

Indiana Code

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Office of the Attorney General
Indiana Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Voice: (317) 232-6201
Constituent@atg.in.gov



Columbus Field Division
230 West Street, Suite 400
Columbus, Ohio 43215
Voice: (614) 827-8400
<https://www.atf.gov/columbus-field-division>



Chicago Field Division
525 West Van Buren Street
Suite 600
Chicago, Illinois 60607
Voice: (312) 846-7200
<https://www.atf.gov/chicago-field-division>

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TITLE 35 Criminal Law and Procedure

Article 47 Regulation of Weapons and Instruments of Violence

Chapter 1 Definitions

35-47-1-2.5. Ammunition. "Ammunition", for purposes of IC 35-47-11.1, means:

- (1) fixed cartridge ammunition;
- (2) shotgun shells;
- (3) the individual components of fixed cartridge ammunition and shotgun shells;
- (4) projectiles for muzzle loading firearms; and
- (5) any propellant used in a firearm or in firearm ammunition.

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

35-47-1-5. Firearm. "Firearm" means any weapon:

- (1) that is:
 - (A) capable of expelling; or
 - (B) designed to expel; or
- (2) that may readily be converted to expel; a projectile by means of an explosion.

35-47-1-5.1. Firearm accessory. "Firearm accessory" means:

- (1) any device specifically adapted to enable:
 - (A) the wearing or carrying about one's person; or
 - (B) the storage or mounting in or on any conveyance; of a firearm; and
- (2) any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm.

35-47-1-5.5. Gun show. "Gun show" has the meaning set forth in 27 CFR 478.100.

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

- (1) Designed or adapted so as to be aimed and fired from 1 hand, regardless of barrel length; or
- (2) Any firearm with:
 - (A) A barrel less than 16 inches in length; or
 - (B) An overall length of less than 26 inches.

35-47-1-11. Shotgun. "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.

Chapter 2 Handguns

35-47-2-1. License required to carry handgun – Exceptions.

- (a) Except as provided in subsections (b) and (c) and section 2 [IC 35-47-2-2] of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body without being licensed under this chapter to carry a handgun.
- (b) Except as provided in subsection (c), a person may carry a handgun without being licensed under this chapter to carry a handgun if:
 - (1) the person carries the handgun on or about the person's body in or on property that is owned, leased, rented, or otherwise legally controlled by the person;
 - (2) the person carries the handgun on or about the person's body while lawfully present in or on property that is owned, leased, rented, or otherwise legally controlled by another person, if the person:
 - (A) has the consent of the owner, renter, lessor, or person who legally controls the property to have the handgun on the premises;

(B) is attending a firearms related event on the property, including a gun show, firearms expo, gun owner's club or convention, hunting club, shooting club, or training course; or

(C) is on the property to receive firearms related services, including the repair, maintenance, or modification of a firearm;

(3) the person carries the handgun in a vehicle that is owned, leased, rented, or otherwise legally controlled by the person, if the handgun is:

(A) unloaded;

(B) not readily accessible; and

(C) secured in a case;

(4) the person carries the handgun while lawfully present in a vehicle that is owned, leased, rented, or otherwise legally controlled by another person, if the handgun is:

(A) unloaded;

(B) not readily accessible; and

(C) secured in a case; or

(5) the person carries the handgun:

(A) at a shooting range (as defined in IC 14-22-31.5-3);

(B) while attending a firearms instructional course; or

(C) while engaged in a legal hunting activity.

(c) Unless the person's right to possess a firearm has been restored under IC 35-47-4-7, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun.

(d) This section may be not construed:

(1) to prohibit a person who owns, leases, rents, or otherwise legally controls private property from regulating or prohibiting the possession of firearms on the private property;

(2) to allow a person to adopt or enforce an ordinance, resolution, policy, or rule that:

(A) prohibits; or

(B) has the effect of prohibiting;

an employee of the person from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle, unless the person's adoption or enforcement of the ordinance, resolution, policy, or rule is allowed under IC 34-28-7-2(b); or

(3) to allow a person to adopt or enforce a law, statute, ordinance, resolution, policy, or rule that allows a person to possess or transport a firearm or ammunition if the person is prohibited from possessing or transporting the firearm or ammunition by state or federal law.

(e) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 5 felony:

(1) if the offense is committed:

(A) on or in school property;

(B) within 500 feet of school property; or

(C) on a school bus; or

(2) if the person:

(A) has a prior conviction of any offense under:

(i) this section; or

(ii) section 22 [IC 35-47-2-22] of this chapter; or

(B) has been convicted of a felony within 15 years before the date of the offense.

35-47-2-2. Persons excepted. Section 1 [IC 35-47-2-1] of this chapter does not apply to:

(1) marshals;

(2) sheriffs;

(3) the commissioner of the department of correction or persons authorized by the commissioner 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; or

(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 the person's possession, using, or carrying a handgun in the usual or ordinary course of that business.

35-47-2-3. Issuance of licenses.

(a) A person desiring a license to carry a handgun shall apply:

- (1)** to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;
- (2)** if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or
- (3)** if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if funds are available to establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect the following application fees:

(1) From a person applying for a 4 year handgun license, a \$10 application fee, \$5 of which shall be refunded if the license is not issued.

(2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a \$50 application fee, \$30 of which shall be refunded if the license is not issued.

(3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a \$40 application fee, \$30 of which shall be refunded if the license is not issued.

Except as provided in subsection (h), the fee shall be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms, firearm related equipment, or body armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and 1 set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1)** has a proper reason for carrying a handgun;
- (2)** is of good character and reputation;
- (3)** is a proper person to be licensed; and
- (4)** is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least 4 years in the case of a 4 year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A 4 year license shall be valid for a period of 4 years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after 20 or more years of service shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1)** neither opposes nor supports an individual's right to bear arms; and
- (2)** is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is

unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

- (1)** has been convicted of a felony;
- (2)** has had a license to carry a handgun suspended, unless the person's license has been reinstated;
- (3)** is under 18 years of age;
- (4)** is under 23 years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (5)** has been arrested for a Class A or Class B felony for an offense committed before July 1, 2014, for a Level 1, Level 2, Level 3, or Level 4 felony for an offense committed after June 30, 2014, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

- (1)** changes the person's name;
 - (2)** changes the person's address; or
 - (3)** experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;
- the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than 60 days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file 1 set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

(l) Except as provided in subsection (m), for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

- (1)** Information submitted by a person under this section to:
 - (A)** obtain; or
 - (B)** renew;a license to carry a handgun.
 - (2)** Information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to:
 - (A)** obtain; or
 - (B)** renew;a license to carry a handgun issued under this chapter.
 - (3)** The name, address, and any other information that may be used to identify a person who holds a license to carry a handgun issued under this chapter.
- (m)** Notwithstanding subsection (l):
- (1)** any information concerning an applicant for or a person who holds a license to carry a handgun issued under this chapter may be released to a federal, state, or local government entity:
 - (A)** for law enforcement purposes; or
 - (B)** to determine the validity of a license to carry a handgun; and
 - (2)** general information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic or academic research, but only if all personal information that could disclose the identity of any person who holds a license to carry a handgun issued under this chapter has been removed from the general information.
- (n)** A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

35-47-2-4. Qualified licenses – Unlimited licenses.

(a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:

- (1)** four (4) years from the date of issue in the case of a 4 year license; or
- (2)** the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for:

- (1) a qualified license shall be:
- (A) five dollars (\$5) for a 4 year qualified license;
 - (B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or
 - (C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and
- (2) an unlimited license shall be:
- (A) thirty dollars (\$30) for a 4 year unlimited license;
 - (B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
 - (C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a \$20 fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (e).

- (c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.
- (d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least 20 years of service or because of a disability are exempt from the payment of fees specified in subsection (b):
- (1) Police officers.
 - (2) Sheriffs or their deputies.
 - (3) Law enforcement officers.
 - (4) Correctional officers.
- (e) Fees collected under this section shall be deposited in the state general fund.
- (f) The superintendent may not issue a lifetime qualified license or a lifetime unlimited license to a person who is a resident of another state. The superintendent may issue a 4 year qualified license or a 4 year unlimited license to a person who is a resident of another state and who has a regular place of business or employment in Indiana as described in section 3(a)(3) [IC 35-47-2-3(a)(3)] of this chapter.
- (g) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

35-47-2-5. Suspension or revocation of licenses.

- (a) The superintendent may suspend or revoke any license issued under this chapter if the superintendent has reasonable grounds to believe that the person's license should be suspended or revoked.
- (b) Documented evidence that a person is not a "proper person" to be licensed as defined by IC 35-47-1-7, or is prohibited under section 3(g)(5) [IC 35-47-2-3(g)(5)] of this chapter from being issued a license, shall be grounds for immediate suspension or revocation of a license previously issued under this chapter. However, if a license is suspended or revoked based solely on an arrest under section 3(g)(5) of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.
- (c) A person who knowingly or intentionally fails to promptly return the person's license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a handgun license in the possession of a person whose license has been suspended or revoked constitutes a sufficient basis for the arrest of that person for violation of this subsection.
- (d) The superintendent shall establish rules under IC 4-22-2 concerning the procedure for suspending or revoking a person's license.

35-47-2-6. Time for review of applications.

- (a) Every initial application for any license under this chapter shall be granted or rejected within 60 days after the application is filed.
- (b) The period during which an application for the renewal of an existing license may be filed begins 365 days before the expiration of the existing license. If the application for renewal of an existing license is filed within 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.

- (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 (governing children and firearms), a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon to any person under 18 years of age.
- (b) A person who knowingly or intentionally sells, gives, or in any other manner transfers the ownership or possession of a handgun to another person who the person knows:
- (1) is ineligible for any reason other than the person's age to purchase or otherwise receive from a dealer a handgun; or
 - (2) intends to use the handgun to commit a crime;
- commits criminal transfer of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).
- (c) A person who purchases a handgun with the intent to:

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

(2) resell or otherwise provide the handgun to another person who the person knows intends to use the handgun to commit a crime; or

(3) transport the handgun outside Indiana to be resold or otherwise provided to another person who the transferor knows:

(A) is ineligible to purchase or otherwise receive a handgun; or

(B) intends to use the handgun to commit a crime;

commits the straw purchase of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).

(d) As used in this subsection, "NICS" has the meaning set forth in IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection (b)(1) that:

(1) the accused person contacted NICS (or had a dealer contact NICS on the person's behalf) to request a background check on the other person before the accused person sold, gave, or in any other manner transferred the ownership or possession of the handgun to the other person; and

(2) the accused person (or dealer acting on the person's behalf) received authorization from NICS to sell, give, or in any other manner transfer ownership or possession of the handgun to the other person.

35-47-2-8. Persons to whom sale regulations apply. 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. License requirements for retail dealer – Failure to display license. A retail dealer who knowingly or intentionally:

(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 [IC 35-47-2-15 and IC 35-47-2-16] of this chapter and without displaying the retail dealer's license at all times commits a Class B misdemeanor.

35-47-2-15. Issuance of retail handgun dealer's license – Investigation and fingerprinting.

(a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which the person resides, or if the person is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which the person has a regular place of business. The applicant shall state the applicant's 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 the officer's 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 1 set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, the officer shall provide the superintendent and the applicant with the officer's complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, the officer shall instruct the applicant in the proper method of taking legible and classifiable fingerprints.

(c) If an applicant applies for a license under this section before July 1, 2011, and it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, the superintendent shall issue to the applicant a retail handgun dealer's license which shall be valid for a period of 2 years from the date of issue. The fee for the license shall be \$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.

(d) If an applicant applies for a license under this section after June 30, 2011:

(1) the applicant shall deposit with the officer to whom the application is made a fee for the license of \$60;

(2) if it appears to the superintendent that the applicant is:

(A) of good character and reputation; and

(B) a proper person to be licensed;

the superintendent shall issue to the applicant a retail handgun dealer's license, which is valid for 6 years after the date the license is issued; and

(3) the officer to whom the application was made shall forward the fee for the license to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent.

(e) In the event that an application is disapproved by the superintendent, the fee deposited by the applicant under subsection (c) or (d) shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.

(f) 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 23 years of age;

in Indiana or any other state or country.

(g) 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.

(h) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

35-47-2-16. License-designated business site – Display of license – Restrictions on sale of handguns – Display, sale or transfer at gun shows.

(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 the dealer's place of business, the dealer 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 the purchaser's 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.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

35-47-2-17. False information – Confiscation and disposal of firearm.

(a) No person, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry a handgun, shall knowingly or intentionally:

(1) give false information on a form required to:

(A) purchase or secure delivery of a firearm; or

(B) apply for a license to carry a handgun; or

(2) offer false evidence of identity.

In addition to any penalty provided by this chapter, any firearm 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.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

35-47-2-18. Alteration, removal or obliteration of identifying marks prohibited – Possession of such handguns prohibited.

(a) 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.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

35-47-2-19. Firearms exempted. 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. Effect of full or conditional pardon.

(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 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. Foreign licenses.

(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 false or altered handgun license unlawful.

(a) 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.

(b) A person who knowingly or intentionally violates this section commits a Level 6 felony.

35-47-2-24. Burden of proof – When prosecutions dismissed.

(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 [IC 35-47-2-2] 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 [IC 35-47-2-1] 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

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

35-47-2.5-2.5. "NICS" defined. As used in this chapter, "NICS" refers to the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation in accordance with the federal Brady Handgun Violence Prevention Act (18 U.S.C. 921 et seq.).

35-47-2.5-3. Completion of Form 4473. A person purchasing a handgun from a dealer shall complete and sign Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473.

35-47-2.5-4. Dealer's responsibilities.

(a) 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 a completed and signed Form 4473 as specified in section 3 [IC 35-47-2.5-3] of this chapter.

(2) Contacted NICS:

(A) by telephone; or

(B) electronically;

to request a background check on the prospective purchaser.

(3) Received authorization from NICS to transfer the handgun to the prospective purchaser.

(b) The dealer shall record the NICS transaction number on Form 4473 and retain Form 4473 for auditing purposes.

35-47-2.5-5. Photographic identification required – Other documentation of residence.

(a) To establish personal identification and residence in Indiana for purposes of this chapter, a dealer must require a prospective purchaser to present 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.

35-47-2.5-12. False statement a felony. A person who knowingly or intentionally makes a materially false statement on Form 4473 completed under section 3 [IC 35-47-2.5-3] of this chapter commits a Level 6 felony.

35-47-2.5-13. Violation by dealer a misdemeanor. 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.

35-47-2.5-16. Providing firearm to ineligible person or for criminal purpose.

(a) This section does not apply to a person who complies with IC 35-47-10 (governing children and firearms).

(b) A person who provides a firearm to an individual who the person knows:

(1) is ineligible to purchase or otherwise receive or possess a firearm for any reason other than the person's age; or

(2) intends to use the firearm to commit a crime;

commits criminal transfer of a firearm, a Level 5 felony. However, the offense is a Level 3 felony if the individual uses the firearm to commit murder (IC 35-42-1-1).

(c) It is a defense to a prosecution under subsection (b)(1) that:

(1) the accused person (or dealer acting on the person's behalf) contacted NICS to request a background check on the individual before the accused person provided the firearm to the individual; and

(2) the accused person (or dealer acting on the person's behalf) received authorization from NICS to provide the firearm to the individual.

Chapter 3 Disposal of Confiscated Weapons

35-47-3-1. Disposal of confiscated weapons. 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. Firearms not required to be registered – Return to rightful owner – Disposal by law enforcement agency.

(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.

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than 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 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 2 days in an advertisement that appears in the newspaper at least 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) (ii) ... A law enforcement agency may not sell a firearm to the general public if the firearm is unsafe to operate because it has been damaged or altered.

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

(A) Notice of the sale must be:

(i) posted for 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 2 days in an advertisement that appears in the newspaper at least 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) (ii) ... A law enforcement agency may sell a firearm to a licensed firearms dealer for salvage or repair, even if the firearm is unsafe to operate because it has been damaged or altered.

(5) Destruction of the firearms. A firearm that is to be destroyed may be sold to a salvage company and destroyed by dismantling the firearm for parts, scrap metal, or recycling, or for resale as parts for other firearms.

35-47-3-3. Firearms required to be registered – Return to rightful owner – Delivery to law enforcement agency.

(a) This section applies to firearms that are 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 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 2,500 and less than 600,000;

following final disposition of the cause.

(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.

35-47-3-4. Unlawful disposal of confiscated firearms. 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 Level 6 felony.

Chapter 3.5 Firearm Buyback Programs Prohibited

35-47-3.5-1. Chapter applies to a unit. This chapter applies to a unit (as defined in IC 36-1-2-23), including a law enforcement agency of a unit.

35-47-3.5-2. "Firearm buyback program" defined. As used in this chapter, "firearm buyback program" means a program to purchase privately owned firearms from individual firearm owners for the purpose of:

(1) reducing the number of firearms owned by civilians; or

(2) permitting civilians to sell a firearm to the government without fear of prosecution.

The term does not include the purchase of firearms from a licensed firearms dealer or a program to purchase firearms for law enforcement purposes.

35-47-3.5-4. Disposal of firearms.

(a) A unit having possession of a firearm obtained from a firearm buyback program shall transfer the firearm to a law enforcement agency of the unit.

(b) A law enforcement agency of a unit that has possession of a firearm obtained under subsection (a), or otherwise as the result of a firearm buyback program, shall dispose of the firearm in accordance with IC 35-47-3.

Chapter 4 Miscellaneous Provisions

35-47-4-1. Sale or delivery of deadly weapon to intoxicated person unlawful. 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. Making loan secured by mortgage, deposit or pledge of handgun unlawful. 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. Pointing a firearm.

(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 Level 6 felony. However, the offense is a Class A misdemeanor if the firearm was not loaded.

35-47-4-5. Possession of firearm by serious violent felon.

(a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;

(6) aggravated battery (IC 35-42-2-1.5);

(7) kidnapping (IC 35-42-3-2);

(8) criminal confinement (IC 35-42-3-3);

(9) rape (IC 35-42-4-1);

(10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(11) child molesting (IC 35-42-4-3);

(12) sexual battery (IC 35-42-4-8) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(13) robbery (IC 35-42-5-1);

(14) carjacking (IC 35-42-5-2) (before its repeal);

(15) arson (IC 35-43-1-1(a)) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(16) burglary (IC 35-43-2-1) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(17) assisting a criminal (IC 35-44.1-2-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(18) resisting law enforcement (IC 35-44.1-3-1) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(19) escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(20) trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(21) criminal organization intimidation (IC 35-45-9-4);

(22) stalking (IC 35-45-10-5) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(23) incest (IC 35-46-1-3);

(24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(25) dealing in methamphetamine (IC 35-48-4-1.1);

(26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(27) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(28) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

35-47-4-6. Possession of firearm by domestic batterer.

(a) A person who has been convicted of domestic battery under IC 35-42-2-1.3 and who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a domestic batterer, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the person's right to possess a firearm has been restored under IC 35-47-4-7.

35-47-4-7. Restoration of right to possess firearm by person who has been convicted of domestic violence – Procedure.

(a) Notwithstanding IC 35-47-2, IC 35-47-2.5, the restoration of the right to serve on a jury under IC 33-28-5-18, the restoration of the right to vote under IC 3-7-13-5, or the expungement of a crime of domestic violence under IC 35-38-9, and except as provided in subsections (b), (c), and (f), a person who has been convicted of a crime of domestic violence may not possess a firearm.

(b) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

(1) Whether the person has been subject to:

(A) a protective order;

(B) a no contact order;

(C) a workplace violence restraining order; or

(D) any other court order that prohibits the person from possessing a firearm.

(2) Whether the person has successfully completed a substance abuse program, if applicable.

(3) Whether the person has successfully completed a parenting class, if applicable.

(4) Whether the person still presents a threat to the victim of the crime.

(5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to satisfy a specified condition under subsection (c) or whether the person has committed a subsequent offense.

(c) The court may condition the restoration of a person's right to possess a firearm upon the person's satisfaction of specified conditions.

(d) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until 1 year has elapsed after the filing of the most recent petition.

(e) A person has not been convicted of a crime of domestic violence for purposes of subsection (a) if the person has been pardoned.

(f) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on post-conviction review at the earlier of the following:

(1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.

(2) Ninety (90) days after the final disposition of the appeal or the post-conviction proceeding.

Chapter 5 Prohibited Weapons and Other Instruments of Violence

35-47-5-5. Firearms exempted. 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.

35-47-5-8. Ownership or possession of machine gun prohibited. A person who knowingly or intentionally owns or possesses a machine gun commits a Level 5 felony.

35-47-5-9. Operation of loaded machine gun prohibited. A person who knowingly or intentionally operates a loaded machine gun commits a Level 4 felony.

35-47-5-10. Exemptions to machine gun prohibitions. The provisions of section 8 or 9 [IC 35-47-5-8 or IC 35-47-5-9] 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 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, 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. Use of armor-piercing handgun ammunition prohibited – Exception.

(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 Level 5 felony.

(c) This section does not apply to nylon coated ammunition, plastic shot capsules, or ammunition designed to be used in rifles or shotguns.

(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 6 Weapons on Aircraft

35-47-6-0.5. Exceptions.

(a) Except as provided in subsection (b), this chapter does not apply to an official or employee:

(1) of:

- (A) the United States;
- (B) a state or political subdivision of a state;
- (C) an operator (as defined in IC 5-23-2-8); or
- (D) any other entity that has been granted statutory authority to enforce the penal laws of Indiana;

(2) who has been granted the power to effect arrests under Indiana law; and

(3) who has been authorized by the official's or employee's agency or employer to carry firearms.

(b) An individual described in subsection (a) is subject to the applicable regulations of the United States concerning the possession and carriage of firearms on aircraft or in areas of an airport to which access is controlled by the inspection of persons and property.

35-47-6-1. Possession of deadly weapon when boarding aircraft prohibited.

(a) A person who knowingly or intentionally boards a commercial or charter aircraft having in the person's possession:

- (1) a firearm;
- (2) an explosive; or
- (3) any other deadly weapon;

commits a Level 5 felony.

(b) However, the offense is a Level 4 felony if the person committed the offense with the intent to:

- (1) disrupt the operation of the aircraft; or
- (2) cause harm to another person.

35-47-6-1.1. Undisclosed transport of dangerous device.

(a) As used in this section, "dangerous device" means:

- (1) a firearm;
- (2) a destructive device (as defined in IC 35-47.5-2-4); or
- (3) a weapon of mass destruction (IC 35-31.5-2-354).

(b) A person who checks an item to be transported on a commercial passenger airline and who:

- (1) knows the item contains a dangerous device; and
- (2) knowingly or intentionally fails to disclose orally or in writing to the person to whom possession of the item is

delivered for carriage that the item contains a dangerous device;

commits undisclosed transport of a dangerous device, a Class A misdemeanor.

35-47-6-1.3. Possession of firearm, explosive, or deadly weapon in airport. A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons and property while the person:

(1) possesses:

- (A) a firearm;
- (B) an explosive; or
- (C) any other deadly weapon; or

(2) has access to property that contains:

- (A) a firearm;
- (B) an explosive; or

(C) any other deadly weapon;
commits a Class A misdemeanor.

35-47-6-1.4. Unauthorized entry into inspection-controlled areas of airports.

(a) This section does not apply to a person who is:

(1) employed by:

(A) an airport;

(B) an airline; or

(C) a law enforcement agency; and

(2) acting lawfully within the scope of the person's employment.

(b) A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons or property without submitting to the inspection commits a Class A misdemeanor.

35-47-6-1.6. Use or threat of force to disrupt operation of aircraft – Hijacking an aircraft.

(a) A person who knowingly or intentionally uses force or violence or the threat of force or violence to disrupt the operation of an aircraft commits a Level 4 felony.

(b) A person who knowingly or intentionally uses force or violence or the threat of force or violence to hijack an aircraft in flight commits a Level 2 felony.

(c) For purposes of this section, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:

(A) after the doors of the aircraft are closed for takeoff; and

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

(A) after the aircraft lands; and

(B) before the doors of the aircraft are opened after landing.

Chapter 8.5 NFA Firearm Certification

35-47-8.5-1. Definitions. The following definitions apply throughout this chapter:

(1) "**Certification**" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of an application to transfer or manufacture an NFA firearm.

(2) "**Chief law enforcement officer**" means any official whom the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives, or its successor agency, identifies by regulation or otherwise as eligible to provide a required certification for the transfer or manufacture of an NFA firearm. The term includes a designee of the official.

(3) "**Completed request**" means:

(A) a written request for certification under this chapter; and

(B) submission of the required information described in section 3(a) [IC 35-47-8.5-3(a)] of this chapter.

(4) "**NFA firearm**" means a firearm as defined in 26 U.S.C. 5845(a) (the National Firearms Act).

(5) "**NICS**" (National Instant Criminal Background Check System) has the meaning set forth in IC 35-47-2.5-2.5.

35-47-8.5-2. Issuance of certification.

(a) If the certification of a chief law enforcement officer is required by federal law for the transfer or manufacture of an NFA firearm, the chief law enforcement officer shall issue the certification not later than 15 days after receipt of a completed request for certification, unless the applicant is:

(1) prohibited by law from receiving or possessing a firearm; or

(2) the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing a firearm.

(b) A chief law enforcement officer may deny a request for certification only:

(1) because the request for certification is not complete; or

(2) for a reason described in subsection (a)(1) or (a)(2).

A chief law enforcement officer may not deny a request for certification based on a generalized objection to private persons or entities manufacturing, transferring, or receiving a firearm or an NFA firearm if the possession of the firearm or NFA firearm is not otherwise prohibited by law.

(c) If the chief law enforcement officer denies a request for certification under this section, the chief law enforcement officer shall provide the applicant with a written notification of the denial and the reason for the denial. If the chief law enforcement officer denies a request for certification because the request is not complete, the chief law enforcement officer shall set forth, in detail, why the request is not complete. An applicant whose request for certification is denied because it is not complete may reapply or amend the existing request by supplying the required information.

35-47-8.5-3. Information required/permitted.

(a) In considering a request for certification, a chief law enforcement officer may require an applicant to submit only the following information:

(1) Information required by federal or state law to identify the applicant and conduct a background check, including a check of the NICS.

(2) Information necessary to determine the disposition of an arrest or proceeding relevant to the applicant's eligibility to lawfully possess or receive a firearm.

(b) A chief law enforcement officer may not require access to private property or consent to inspect any private premises as a condition of issuing a certification under this chapter.

35-47-8.5-5. Appeal of denial.

(a) A person whose request for certification has been denied under this chapter may file an action in the circuit or superior court of the county in which the denial occurred to compel the chief law enforcement officer to issue a certification. The person filing an action under this subsection shall serve a copy of the action on the chief law enforcement officer in accordance with the Indiana Rules of Trial Procedure.

(b) The court shall determine the matter under subsection (a) de novo, with the burden of proof on the chief law enforcement officer to sustain the denial of the request for certification. If the request for certification was denied because the applicant is:

(1) prohibited by law from receiving or possessing a firearm; or

(2) the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing a firearm;

a certified copy of documentary evidence establishing that the applicant is ineligible for certification is sufficient to meet the burden of proof. However, an affidavit or conclusory statement is not sufficient to sustain the burden of proof that a denial of the request for certification was proper.

(c) In an action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing applicant if the court finds that there was no substantial basis for the denial of the request for certification.

(d) A court shall expedite the hearing of an action filed under this section.

Chapter 9 Possession of Firearms on School Property and School Buses

35-47-9-1 Exemptions from chapter

(a) This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses only a firearm that is:

(i) locked in the trunk of the person's motor vehicle;

(ii) kept in the glove compartment of the person's locked motor vehicle; or

(iii) stored out of plain sight in the person's locked motor vehicle.

(b) For purposes of subsection (a)(3) and (a)(5), a person does not include a person who is:

(1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team; or

(2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous 24 months.

(c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.

35-47-9-2. Possession of firearms on school property, school bus, or in a motor vehicle in school parking lot – Defense to prosecution.

(a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:

- (1) in or on school property; or
 - (2) on a school bus;
- commits a Level 6 felony.
- (b) It is a defense to a prosecution under subsection (a) that:
- (1) the person is permitted to legally possess the firearm; and
 - (2) the firearm is:
 - (A) locked in the trunk of the person's motor vehicle;
 - (B) kept in the glove compartment of the person's locked motor vehicle; or
 - (C) stored out of plain sight in the person's locked motor vehicle.
- (c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

Chapter 10 Children and Handguns

35-47-10-1. Applicability.

- (a) This section does not apply to section 7 [IC 35-47-10-7] of this chapter.
- (b) Except as provided in subsection (c), 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.
- (c) This chapter applies to a child, and to a person who provides a firearm to a child, if the child:
- (1) is ineligible to purchase or possess a firearm for any reason other than the child's age; or
 - (2) if the child intends to use a firearm to commit a crime.

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

35-47-10-3. "Child" defined. As used in this chapter, "child" means a person who is less than 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.

35-47-10-5. Dangerous possession of firearm.

- (a) A child who knowingly, intentionally, or recklessly possesses a firearm for any purpose other than a purpose described in section 1 [IC 35-47-10-1] of this chapter commits dangerous possession of a firearm, a Class A misdemeanor. However, the offense is a Level 5 felony if the child has a prior conviction under this section or has been adjudicated a delinquent for an act that would be an offense under this section if committed by an adult.
- (b) A child who knowingly or intentionally provides a firearm to another child whom the child knows:
- (1) is ineligible for any reason to purchase or otherwise receive from a dealer a firearm; or
 - (2) intends to use the firearm to commit a crime;
- commits a Level 5 felony. However, the offense is a Level 3 felony if the other child uses the firearm to commit murder (IC 35-42-1-1).

35-47-10-6. Provision of firearm by adult to child. An adult who knowingly or intentionally provides a firearm to a child whom the adult knows:

- (1) is ineligible for any reason to purchase or otherwise receive from a dealer a firearm; or
 - (2) intends to use the firearm to commit a crime;
- commits dangerous control of a firearm, a Level 5 felony. However, the offense is a Level 4 felony if the adult has a prior conviction under this section, and a Level 3 felony if the child uses the firearm to commit murder (IC 35-42-1-1).

35-47-10-7. Dangerous control of a child. A child's parent or legal guardian who knowingly, intentionally, or recklessly permits the child to possess a firearm:

(1) while:

(A) aware of a substantial risk that the child will use the firearm to commit a felony; and

(B) failing to make reasonable efforts to prevent the use of a firearm by the child to commit a felony; or

(2) when the child has been convicted of a crime of violence or has been adjudicated as a juvenile for an offense that would constitute a crime of violence if the child were an adult;

commits dangerous control of a child, a Level 5 felony. However, the offense is a Level 4 felony if the child's parent or legal guardian has a prior conviction under this section.

35-47-10-8. Additional incarceration.

(a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall order the following:

(1) That a person who has committed an offense be incarcerated for 5 consecutive days in an appropriate facility.

(2) That the additional 5 day term must be served within 2 weeks after the date of sentencing.

(b) Notwithstanding IC 35-50-6, a person does not earn good time credit while serving an additional 5 day term of imprisonment imposed by a court under this section.

35-47-10-9. Consecutive sentencing of offense under IC 35-47-2-7. A court shall impose consecutive sentences upon a person who has a conviction under this chapter and a conviction under IC 35-47-2-7.

35-47-10-10. Placement of child in quasi-military program. When sentencing a child who has committed an offense under this chapter, a court may elect to place the child in a facility that uses a quasi-military program for rehabilitative purposes.

Chapter 11.1 Local Regulation of Firearms, Ammunition, and Firearm Accessories

35-47-11.1-1. Applicability of chapter. This chapter applies to a political subdivision (as defined in IC 3-5-2-38).

35-47-11.1-2. Local regulation prohibited. Except as provided in section 4 [IC 35-47-11.1-4] of this chapter, a political subdivision may not regulate:

(1) firearms, ammunition, and firearm accessories;

(2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and

(3) commerce in and taxation of firearms, firearm ammunition, and firearm accessories.

35-47-11.1-3. Provisions violating prohibition void. Any provision of an ordinance, measure, enactment, rule, or policy or exercise of proprietary authority of a political subdivision or of an employee or agent of a political subdivision acting in an official capacity:

(1) enacted or undertaken before, on, or after June 30, 2011; and

(2) that pertains to or affects the matters listed in section 2 [IC 35-47-11.1-2] of this chapter; is void.

35-47-11.1-4. Exceptions. This chapter may not be construed to prevent any of the following:

(1) A law enforcement agency of a political subdivision from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by law enforcement officers in the course of their official duties.

(2) Subject to IC 34-28-7-2, an employer from regulating or prohibiting the employees of the employer from carrying firearms and ammunition in the course of the employee's official duties.

(3) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of the court or judge.

(4) The enactment or enforcement of generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other similar businesses. However, a provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, ammunition, or firearm accessories that is otherwise lawful under the laws of this state is void. A unit (as defined in IC 36-1-2-23) may not use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

(5) Subject to IC 35-47-16-1, the enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in any building that contains the courtroom of a circuit, superior, city, town, or small claims court. However, if a portion of the building is occupied by a residential tenant or private business, any provision restricting or prohibiting the possession of a firearm does not apply to the portion of the building that is occupied by the residential tenant or private business, or to common areas of the building used by a residential tenant or private business.

(6) The enactment or enforcement of a provision prohibiting or restricting the intentional display of a firearm at a public meeting.

(7) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a public hospital corporation that contains a secure correctional health unit that is staffed by a law enforcement officer 24 hours a day.

(8) The imposition of any restriction or condition placed on a person participating in:

- (A) a community corrections program (IC 11-12-1);
 - (B) a forensic diversion program (IC 11-12-3.7); or
 - (C) a pretrial diversion program (IC 33-39-1).
- (9) The enforcement or prosecution of the offense of criminal recklessness (IC 35-42-2-2) involving the use of a firearm.
- (10) For an event occurring on property leased from a political subdivision or municipal corporation by the promoter or organizer of the event:
- (A) the establishment, by the promoter or organizer, at the promoter's or organizer's own discretion, of rules of conduct or admission upon which attendance at or participation in the event is conditioned; or
 - (B) the implementation or enforcement of the rules of conduct or admission described in clause (A) by a political subdivision or municipal corporation in connection with the event.
- (11) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a hospital established and operated under IC 16-22-2 or IC 16-23.
- (12) A unit from using the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within 200 feet of a school by a person having a business that did not sell firearms within 200 feet of a school before April 1, 1994.
- (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23) from enacting or enforcing a provision prohibiting or restricting the possession of a firearm in a building owned or administered by the unit if:
- (A) metal detection devices are located at each public entrance to the building;
 - (B) each public entrance to the building is staffed by at least 1 law enforcement officer:
 - (i) who has been adequately trained to conduct inspections of persons entering the building by use of metal detection devices and proper physical pat down searches; and
 - (ii) when the building is open to the public; and
 - (C) each:
 - (i) individual who enters the building through the public entrance when the building is open to the public; and
 - (ii) bag, package, and other container carried by the individual;
 is inspected by a law enforcement officer described in clause (B)

However, except as provided in subdivision (5) concerning a building that contains a courtroom, a unit may not prohibit or restrict the possession of a handgun under this subdivision in a building owned or administered by the unit if the person who possesses the handgun has been issued a valid license to carry the handgun under IC 35-47-2.

35-47-11.1-5. Private cause of action for violations. A person adversely affected by an ordinance, a measure, an enactment, a rule, or a policy adopted or enforced by a political subdivision that violates this chapter may file an action in a court with competent jurisdiction against the political subdivision for:

- (1) declarative and injunctive relief; and
- (2) actual and consequential damages attributable to the violation.

35-47-11.1-6. "Adversely affected" defined. A person is "adversely affected" for purposes of section 5 [IC 35-47-11.1-5] of this chapter if either of the following applies:

- (1) The person is an individual who meets all of the following requirements:
 - (A) The individual lawfully resides within the United States.
 - (B) The individual may legally possess a firearm under the laws of Indiana.
 - (C) The individual is or was subject to the ordinance, measure, enactment, rule, or policy of the political subdivision that is the subject of an action filed under section 5 of this chapter. An individual is or was subject to the ordinance, measure, enactment, rule, or policy of the political subdivision if the individual is or was physically present within the boundaries of the political subdivision for any reason.
- (2) The person is a membership organization that:
 - (A) includes 2 or more individuals described in subdivision (1); and
 - (B) is dedicated in whole or in part to protecting the rights of persons who possess, own, or use firearms for competitive, sporting, defensive, or other lawful purposes.

35-47-11.1-7. Recovery of damages, fees, and costs. A prevailing plaintiff in an action under section 5 [IC 35-47-11.1-5] of this chapter is entitled to recover from the political subdivision the following:

- (1) The greater of the following:
 - (A) Actual damages, including consequential damages.
 - (B) Liquidated damages of 3 times the plaintiff's attorney's fees.
- (2) Court costs (including fees).
- (3) Reasonable attorney's fees.

Chapter 14 Proceedings for the Seizure and Retention of a Firearm

35-47-14-1. "Dangerous individual" defined.

- (a) For the purposes of this chapter, an individual is "dangerous" if:
 - (1) the individual presents an imminent risk of personal injury to the individual or to another individual; or
 - (2) the individual may present a risk of personal injury to the individual or to another individual in the future and the individual:

(A) has a mental illness (as defined in IC 12-7-2-130) that may be controlled by medication, and has not demonstrated a pattern of voluntarily and consistently taking the individual's medication while not under supervision; or

(B) is the subject of documented evidence that would give rise to a reasonable belief that the individual has a propensity for violent or emotionally unstable conduct.

(b) The fact that an individual has been released from a mental health facility or has a mental illness that is currently controlled by medication does not establish that the individual is dangerous for the purposes of this chapter.

35-47-14-2. Warrant for search and seizure of firearm. A circuit or superior court may issue a warrant to search for and seize a firearm in the possession of an individual who is dangerous if:

(1) a law enforcement officer provides the court a sworn affidavit that:

(A) states why the law enforcement officer believes that the individual is dangerous and in possession of a firearm; and

(B) describes the law enforcement officer's interactions and conversations with:

(i) the individual who is alleged to be dangerous; or

(ii) another individual, if the law enforcement officer believes that information obtained from this individual is credible and reliable;

that have led the law enforcement officer to believe that the individual is dangerous and in possession of a firearm;

(2) the affidavit specifically describes the location of the firearm; and

(3) the circuit or superior court determines that probable cause exists to believe that the individual is:

(A) dangerous; and

(B) in possession of a firearm.

35-47-14-7. Return of firearm to owner. If the court, in a hearing conducted under section 5 [IC 35-47-14-5] of this chapter, determines that:

(1) the individual from whom a firearm was seized is dangerous; and

(2) the firearm seized from the individual is owned by another individual;

the court may order the law enforcement agency having custody of the firearm to return the firearm to the owner of the firearm.

35-47-14-8. Petition for return of firearm after hearing.

(a) At least 180 days after the date on which a court orders a law enforcement agency to retain an individual's firearm under section 6(b) [IC 35-47-14-6(b)] of this chapter, the individual may petition the court for return of the firearm.

(b) Upon receipt of a petition described in subsection (a), the court shall:

(1) enter an order setting a date for a hearing on the petition; and

(2) inform the prosecuting attorney of the date, time, and location of the hearing.

(c) The prosecuting attorney shall represent the state at the hearing on a petition under this section.

(d) In a hearing on a petition under this section, the individual:

(1) may be represented by an attorney; and

(2) must prove by a preponderance of the evidence that the individual is not dangerous.

(e) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is not dangerous, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual.

(f) If the court denies an individual's petition under this section, the individual may not file a subsequent petition until at least 180 days after the date on which the court denied the petition.

35-47-14-9. Destruction or permanent disposal of firearm. If at least 5 years have passed since a court conducted the first hearing to retain a firearm under this chapter, the court, after giving notice to the parties and conducting a hearing, may order the law enforcement agency having custody of the firearm to dispose of the firearm in accordance with IC 35-47-3.

35-47-14-10. Sale of firearms retained under court order.

(a) If a court has ordered a law enforcement agency to retain an individual's firearm under section 6 [IC 35-47-14-6] of this chapter, the individual may request the court to order the law enforcement agency to sell the firearm at auction under IC 35-47-3-2 and return the proceeds to the individual.

(b) An individual may make the request described in subsection (a):

(1) at the retention hearing described in section 9 [IC 35-47-14-9] of this chapter; or

(2) at any time before the retention hearing described in section 9 of this chapter is held.

(c) If an individual timely requests a sale of a firearm under subsection (a), the court shall order the law enforcement agency having custody of the firearm to sell the firearm at auction under IC 35-47-3-2, unless the serial number of the firearm has been obliterated.

(d) If the court issues an order under subsection (c), the court's order must require:

(1) that the firearm be sold not more than 1 year after receipt of the order; and

(2) that the proceeds of the sale be returned to the individual who owns the firearm. However, the law enforcement agency may retain not more than 8% of the sale price to pay the costs of the sale, including administrative costs and the auctioneer's fee.

Chapter 15 Retired Law Enforcement Officers Identification for Carrying Firearms

35-47-15-1. "Firearm" defined. As used in this chapter, "firearm" has the meaning set forth in 18 U.S.C. 926C(e).

35-47-15-2. "Law enforcement agency" defined. As used in this chapter, "law enforcement agency" means an agency or department of:

- (1) the state; or
 - (2) a political subdivision of the state;
- whose principal function is the apprehension of criminal offenders.

35-47-15-3. "Law enforcement officer" defined. As used in this chapter, "law enforcement officer" has the meaning set forth in IC 35-31.5-2-185. The term includes an arson investigator employed by the office of the state fire marshal.

35-47-15-4. Annual photographic identification. After June 30, 2005, all law enforcement agencies shall issue annually to each person who has retired from that agency as a law enforcement officer a photographic identification.

35-47-15-5. Evidence of training and qualification standards.

(a) In addition to the photographic identification issued under section 4 [IC 35-47-15-4] of this chapter, after June 30, 2005, a retired law enforcement officer who carries a concealed firearm under 18 U.S.C. 926C must obtain annually, for each type of firearm that the retired officer intends to carry as a concealed firearm, evidence that the retired officer meets the training and qualification standards for carrying that type of firearm that are established:

- (1) by the retired officer's law enforcement agency, for active officers of the agency; or
- (2) by the state, for active law enforcement officers in the state.

A retired law enforcement officer bears any expense associated with obtaining the evidence required under this subsection.

(b) The evidence required under subsection (a) is one (1) of the following:

- (1) For compliance with the standards described in subsection (a)(1), an endorsement issued by the retired officer's law enforcement agency with or as part of the photographic identification issued under section 4 of this chapter.
- (2) For compliance with the standards described in subsection (a)(2), a certification issued by the state.

35-47-15-6. Immunity from liability of agency providing evidence required by IC 35-47-15-5. An entity that provides evidence required under section 5 [IC 35-47-15-5] of this chapter is immune from civil or criminal liability for providing the evidence.

Chapter 16 Possession of Firearms by Judicial Officers

35-47-16-1. Possession of firearms by judicial officers. A judicial officer:

- (1) may possess and use a firearm in the same locations that a law enforcement officer who is authorized to carry a firearm under IC 5-2-1 may possess a firearm while the law enforcement officer is engaged in the execution of the law enforcement officer's official duties; and
- (2) may not be prohibited from possessing a firearm on land or in buildings and other structures owned or leased by:
 - (A) the state or any agency of state government; or
 - (B) a political subdivision (as defined in IC 3-5-2-38).

35-47-16-2. Immunities and defenses. A judicial officer who possesses a firearm as described in section 1 [IC 35-47-16-1] of this chapter has the same civil and criminal immunities and defenses concerning possession and use of the firearm that a law enforcement officer has when the law enforcement officer:

- (1) possesses and uses a firearm; and
- (2) is engaged in the execution of the law enforcement officer's official duties.