by I.C. § 35-31.5-2-33 & I.C. § 35-45-4-5(a)(1)
 - (e) a cell phone or similar communication device, unless the person is 1) an attorney licensed to practice law in the State of Indiana; 2) a member of the attorney's support staff; 3) a governmental employee; or 4) a workman or vendor, so long as the attorney, staff member, governmental employee, workman or vendor is conducting business in the courtroom building
 - (f) a Chinese throwing star as defined by I.C. § 35-31.5-2-41 & I.C. § 35-47-5-12
 - (g) a dangerous device as defined by I.C. § 35-31.5-2-82 & I.C. § 35-47-6-1.1(a)
 - (h) a dangerous gas as defined by I.C. § 35-31.5-2-83
 - (i) a deadly weapon as defined by Ind. Code § 35-31.5-2-86
 - (j) a destructive device as defined by I.C. § 35-31.5-2-92 & I.C. § 35-47.5-2-4
 - (k) a detonator as defined by I.C. § 35-31.5-2-93 & I.C. § 35-47.5-2-5
 - (l) an electronic stun weapon as defined by I.C. § 35-47-8-1
 - (m) an explosive as defined by I.C. § 35-31.5-2-125 & I.C. § 35-47.5-2-7

- (n) a firearm as defined by I.C. § 35-31.5-2-133, I.C. § 35-47-1-5, & I.C. § 35-47-15-1
 - (o) a handgun as defined by I.C. § 35-31.5-2-148 & I.C. § 35-47-1-6
 - (p) a knife as defined by I.C. § 35-31.5-2-180 & I.C. § 35-47-5-2.5(a) and (b)
 - (q) a stun gun as defined by I.C. § 35-31.5-2-112 & I.C. § 35-47-8-1
 - (r) a taser as defined by I.C. § 35-31.5-2-324 & I.C. § 35-47-8-3
 - (s) a tear gas device such as Mace® or pepper spray
 - (t) and any other material that, in the manner in which it is used, could ordinarily be used or is intended to be used and is readily capable of causing serious bodily injury (as defined by I.C. § 35-31.5-2-292) as initially determined by the Grant County Sheriff's Officers and as approved by any of the judges of the Courts.
4. Anyone refusing to comply with this Order is to be denied entrance to the courtroom buildings.
 5. Anyone violating this Order may be found to be:
 - (a) in direct contempt of court under I.C. § 34-47-2, if the violation occurs in the presence of a judicial officer; or
 - (b) in indirect contempt of court under I.C. § 34-47-3, if the violation is willful and occurs out of the presence of a judicial officer.
 6. The following individuals are exempt from this order:
 - (a) Any law enforcement officer appearing at any of the courtroom buildings on official duty is exempt. The term "law enforcement officer" is defined in I.C. § 35-31.5-2-185 as follows:
 - (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general,
 - (2) a deputy of the people listed in Paragraph 6(a)(1),
 - (3) an investigator for a prosecuting attorney or for the inspector general,
 - (4) a conservation officer,
 - (5) an enforcement officer of the alcohol and tobacco commission, and
 - (6) an enforcement officer of the securities division of the office of the Secretary of State.
 - (b) Any federal enforcement officer as defined in I.C. § 35-31.5-2-129 is a "law enforcement officer". This includes a Federal Bureau of Investigation special

agent, a United States Marshals Service marshal or deputy, a United States Secret Service special agent, a United States Fish and Wildlife Service special agent, a United States Drug Enforcement Agency agent, a Bureau of Alcohol, Tobacco, Firearms and Explosives agent, a United States Forest Service law enforcement officer, a United States Department of Defense police officer or criminal investigator, a United States Customs Service agent, a United States Postal Service investigator, a National Park Service law enforcement commissioned ranger, a United States Department of Agriculture–Office of Inspector General special agent, a United States Citizenship and Immigration Services special agent, and any individual who is an employee of a federal agency and is authorized to make arrests and carry a firearm in the performance of the individual’s official duties;

- (c) Indiana Department of Correction Officers,
 - (d) Community Correction officers,
 - (e) judicial officers,
 - (f) probation officers,
 - (g) employees of the courtroom buildings, who carry chemical spray devices for personal protection are also exempt, and
 - (h) any other person authorized by at least three (3) full-time judicial officers of the Courts shall be exempt until at least three (3) full-time judicial officers of the Courts withdraw the exemption. The judicial officers are to provide the Grant County Sheriff with a copy of the authorization and/or the withdrawal of the authorization for the exemption to be valid.
7. Any person listed in Paragraph 6 SHALL NOT BE EXEMPT whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual’s official capacity.
8. The statutes cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect at any given time.