

firearms at the same time or within a 3 year period;

(E) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years for purchasing not less than 21 firearms and not more than 30 firearms at the same time or within a 4 year period;

(F) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years for purchasing not less than 31 firearms and not more than 40 firearms at the same time or within a 5 year period;

(G) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years for purchasing more than 40 firearms at the same time or within a 6 year period.

(2) In addition to any other penalty that may be imposed for a violation of this Section, the court may sentence a person convicted of a violation of subsection (c) of this Section to a fine not to exceed \$250,000 for each violation.

5/24-4. Register of sales by dealer.

(a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

(b) Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon, and the purpose for which it is purchased and obtained.

(c) Such seller on demand of a peace officer shall produce for inspection the register and allow such peace officer to inspect such register and all stock on hand.

(d) **Sentence.** Violation of this Section is a Class B misdemeanor.

5/24-5. Defacing identification marks of firearms.

(a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class 2 felony.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

5/24-8. Firearm tracing.

(a) Upon recovering a firearm from the possession of anyone who is not permitted by federal or State law to possess a firearm, a local law enforcement agency shall use the best available information, including a firearms trace when necessary, to determine how and from whom the person gained possession of the firearm.

(b) Local law enforcement shall, when appropriate, use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco and Firearms in complying with subsection (a) of this Section.

(c) Local law enforcement agencies shall use the Illinois Department of State Police Law Enforcement Agencies Data System (LEADS) Gun File to enter all stolen, seized, or recovered firearms as prescribed by LEADS regulations and policies.

5/24-9. Firearms; Child Protection.

(a) Except as provided in subsection (c), it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 14 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm, unless the firearm is:

(1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or

(2) placed in a securely locked box or container; or

(3) placed in some other location that a reasonable person would believe to be secure from a minor under the age of 14 years.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than \$1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) Subsection (a) does not apply:

(1) if the minor under 14 years of age gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or

(2) to any firearm obtained by a minor under the age of 14 because of an unlawful entry of the premises by the minor or another person.

(d) For the purposes of this Section, "firearm" as the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

[Current through III. Public Act 91-925 (July 7, 2000), including 91-673, 91-690, 91-694, and 91-696]

Publisher's Notes:

The following jurisdictions restrict the age at which a person may legally purchase or receive a firearm: Aurora, Chicago, Danville, Decatur, Joliet, Lombard, Peoria, Schaumburg, Skokie, and Waukegan.

The following jurisdictions prohibit the sale, possession, or receipt of firearms by a particular class of person (e.g. convicted felons, fugitives, illegal aliens, mental incompetents, illegal drug users and addicts): Danville, Peoria, and Waukegan.

The following jurisdictions restrict the sale, possession, or receipt of certain weapons: Aurora (silencers, machine guns, short-barreled rifles, short-barreled shotguns, explosive bullets, assault ammunition and weapons), Chicago (weapons from which eight or more shots may be discharged by a single function of the firing device, assault weapons and ammunition, fragmenting bullets, metal piercing bullets, and disc projectile ammunition), Danville (silencers, machine guns, short-barreled rifles, short-barreled shotguns, and explosive bullets), East St. Louis (grenades, fully-automatic weapons, short-barreled rifles, and short-barreled shotguns = possession forbidden; hand-guns = same, with exceptions), Morton Grove (handguns, weapons from which eight or more shots may be discharged by a single function of the firing device, sawed-off shotguns), Schaumburg (used firearms), and Waukegan (explosive bullets).

The following jurisdiction requires a waiting period or notification to law enforcement officials before a weapon can be delivered to a purchaser: Chicago.

A permit must be obtained by a purchaser or recipient before a firearm may be sold or delivered in the following jurisdictions: Champaign, Chicago, Joliet, Schaumburg, and Skokie.

The following jurisdictions restrict the sale of firearms by requiring a license or record-keeping: Chicago (both), Danville (recordkeeping), Decatur (recordkeeping), Franklin Park (both), Galesburg (both), Joliet (both), Peoria (both), Rockford (both), Schaumburg (both), and Waukegan (both).

INDIANA IND. CODE

Title 35. Criminal Law and Procedure

Article 47. Weapons and Instruments of Violence

Chapter 1. Definitions

35-47-1-1. Application of definitions in chapter. The definitions in this chapter apply throughout this article.

35-47-1-2. "Alcohol abuser" defined. "Alcohol abuser" means an individual who has had two (2) or more alcohol related offenses, any one (1) of which resulted in conviction by a court or treatment in an alcohol abuse facility within

three (3) years prior to the date of the application.

35-47-1-3. "Dealer" defined. "Dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis.

35-47-1-4. "Drug abuser" defined. "Drug abuser" means an individual who has had two (2) or more violations of IC 35-48-1, IC 35-48-2, IC 35-48-3, or IC 35-48-4, any one (1) of which resulted in conviction by a court or treatment in a drug abuse facility within five (5) years prior to the date of application.

35-41-1-4.3. "Bomb" defined.

(a) "Bomb" means an explosive or incendiary device designed to release:

(1) destructive materials or force; or

(2) dangerous gases;

that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.

(b) The term does not include the following:

(1) A firearm (as defined in IC 35-47-1-5) or the ammunition or components for handloading ammunition for a firearm.

(2) Fireworks regulated under IC 22-11-14.

(3) Boating, railroad, and other safety flares.

(4) Propellants used in model rockets or similar hobby activities.

(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses,

quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

35-47-1-5. "Firearm" defined. "Firearm" means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion.

35-47-1-5.5 "Gun show" defined. "Gun show" has the meaning set forth in 27 C.F.R. 178.100.

35-47-1-6. "Handgun" defined. "Handgun" means any firearm:

(1) designed or adapted so as to be aimed and fired from one (1) hand, regardless of barrel length; or

(2) any firearm with:

(A) a barrel less than sixteen (16) inches in length; or

(B) an overall length of less than twenty-six (26) inches.

35-47-1-7. "Proper person" defined. "Proper person" means a person who does not:

(1) have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;

(2) have a conviction for a crime for which he could have been sentenced for more than one (1) year;

(3) have a record of being an alcohol or drug abuser as defined in this chapter;

(4) have documented evidence which would give rise to a reasonable belief that he has a propensity for violent or emotionally unstable conduct;

(5) make a false statement of material fact on his application;

(6) have a conviction for any crime involving an inability to safely handle a handgun;

(7) have a conviction for violation of the provisions of this article within five (5) years of his application; or

(8) have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age

35-47-1-8. "Proper reason" defined. "Proper reason" means for the defense of oneself or the state of Indiana.

35-47-1-9. "Retail" defined. "Retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof.

35-47-1-10. "Sawed-off shotgun" defined. "Sawed-off shotgun" means:

(1) a shotgun having one (1) or more barrels less than eighteen (18) inches in length; and

(2) any weapon made from a shotgun (whether by alteration, modification, or otherwise) if the weapon as modified has an overall length of less than twenty-six (26) inches.

35-47-1-11. "Shotgun" defined. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

35-47-1-12. "Superintendent" defined. "Superintendent" refers to the superintendent of the Indiana state police department.

35-47-1-13. "Wholesale" defined. "Wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in handguns, or the sale of a handgun to a governmen-

tal law enforcement agency for issue to its employees.

Chapter 2. Regulation of Handguns

35-47-2-1. License required to carry handgun, with exceptions. Except as provided in section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about his person, except in his dwelling, on his property or fixed place of business, without a license issued under this chapter being in his possession

35-47-2-2. Exceptions to section 1. Section 1 of this chapter does not apply to:

(1) marshals;

(2) sheriffs;

(3) the commissioner of the department of correction or persons authorized by him in writing to carry firearms;

(4) judicial officers;

(5) law enforcement officers;

(6) members of the armed forces of the United States or of the national guard or organized reserves while they are on duty;

(7) regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state who are at or are going to or from their place of assembly or target practice;

(8) employees of the United States duly authorized to carry handguns;

(9) employees of express companies when engaged in company business;

(10) any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a handgun in the usual or ordinary course of that business; or

(11) any person while carrying a handgun unloaded and in a secure wrapper from the place of purchase to his dwelling or fixed place of business, or to a place of repair or back to his dwelling or fixed place of business, or in moving from one dwelling or business to another.

35-47-2-6. Granting or rejection of initial application and renewals. Every initial application for any license under this chapter shall be granted or rejected within sixty (60) days after the application is filed. If the application for renewal of an existing license is filed within thirty (30) days of its expiration, the existing license is automatically extended until the application for renewal is passed upon.

35-47-2-7. Prohibited sales or transfers of ownership.

(a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon (as defined in IC 35-50-2-11) to any person under eighteen (18) years of age.

(b) It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to another person who the person has reasonable cause to believe:

(1) has been:

(A) convicted of a felony; or

(B) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;

(2) is a drug abuser;

(3) is an alcohol abuser; or

(4) is mentally incompetent.

35-47-2-8. Applications of restrictions of this chapter; waiting period for delivery of handgun. The regulation of the sale of handguns imposed by this chapter shall apply equally to an occasional sale, trade, or transfer between individual persons and to retail transactions between dealers and individual persons.

35-47-2-14. Necessity of retail handgun dealer's license; display. A retail dealer who:

(1) sells;

(2) trades;

(3) transfers;

(4) exposes for sale, trade, or transfer; or

(5) possesses with intent to sell, trade, or transfer; any handgun without being licensed under sections 15 and 16 of this chapter and without displaying his license at all times commits a Class B misdemeanor.

35-47-2-15. Retail handgun dealer's license; application procedure.

(a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which he has a regular place of business.

The applicant shall state his name, full address, occupation, sex, race, age, place of birth, date of birth, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). The officer to whom the application is made shall verify the application and search his records concerning the applicant's character and reputation.

(b) The officer to whom the application is made shall send to the superintendent:

(1) the verified application;

(2) the results of the officer's investigation; and

(3) the officer's recommendation for approval or disapproval of the application; in as many copies as the superintendent shall designate, and one (1) set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation he deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, he shall provide the superintendent and the applicant with his complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, he shall instruct the applicant in the proper method of taking legible and classifiable fingerprints. If it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, he shall issue to the applicant a retail handgun dealer's license which shall be valid for a period of two (2) years from the date of issue. The fee for the license shall be twenty dollars (\$20), which shall be deposited with the officer to whom the application is made, who shall in turn forward it to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent. In the event that the application is disapproved by the superintendent, the fee shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.

(c) No retail dealer's license shall be issued to any person who has been:

(1) convicted of a felony; or

(2) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person applying for the retail dealer's license is less than twenty-three (23) years of age; in Indiana or any other state or country.

(d) A retail dealer's license shall permit the licensee to sell handguns at retail within this state

subject to the conditions specified in this chapter. The license may be suspended or revoked in accordance with applicable law, and the licensee may be subject to punishment as provided in this chapter.

35-47-2-16. Retail handgun dealer's license; restrictions; prohibited sales; gun-show.

(a) A retail dealer's business shall be carried on only in the site designated in the license. A separate license shall be required for each separate retail outlet. Whenever a licensed dealer moves his place of business, he shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This subsection does not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold:

(1) in violation of any provision of this chapter; or

(2) under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

(d) Notwithstanding subsection (a), a retail dealer may display, sell, or transfer handguns at a gun show in accordance with this chapter and federal law.

35-47-2-17. Giving false information or offering false evidence of identity; violation of section. No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry a handgun, shall give false information or offer false evidence of identity. In addition to any penalty provided by this chapter, any handgun obtained through false information shall be subject to confiscation and disposition as provided in this chapter. Upon notice of a violation of this section by the superintendent, it shall be the duty of the sheriff or chief of police or corresponding officer of the jurisdiction in which the purchaser resides to confiscate the firearm and retain it as evidence pending trial for the offense.

35-47-2-18. Obliterating identification marks on handgun or possession of such handguns. No person shall:

(1) change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun; or

(2) possess any handgun on which the name of the maker, model, manufacturer's serial number, or other mark of identification has been changed, altered, removed, or obliterated; except as provided by applicable United States statute.

35-47-2-19. Application of chapter. This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

35-47-2-20. Removal of disability under this chapter.

(a) A full pardon from the governor of Indiana for:

(1) a felony other than a felony that is included in IC 35-42; or

(2) a violation of this chapter; removes any disability under this chapter imposed because of that offense, if fifteen (15) years have elapsed between the time of the offense and the application for a license under this chapter.

(b) A conditional pardon described in IC 11-9-2-4 for:

(1) a felony; or

(2) a violation of this chapter; removes a disability under this chapter if the superintendent determines after an investigation that circumstances have changed since the pardoned conviction was entered to such an extent that the pardoned person is likely to handle handguns in compliance with the law.

35-47-2-21. Recognition of retail dealer's licenses and licenses to carry handguns issued by other states.

(a) Retail dealers' licenses issued by other states or foreign countries will not be recognized in Indiana except for sales at wholesale.

(b) Licenses to carry handguns, issued by other states or foreign countries, will be recognized according to the terms thereof but only while the holders are not residents of Indiana.

35-47-2-22. Use of unlawful handgun-carrying license to obtain handgun prohibited. It is unlawful for any person to use, or to attempt to use, a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter.

35-47-2-24. Indictment or information, defendant's burden to prove exemption or license; arrest, effect of production of valid license or establishment of exception.

(a) In an information or indictment brought for the enforcement of any provision of this chapter, it is not necessary to negate any exemption specified under this chapter, or to allege the absence of a license required under this chapter. The burden of proof is on the defendant to prove that he is exempt under section 2 of this chapter, or that he has a license as required under this chapter.

(b) Whenever a person who has been arrested or charged with a violation of section 1 of this chapter presents a valid license to the prosecuting attorney or establishes that he is exempt under section 2 of this chapter, any prosecution for a violation of section 1 of this chapter shall be dismissed immediately, and all records of an arrest or proceedings following arrest shall be destroyed immediately.

Chapter 2.5. Sale of Handguns

35-47-2.5-1. Applicability of chapter. This chapter does not apply to the following:

(1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.

(2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.

(3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

35-47-2.5-2. "Dealer" defined. As used in this chapter, "dealer" includes any person licensed under 18 U.S.C. 923.

35-47-2.5-3. Criminal history information; consent form.

(a) Notwithstanding any other law, a person purchasing a handgun from a dealer shall consent in writing, on a form to be provided by the superintendent, to have the dealer obtain criminal history information.

(b) The form shall include, in addition to the information required by section 4 of this chapter, the same information required to be included on the firearms transaction record required by federal regulations administered by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury. However, the form may not include any information related to the handgun.

(c) The copies of the forms shall be mailed or delivered to the state police department before the last day of the month following the sale.

35-47-2.5-4. Dealer requirements prior to sale, rent, trade, or transfer. A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

(1) Obtained from the prospective purchaser written consent to a criminal history check, as specified in section 3 of this chapter.

(2) Provided the state police department with the prospective purchaser's name, birth date, gender, race, Social Security number, and any other identification required of the prospective purchaser.

(3) Requested and received criminal history information from the state police department by means of:

(A) a telephone call; or

(B) other electronic means.

35-47-2.5-5. Documentation of personal identification and residence.

(a) To establish personal identification and residence in Indiana for purposes of this chapter, a dealer must require a prospective purchaser to present one (1) photographic identification form issued by a governmental agency of the state or by the United States Department of Defense, or other documentation of residence.

(b) Except when photographic identification was issued by the United States Department of Defense, other documentation of residence must show an address identical to that shown on the photographic identification form or as amended by proper notice of change of address filed with the issuing authority. Suitable other documentation of residence includes:

(1) evidence of currently paid personal property tax or real estate tax, a current lease, utility, or telephone bill, a voter registration card, a bank check, a passport, an automobile registration, or a hunting or fishing license;

(2) other current identification allowed as evidence of residency by 27 CFR 178.124 and United States Alcohol, Tobacco, and Firearms Ruling 79-7; or

(3) other documentation of residence, determined to be acceptable by the state police department, that corroborates that the prospective purchaser currently resides in Indiana.

(c) If the photographic identification was issued by the United States Department of Defense, permanent orders may be used as documentation of residence.

35-47-2.5-6. Criminal history check; duties of state police department. Upon receipt of a request for a criminal history check under this chapter, the state police department shall:

(1) review its criminal history information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law;

(2) inform the dealer if the state police department's record indicates that the buyer or transferee is a prohibited buyer or transferee; and

(3) provide the dealer with a unique reference number for the inquiry.

35-47-2.5-7. Criminal history check; response time.

(a) The state police department shall provide its response to a requesting dealer under section 6 of this chapter during the dealer's call, or by return call without delay.

(b) If a criminal history check indicates that a prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the division of mental health, the state

police department has until the end of the next business day of the state police department to advise the dealer that the records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law.

(c) If a dealer:

(1) is not advised of a prohibition before the end of the next business day of the state police department; and

(2) has fulfilled the requirements of section 4 of this chapter; the dealer may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.

(d) In case of electronic failure or other circumstances beyond the control of the state police department, the dealer shall be advised immediately of the reason for the delay and be given an estimate of the length of the delay. However, after a notification under this subsection, the state police department shall inform the requesting dealer whether state police department records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law not later than:

(1) the end of the next business day of the state police department following correction of the problem that caused the delay; or

(2) three (3) business days of the state police department; whichever is earlier.

(e) A dealer that fulfills the requirements of section 4 of this chapter and is told by the state police department that a response will not be available under subsection (d) may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.

35-47-2.5-8. Maintenance of records by state police department; log of requests.

(a) Except as otherwise provided in this section, the state police department may not maintain records in any form, including a computer data base, longer than thirty (30) days after a dealer's request for a criminal history check concerning a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law.

(b) A log of requests made to the state police department may be maintained for not more than twelve (12) months, if the log consists only of:

- (1) the name of the purchaser;
- (2) the dealer identification number;
- (3) the unique approval number;
- (4) the transaction date; and
- (5) a record indicating that the fee collected by the dealer under section 11 of this chapter has been transferred to the state police department.

35-47-2.5-10. Criminal history check; violations in obtaining, maintaining, or disseminating criminal history information. A person who knowingly or intentionally:

(1) requests, obtains, or seeks to obtain under false pretenses;

(2) wrongfully maintains; or

(3) disseminates or seeks to disseminate; criminal history information except as authorized in this chapter commits a Class A misdemeanor.

35-47-2.5-11. Criminal history check; fees.

(a) All licensed firearms dealers shall collect a fee of three dollars (\$3) for every transaction for which a criminal history check is required under this chapter. The fee must be transferred to the state police department before the last day of the month following the sale.

(b) The state police department shall deposit the fees received under this section in a special

fund for use in offsetting the cost of conducting criminal history checks under this chapter.

35-47-2.5-12. Criminal history check; false statement on consent form. A person who knowingly or intentionally makes a materially false statement on the consent form required by section 3 of this chapter commits a Class D felony.

35-47-2.5-13. Dealer violations. Except as otherwise provided in this chapter, a dealer who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of this chapter commits a Class A misdemeanor.

35-47-2.5-14. Providing handgun to ineligible purchaser; exemptions.

(a) This section does not apply to a person who provides a handgun to the following:

(1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.

(2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:

(A) a qualified firearms instructor; or

(B) an adult who is supervising the child while the child is at the range.

(3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.

(4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.

(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

(6) A child who:

(A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and

(B) has permission from the child's parent or legal guardian to possess a firearm.

(b) A person who purchases a handgun with the intent to:

(1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or

(2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm; commits a Class D felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

35-47-2.5-15. Ineligible purchaser attempting to purchase handgun; violation.

(a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Class D felony.

(b) If the violation involves a transfer of more than one (1) handgun, the offense is a Class C felony.

Chapter 3. Disposal of Confiscated Weapons

35-47-3-1. Confiscated firearms disposed in accordance with this chapter. All firearms confiscated pursuant to statute shall, upon conviction of the person for the offense for which the confiscation was made, be disposed of in accordance with this chapter.

35-47-3-2. Application of section to firearms not required to be registered in National Firearms Registry and Transfer Record; return of firearm to rightful owners; disposal procedure.

(a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered:

(1) except as provided in subdivision (2), to the sheriff's department of the county in which the offense occurred; or

(2) to the city or town police force that confiscated the firearm, if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than two hundred fifty thousand (250,000).

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than one hundred twenty (120) days following receipt by use of any of the following procedures:

(1) Public sale of the firearms to the general public as follows:

(A) Notice of the sale shall be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale.

(B) Disposition of the firearm shall be by public auction in a place convenient to the general public, with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana.

(C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in this article.

(D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be:

(i) deposited into the receiving law enforcement agency's firearms training fund, if the law enforcement agency is a county law enforcement agency, or into a continuing education fund established under IC 5-2-8-2, if the law enforcement agency is a city or town law enforcement agency; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties, if the law enforcement agency is a county law enforcement agency, or for law enforcement purposes, if the law enforcement agency is a city or town law enforcement agency.

(2) Sale of the firearms to a licensed firearms dealer as follows:

(A) Notice of the sale must be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale.

(B) Disposition of the firearm shall be by auction with disposition going to the highest bidder who is a licensed firearms dealer.

(C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be:

(i) deposited into the receiving law enforcement agency's firearms training fund or other appropriate training activities fund; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.

(3) Sale or transfer of the firearms to another law enforcement agency.

(4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(5) Destruction of the firearms.

(d) Notwithstanding the requirement of this section mandating disposal of firearms not more than one hundred twenty (120) days following receipt, the receiving law enforcement agency may at its discretion hold firearms it may receive until a sufficient number has accumulated to defray the costs of administering this section if a delay does not exceed one hundred eighty (180) days from the date of receipt of the first firearm in the sale lot. In any event, all confiscated firearms shall be disposed of as promptly as possible.

(e) When a firearm is delivered to the state police department laboratory or other forensic laboratory under subsection (c)(4) and the state police department laboratory or other forensic laboratory determines the laboratory has no further need for the firearm in question, the laboratory shall return the firearm to the law enforcement agency for disposal under subsection (c).

35-47-3-3. Application of section to firearms required to be registered in National Firearms Registry and Transfer Record; return of firearms to rightful owners; unreturnable firearms; registry of firearms; disposal.

(a) This section applies to firearms that are required to be registered in the National Firearms Registry and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause, if such return has not already occurred under the terms of IC 35-33-5, and if such owner remains lawfully entitled to possess such firearms according to applicable United States and Indiana statutes. If rightful ownership is not known, the law enforcement agency holding the firearm shall make a reasonable and diligent effort to ascertain the rightful ownership and cause the return of the firearm being held, providing the owner remains lawfully entitled to possess such firearms.

(c) Firearms that are not returnable under this section shall be at once delivered to:

(1) the sheriff's department of the county in which the offense occurred, unless subdivision (2) applies; or

(2) the city or town police force that confiscated the firearm, if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than two hundred fifty thousand (250,000); following final disposition of the cause.

(d) When firearms are sent to a law enforcement agency under subsection (c), the law enforcement agency may upon request release the firearms to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(e) The receiving law enforcement agency or laboratory shall cause the registry of such firearms in the United States National Firearms Registration and Transfer Record within thirty (30) days following receipt from the court.

(f) The court may order such firearms as are not returnable destroyed, specifying the exact manner of destruction and requiring the receiving law enforcement agency or laboratory to make due return to the ordering court the time, date, method of destruction, and disposition of the remains of the destroyed firearm.

(g) No portion of this section shall be construed as requiring the receiving law enforcement agency or laboratory to retain firearms which are inoperable or unserviceable, or which the receiving law enforcement agency or laboratory may choose to transfer as public property in the ordinary course of lawful commerce and exchange.

35-47-3-4. Unlawful delivery of confiscated firearm. A person who knowingly or intentionally:

(1) delivers a confiscated firearm to a person convicted of a felony;

(A) involving use of a firearm; and

(B) which is the basis of the confiscation;

(2) delivers a confiscated firearm to another with knowledge that there is a rightful owner to whom the firearm must be returned; or

(3) fails to deliver a confiscated firearm to the sheriff's department, a city or town police force, the state police department laboratory or a forensic laboratory under this chapter, the state under IC 14-22-39-6, or for disposition after a determination that the rightful owner of the firearm cannot be ascertained or is no longer entitled to possess the confiscated firearm; commits a Class D felony.

Chapter 4. Miscellaneous Provisions

35-47-4-1. Penalty for delivery of deadly weapon to intoxicated or habitually intoxicated person. A person who sells, barter, gives, or delivers any deadly weapon to any person at the time in a state of intoxication, knowing him to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him to be a person who is in the habit of becoming intoxicated, commits a Class B misdemeanor.

35-47-4-2. Penalty for making loan secured by handgun. A person who makes a loan secured by a:

(1) mortgage;

(2) deposit; or

(3) pledge; of a handgun commits a Class B misdemeanor.

35-47-4-3. Penalty for pointing a firearm at another

(a) This section does not apply to a law enforcement officer who is acting within the scope of the law enforcement officer's official duties or

to a person who is justified in using reasonable force against another person under:

(1) IC 35-41-3-2; or

(2) IC 35-41-3-3.

(b) A person who knowingly or intentionally points a firearm at another person commits a Class D felony. However, the offense is a Class A misdemeanor if the firearm was not loaded.

Chapter 5. Prohibited Instruments of Violence

35-47-5-4.1. Sawed-off shotgun.

(a) A person who:

(1) manufactures;

(2) causes to be manufactured;

(3) imports into Indiana;

(4) keeps for sale;

(5) offers or exposes for sale; or

(6) gives, lends, or possesses; any sawed-off shotgun commits dealing in a sawed-off shotgun, a Class D felony.

(b) The presence of a weapon referred to in subsection (a) in a motor vehicle (as defined under IC 9-13-2-105(a)) except for school buses and a vehicle operated in the transportation of passengers by a common carrier (as defined in IC 8-2.1-17-4) creates an inference that the weapon is in the possession of the persons occupying the motor vehicle. However, the inference does not apply to all the persons occupying the motor vehicle if the weapon is found upon, or under the control of, one (1) of the occupants. In addition, the inference does not apply to a duly licensed driver of a motor vehicle for hire who finds the weapon in the licensed driver's motor vehicle in the proper pursuit of the licensed driver's trade.

(c) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells a sawed-off shotgun to a law enforcement agency.

35-47-5-5. Application of chapter. This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

35-47-5-6. Purchasing or obtaining a rifle or shotgun in Indiana, Ohio, Kentucky, Michigan, or Illinois

(a) Any resident of Indiana:

(1) who is eighteen (18) years of age or older; and

(2) who is not prohibited by law from obtaining, possessing, or using a firearm; may purchase or obtain a rifle or shotgun in Ohio, Kentucky, Michigan, or Illinois.

(b) Any resident of Ohio, Kentucky, Michigan, or Illinois:

(1) who is eighteen (18) years of age or older; and

(2) who is not prohibited by the laws of Indiana, his domicile, or the United States from obtaining, possessing, or using a firearm; may purchase or obtain a rifle, shotgun, or ammunition for a rifle or a shotgun in Indiana.

(c) Any transaction under this section is subject to the provisions of the Gun Control Act of 1968 (82 Stat. 1213, 18 U.S.C. 0.922(B)(3)).

35-47-5-8. Machine gun or bomb loaded with explosives or dangerous gases prohibited. A person who owns or possesses:

(1) a machine gun; or

(2) a bomb; commits a Class C felony.

35-47-5-9. Penalty for operating loaded machine gun or hurling bomb loaded with explosives or dangerous gases. A person who:

- (1) operates a loaded machine gun; or
- (2) hurls, drops, places, or detonates a bomb; commits a Class B felony.

35-47-5-10. Applicability of statutes relating to machine gun or bomb loaded explosives or dangerous gases. The provisions of sections 8 or 9 of this chapter shall not be construed to apply to any of the following:

- (1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.
- (2) Machine guns or bombs kept for display as relics and which are rendered harmless and not usable.
- (3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.
- (4) Persons lawfully engaged in the display, testing, or use of fireworks.
- (5) Agencies of state government.
- (6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machine guns, bombs, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting within the scope of such business.
- (7) Persons possessing, or having applied to possess, machine guns under applicable United States statutes. Such machine guns must be transferred as provided in this article.
- (8) Persons lawfully engaged in the manufacture, transportation, distribution, use, or possession of any material, substance, or device for the sole purpose of industrial, agricultural, mining, construction, educational, or any other lawful use.

35-47-5-11. "Armor-piercing handgun ammunition" defined; related offenses.

- (a) As used in this section, "armor-piercing handgun ammunition" means a cartridge that:
 - (1) can be fired in a handgun; and
 - (2) will, upon firing, expel a projectile that has a metal core and an outer coating of plastic.
- (b) A person who knowingly or intentionally:
 - (1) manufactures;
 - (2) possesses;
 - (3) transfers possession of; or
 - (4) offers to transfer possession of; armor-piercing handgun ammunition commits a Class C felony.
- (c) This section does not apply to nylon coated ammunition, plastic shot capsules, or ammunition designed to be used in rifles or shot-guns.
- (d) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells armor-piercing handgun ammunition to a law enforcement agency.

Chapter 8. Regulation of Electronic Stun Weapons, Tasers, and Stun Guns

35-47-8-1. "Electronic stun weapon" defined. As used in this chapter, "electronic stun weapon" means any mechanism that is:

- (1) designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five (5) milliamp sixty (60) hertz shock; and
- (2) used for the purpose of temporarily incapacitating a person.

35-47-8-2. "Stun gun" defined. As used in this chapter, "stun gun" means any mechanism that is:

- (1) designed to emit an electronic, magnetic, or other type of charge that equals or does not

exceed the equivalency of a five (5) milliamp sixty (60) hertz shock; and

- (2) used for the purpose of temporarily incapacitating a person

35-47-8-3. "Taser" defined. As used in this chapter, "taser" means any mechanism that is:

- (1) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile; and
- (2) used for the purpose of temporarily incapacitating a person.

35-47-8-4. Applicability of handgun provisions. IC 35-47-2 applies to an electronic stun weapon or taser.

35-47-8-5. Stun guns; purchase, possession and sale; use in commission of crime; use on law enforcement officer.

- (a) A person eighteen (18) years of age or over may purchase or possess a stun gun.
- (b) A person who sells or furnishes a stun gun to a person who is less than eighteen (18) years of age commits a Class B misdemeanor.
- (c) A person who uses a stun gun in the commission of a crime commits a Class A misdemeanor.
- (d) A person who uses a stun gun on a law enforcement officer while the officer is performing the officer's duties commits a Class D felony.

Chapter 9. Possession of Firearms on School Property and School Buses

35-47-9-1. Applicability of chapter. This chapter does not apply to the following:

- (1) A:
 - (A) federal;
 - (B) state; or
 - (C) local; law enforcement officer.
- (2) A person who has been employed or authorized by: (A) a school; or (B) another person who owns or operates property being used by a school for a school function; to act as a security guard, perform or participate in a school function, or participate in any other activity authorized by a school.
- (3) A person who: (A) may legally possess a firearm; and (B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

35-47-9-2. Penalty. A person who possesses a firearm:

- (1) in or on school property;
- (2) in or on property that is being used by a school for a school function; or
- (3) on a school bus; commits a Class D felony.

Chapter 10. Children and Handguns

35-47-10-1. Applicability of chapter. This chapter does not apply to the following:

- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
- (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or supervised by:
 - (A) a qualified firearms instructor; or
 - (B) an adult who is supervising the child while the child is at the range.
- (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.

(4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.

(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

(6) A child who:

- (A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and
- (B) has permission from the child's parent or legal guardian to possess a firearm.

(7) A child who:

- (A) is at the child's residence; and
- (B) has the permission of the child's parent, an adult family member of the child, or the child's legal guardian to possess a firearm.

35-47-10-2. "Adult" defined. As used in this chapter, "adult" means a person who is at least eighteen (18) years of age.

35-47-10-3. "Child" defined. As used in this chapter, "child" means a person who is less than eighteen (18) years of age.

35-47-10-4. "Loaded" defined. As used in this chapter, "loaded" means having any of the following:

- (1) A cartridge in the chamber or cylinder of a firearm.
- (2) Ammunition in close proximity to a firearm so that a person can readily place the ammunition in the firearm.

35-47-10-6. Adult providing a firearm to a child; dangerous control of a firearm. An adult who knowingly, intentionally, or recklessly provides a firearm to a child for any purpose other than those described in section 1 of this chapter, with or without remuneration, commits dangerous control of a firearm, a Class C felony. However, the offense is a Class B felony if the adult has a prior conviction under this section.

Chapter 11: Local Regulations of Firearms

35-47-11-1. Applicability of chapter.

(a) Section 2 of this chapter applies to all units (as defined in IC 36-1-2-23). All other sections of this chapter apply to all units other than townships.

(b) This chapter applies only if a statute expressly grants a legislative body the authority to adopt an emergency ordinance under this chapter.

(c) This chapter does not affect the validity of an ordinance adopted before, and in effect on, January 1, 1994.

35-47-11-2. Regulation of firearms by units other than townships. Notwithstanding IC 36-1-3, a unit may not regulate in any manner the ownership, possession, sale, transfer, or transportation of firearms (as defined in IC 35-47-1-5) or ammunition except as follows:

(1) This chapter does not apply to land, buildings, or other real property owned or administered by a unit, except highways (as defined in IC 8-23-1-23) or public highways (as defined in IC 8-2-1-17-14).

(2) Notwithstanding the limitation in this section, a unit may use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.

(3) Notwithstanding the limitation in this section, a legislative body of a unit other than a township may adopt an emergency ordinance or a unit other than a township may take other action allowed under section 6 of this chapter to regulate the sale of firearms anywhere within the unit for a period of not more than seventy-two

(72) hours after the regulatory action takes effect.

35-47-11-3. Unit may adopt an emergency ordinance. The legislative body of a unit may adopt an emergency ordinance under this chapter if:

(1) a disaster (as defined in IC 10-4-1-3) has occurred or is likely to occur in the unit; and

(2) a local disaster emergency has been declared in the unit under IC 10-4-1-23.

35-47-11-4. Conditions for adopting an emergency ordinance. Notwithstanding any other law, if the conditions described under section 3 of this chapter are present within a unit, the legislative body of the unit may adopt an emergency ordinance under this chapter:

(1) without complying with the public notice and public meeting provisions of:

(A) IC 5-14-1.5; or

(B) any other statute;

(2) on the same day that the ordinance is presented to the legislative body; and

(3) by a majority vote of the members of the legislative body.

35-47-11-5. Effective date and expiration of an emergency ordinance. An emergency ordinance adopted under section 4 of this chapter:

(1) takes effect on the date and at the time of the adoption of the ordinance; and

(2) expires the earlier of:

(A) seventy-two (72) hours after the time of the adoption of the ordinance; or

(B) a time specified in the emergency ordinance.

35-47-11-6. Failure to adopt an emergency ordinance; declaration of a restriction on the sale of firearms. If:

(1) the conditions described under section 3 of this chapter are present within a unit;

(2) an unsuccessful attempt is made to convene the legislative body for the purpose of adopting an emergency ordinance under this chapter; and

(3) in the case of a municipality, an unsuccessful attempt is made to convene the works board to act under this chapter as if the works board were the legislative body; the executive of a municipality or the presiding officer of a county executive may declare a restriction on the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the restriction is declared. A declaration under this section has the same effect as an ordinance adopted under section 4 of this chapter and becomes effective and expires as provided in section 5 of this chapter.

[Current through 2000 Regular Session, including 2000 Ind. Acts 104 (HB 1239)]

Publisher's Notes:

Indianapolis/Marion County **requires firearms to be properly stored to prevent excess by minors.**

Indianapolis/Marion County **prohibits the sale, possession, or receipt of any type of firearm by a particular class of persons (e.g. convicted felons, fugitives, illegal aliens, mental incompetents, illegal drug users or addicts).**

The following jurisdictions restrict the sale, possession, or receipt of certain weapons: East Chicago (assault weapons), Gary (incendiary or explosive materials, including grenades, and assault weapons), and South Bend (assault weapons)

South Bend **requires completion of a firearms safety instruction program as a prerequisite to purchasing firearms.**

Gary **requires a permit to conduct a firearms and ammunition business.**

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Chapter 724. Weapons

724.1. Offensive weapons. An offensive weapon is any device or instrumentality of the following types:

1. A machine gun. A machine gun is a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger.

2. A short-barreled rifle or short-barreled shotgun. A short-barreled rifle or short-barreled shotgun is a rifle with a barrel or barrels less than sixteen inches in length or a shotgun with a barrel or barrels less than eighteen inches in length, as measured from the face of the closed bolt or standing breech to the muzzle, or any rifle or shotgun with an overall length less than twenty-six inches.

3. Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, or the ammunition or projectile there for, but not including antique weapons kept for display or lawful shooting.

4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missile having an explosive charge of more than one-quarter ounce; or any device similar to any of these.

5. A ballistic knife. A ballistic knife is a knife with a detachable blade which is propelled by a spring-operated mechanism, elastic material, or compressed gas.

6. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections 1 to 5 of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sport-

ing firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

7. Any bullet or projectile containing any explosive mixture or chemical compound capable of exploding or detonating prior to or upon impact, or any shot shell or cartridge containing exothermic pyrophoric misch metal as a projectile which is designed to throw or project a flame or fireball to simulate a flame thrower.

Notwithstanding section 724.2, no person is authorized to possess in this state a shot shell or cartridge intended to project a flame or fireball of the type described in this section.

8. Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles or suppresses the sound when fired. However, this subsection does not apply to a mechanical device possessed and used by a person solely for the purpose of shooting a deer pursuant to an approved city special deer population control plan if the person has a valid federal permit to possess and use the mechanical device.

9. An offensive weapon or part or combination of parts therefor shall not include the following:

a. An antique firearm. An antique firearm is any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898 or any firearm which is a replica of such a firearm if such replica is not designed or redesigned for using conventional rimfire or centerfire ammunition or which uses only rimfire or centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

b. A collector's item. A collector's item is any firearm other than a machine gun that by reason of its date of manufacture, value, design, and other characteristics is not likely to be used as a weapon. The commissioner of public safety shall designate by rule firearms which the commissioner determines to be collector's items and

shall revise or update the list of firearms at least annually.

c. Any device which is not designed or redesigned for use as a weapon; any device which is designed solely for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; or any firearm which is unserviceable by reason of being unable to discharge a shot by means of an explosive and is incapable of being readily restored to a firing condition.

724.2. Authority to possess offensive weapons. Any of the following is authorized to possess an offensive weapon when the person's duties or lawful activities require or permit such possession:

1. Any peace officer.

2. Any member of the armed forces of the United States or of the national guard.

3. Any person in the service of the United States.

4. A correctional officer, serving in an institution under the authority of the Iowa department of corrections.

5. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

6. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

7. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

8. A resident of this state who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in the official functions of a historical reenactment organization of which the person is a member, if the offensive weapon has been permanently rendered unfit for the firing of live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.