



## Indiana

### Summary of State Firearms Law

Last updated October 24, 2011

#### Overview

In its publication [\*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics\*](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Indiana ranked 30 out of 50 – having enacted few gun violence prevention laws. Among other things, Indiana:

- Requires retail [handgun dealers to obtain a state license](#);
- Prohibits [domestic violence](#) misdemeanants from purchasing or possessing firearms.

Indiana does **not**, however:

- Require a background check prior to [the transfer of a firearm between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- [License](#) firearm owners;
- Require the [registration of firearms](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases; or
- Regulate [unsafe handguns](#).

Local governments in Indiana generally [lack authority](#) to regulate firearms or ammunition, and the state requires local law enforcement to issue a [concealed handgun license](#) to any applicant who meets certain basic qualifications.

## Indiana Statistics

### Gun Deaths in Indiana

Indiana ranks 25th among the states in number of gun deaths per capita. In 2008, 723 people died from firearm-related injuries in Indiana.<sup>1</sup>

### Crime Guns in Indiana

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Indiana](#) supplied the 8<sup>th</sup> highest number of crime guns to other states per capita. Gun recovered after being used in crimes in other states can be traced back to Indiana at a rate that is more than double the national average. Indiana exports more than three times as many crime guns as it imports.<sup>2</sup>

### Number of Federally Licensed Firearms Dealers in Indiana

There are 1,267 federally licensed firearms dealers and pawnbrokers in Indiana.<sup>3</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2008, for National, Regional, and States*, at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_us.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_us.html).

<sup>2</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Sept. 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

## Indiana “Right to Bear Arms”

The Indiana Constitution provides for the keeping and bearing of arms, but permits broad firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms in Indiana**

Indiana has preempted most areas of local firearms regulation. See [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

### Persons Prohibited from Firearm Possession

#### Indiana Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Indiana prohibits any person from transferring a handgun to an individual who the transferor has reasonable cause to believe:

- Has been convicted of a felony or 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 23 years of age;
- Is a drug abuser;
- Is an alcohol abuser; or
- Is mentally incompetent.<sup>4</sup>

For information on the background check process used to enforce these provisions, see the [Indiana Background Checks section](#).

Indiana has no laws preventing the purchase or possession of long guns by the above categories. In addition, the state has no laws preventing the purchase or possession of handguns or long guns by:

- Violent misdemeanants; or
- Juvenile offenders.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

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<sup>4</sup> [Ind. Code Ann. § 35-47-2-7\(b\)](#).

## Indiana Minimum Age to Purchase or Possess Firearms

Indiana prohibits issuance of a license to carry a handgun to any person who is under age 18, or is under age 23 if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult.<sup>5</sup>

With some exceptions, Indiana prohibits a person under 18 from knowingly, intentionally, or recklessly possessing a firearm except when supervised and at his or her residence or on property owned by a parent or guardian, or, for purposes of hunting, target shooting or safety training.<sup>6</sup> Persons under 18 are also prohibited from selling or providing a firearm to another person under 18 except for the purposes described above.<sup>7</sup>

Indiana provides no minimum age for the sale of firearms to minors by adults, although [federal age restrictions](#) still apply.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

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<sup>5</sup> [Ind. Code Ann. § 35-47-2-3\(g\)\(3\), \(4\).](#)

<sup>6</sup> [Ind. Code Ann. § 35-47-10-5.](#)

<sup>7</sup> [Id.](#)

## **Domestic Violence and Firearms in Indiana**

### **Firearm Prohibitions for Domestic Violence Misdemeanants**

Persons convicted of domestic battery<sup>8</sup> may not possess or carry a firearm unless the person's right to possess a firearm has been restored.<sup>9</sup>

[Federal law](#) also prohibits the purchase and possession of firearms and ammunition by certain domestic abusers.

### **Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders**

Indiana permits victims of domestic or family violence to seek protective orders for themselves or a child.<sup>10</sup> A person subject to an order for protection for domestic or family violence may be prohibited by a court from using or possessing a firearm or ammunition.<sup>11</sup> Furthermore, the order may direct the subject person to surrender to law enforcement the firearm and ammunition for the duration of the order.

[Federal law](#) also prohibits the purchase and possession of firearms and ammunition by a person subject to a protective order issued after notice to the abuser and a hearing, if the order protects an "intimate partner" of the abuser, or a child of the abuser or intimate partner.

### **Removal or Surrender of Firearms When Domestic Violence Restraining/Protective Orders Are Issued**

Indiana authorizes, but does not require, courts to issue protective orders that specifically direct the abuser to surrender all firearms and ammunition in his or her possession.<sup>12</sup> The order may direct the subject person to surrender to law enforcement the firearm and ammunition for the duration of the order.<sup>13</sup>

### **Removal or Surrender of Firearms at the Scene of a Domestic Violence Incident**

In Indiana, law enforcement is authorized, but not required, to remove firearms observed at the scene of a domestic or family violence incident. Law enforcement officers responding to the scene of an alleged crime involving domestic or family violence are authorized to confiscate and remove any firearms or ammunition from the scene, if the officer:

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<sup>8</sup> Defined at [Ind. Code Ann. § 35-42-2-1.3](#).

<sup>9</sup> [Ind. Code Ann. §§ 35-47-2-1\(c\), 35-47-4-6](#).

<sup>10</sup> [Ind. Code Ann. § 34-26-5-2](#).

<sup>11</sup> [Ind. Code Ann. § 34-26-5-9\(c\)\(4\), \(f\)](#).

<sup>12</sup> [Ind. Code Ann. § 34-26-5-9\(c\)\(4\), \(f\)](#).

<sup>13</sup> *Id.*

- Has probable cause to believe that a crime involving domestic or family violence has occurred;
- Observes the firearm or ammunition at the scene; and
- Has a reasonable belief that the firearm or ammunition: 1) exposes the victim to an immediate risk of serious bodily injury; or 2) was an instrumentality of the crime involving domestic or family violence.<sup>14</sup>

Any removed firearms or ammunition are to be safely stored by law enforcement pending proceedings related to the alleged act of domestic or family violence.<sup>15</sup>

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

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<sup>14</sup> [Ind. Code Ann. § 35-33-1-1.5\(b\).](#)

<sup>15</sup> [Ind. Code Ann. § 35-33-1-1.5\(c\).](#)

## Disarming Prohibited Persons in Indiana

### Domestic Violence Perpetrators

A person subject to an order for protection for domestic or family violence may be prohibited by a court from using or possessing a firearm or ammunition.<sup>16</sup> The order may direct the subject person to surrender to law enforcement the firearm and ammunition for the duration of the order. See the [Indiana Domestic Violence and Firearms](#) section for further information.

### Dangerous Individuals

Under Indiana law, a circuit or superior court may issue a warrant to search for and seize a firearm in the possession of a “dangerous individual” if:

- A law enforcement officer provides the court a sworn affidavit describing the facts that have led the officer to believe the individual is dangerous and in possession of a firearm. The affidavit must also describe the officer’s interactions and conversations with:
  - The individual who is alleged to be dangerous; or
  - Another individual, if the law enforcement officer believes that information obtained from this individual is credible and reliable;
- The affidavit specifically describes the location of the firearm; and
- The circuit or superior court determines that probable cause exists to believe that the individual is dangerous and in possession of a firearm.<sup>17</sup>

For the purposes of this provision, the term “dangerous individual” is defined to include a person who:

- Presents an imminent risk of personal injury to himself, herself or another person; or
- Presents a risk of personal injury to himself, herself or another person in the future and he or she:
  - Has a mental illness 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
  - Is the subject of documented evidence that would give rise to a reasonable belief that he or she has a propensity for violent or emotionally unstable conduct.<sup>18</sup>

Law enforcement officers may seize firearms from any individual whom the law enforcement officer believes to be dangerous without obtaining a warrant. In such an instance, the officer

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<sup>16</sup> [Ind. Code Ann. § 34-26-5-9\(c\)\(4\), \(f\).](#)

<sup>17</sup> [Ind. Code Ann. § 35-47-14-2.](#)

<sup>18</sup> [Ind. Code Ann. § 35-47-14-1\(a\).](#)

must submit to the court having jurisdiction over the individual a written statement under oath or affirmation describing the basis for the officer's belief that the individual is dangerous.<sup>19</sup>

If the court finds that probable cause exists to believe the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to retain the firearm.<sup>20</sup>

If the court finds that there is no such probable cause, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual.<sup>21</sup>

If the firearm is retained, the court shall conduct a hearing to determine whether the seized firearm should be returned to the individual from whom the firearm was seized, or retained by the law enforcement agency having custody of the firearm.<sup>22</sup> If the court determines that the individual is dangerous, it may order that the law enforcement agency retain the firearm.<sup>23</sup> Furthermore, if the individual has a license to carry a handgun, the court shall suspend the individual's license. If the court determines that the state has failed to prove that the individual is dangerous, however, the court shall order that the law enforcement agency return the firearm to the individual from whom it was seized.<sup>24</sup>

If a court orders a law enforcement agency to retain individual's firearm, the individual may petition the court for return of the firearm at least 180 days after the initial ruling.<sup>25</sup> The petitioner must prove by a preponderance of the evidence that the individual is not dangerous to obtain the firearm.<sup>26</sup> If the court denies return of the firearm, the petitioner must wait another 180 days before filing a subsequent petition.<sup>27</sup>

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<sup>19</sup> [Ind. Code Ann. § 35-47-14-3\(a\).](#)

<sup>20</sup> [Ind. Code Ann. § 35-47-14-3\(b\).](#)

<sup>21</sup> [Ind. Code Ann. § 35-47-14-3\(b\).](#)

<sup>22</sup> [Ind. Code Ann. § 35-47-14-5\(a\).](#)

<sup>23</sup> [Ind. Code Ann. § 35-47-14-6\(b\).](#)

<sup>24</sup> *Id.*

<sup>25</sup> [Ind. Code Ann. § 35-47-14-8\(a\).](#)

<sup>26</sup> [Ind. Code Ann. § 35-47-14-8\(d\)\(2\), \(e\).](#)

<sup>27</sup> [Ind. Code Ann. § 35-47-14-8\(f\).](#)

## Sales & Transfers

### Background Checks in Indiana

Federal law requires federally licensed firearms dealers (but not private sellers) to initiate a background check on the purchaser prior to sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the National Instant Criminal Background Check System (“NICS”) database. (Note that state files are not always included in the federal database.)

Indiana is not a point of contact state for the NICS. Indiana law explicitly requires dealers to conduct a background check prior to transferring a handgun, by contacting the FBI directly.<sup>28</sup> Although Indiana has no law explicitly requiring firearms dealers to initiate a background check prior to transferring a long gun, the federal law requires dealers to initiate a background check prior to the transfer of any kind of gun by contacting the FBI directly.<sup>29</sup>

See *Regulating Guns in America: Background Checks* for a comprehensive discussion of this issue.

Indiana does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See *Regulating Guns in America: Private Sales.*

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<sup>28</sup> Ind. Code Ann. § 35-47-2.5-4(a).

<sup>29</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Oct. 24, 2011).

## Mental Health Reporting in Indiana

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>30</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Indiana has no law requiring, or explicitly authorizing, the reporting of mental health information to NICS.

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Indiana Background Checks](#) section and the section entitled [Indiana Prohibited Purchasers Generally](#).

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

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<sup>30</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

## **Multiple Purchases / Sales of Firearms in Indiana**

Indiana has no restrictions on purchases or sales of multiple firearms.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

## **Retention of Sales / Background Check Records in Indiana**

Indiana does not have any laws requiring the retention of sales records or background check records or the reporting of sales to a state or local agency.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

## **Indiana Waiting Periods**

Indiana has no law imposing a waiting period to purchase a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### Indiana Dealer Regulations

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Indiana requires that any person who sells, trades, transfers, exposes for sale, trade or transfer, or possesses with intent to sell, trade or transfer any handgun must possess, and display at all times, a retail handgun dealer's license.<sup>31</sup>

To qualify for a license, an applicant must apply to the sheriff of the county in which he or she resides who must verify the application and conduct an investigation into the applicant's "character and reputation."<sup>32</sup> The sheriff must forward the application, investigation results and his or her recommendation as to approval or disapproval to the state police. The state police must issue a license if it deems the applicant to be of "good character and reputation" and "a proper person to be licensed."<sup>33</sup> However, no retail dealer's license may be issued to any person who has been:

- Convicted of a felony in any state or country; or
- Adjudicated a delinquent child for an act that would be a felony if committed by an adult in any state or country, if the person applying for the retail dealer's license is less than 23 years of age.<sup>34</sup>

A dealer license that was applied for after June 30, 2011, is valid for six years from the date of issue.<sup>35</sup>

A retail dealer's business may be carried on only at the site designated in the license, and a separate license is required for each separate retail outlet.<sup>36</sup> The license itself must be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.<sup>37</sup> In addition, no handgun may be sold in violation of any provision of Chapter 35-47-2 or under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his or her identity.<sup>38</sup>

A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person not licensed to carry a handgun under state law until the dealer has:

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<sup>31</sup> [Ind. Code Ann. § 35-47-2-14, 35-47-2-15\(a\), \(b\).](#)

<sup>32</sup> [Ind. Code Ann. § 35-47-2-15\(a\).](#)

<sup>33</sup> *Id.*

<sup>34</sup> [Ind. Code Ann. § 35-47-2-15\(f\).](#)

<sup>35</sup> [Ind. Code Ann. § 35-47-2-15\(d\).](#)

<sup>36</sup> [Ind. Code Ann. § 35-47-2-16\(a\).](#)

<sup>37</sup> [Ind. Code Ann. § 35-47-2-16\(b\).](#)

<sup>38</sup> [Ind. Code Ann. § 35-47-2-16\(c\).](#)

- Obtained the completed and signed ATF Form 4473;<sup>39</sup>
- Contacted the National Instant Criminal Background Check System (NICS) by telephone or electronic means to request a background check; and
- Received authorization from NICS to transfer the handgun to the prospective purchaser.<sup>40</sup>

In addition, the dealer must record the NICS transaction number on Form 4473 and retain that form for auditing purposes.<sup>41</sup>

For laws applicable to both licensed and private firearm sellers, please see the [Indiana Private Sales](#) section.

Indiana has no law requiring firearms dealers to initiate a background check prior to transferring a long gun. Nevertheless, prior to transferring a long gun in Indiana, a dealer must initiate the background check required by federal law.<sup>42</sup>

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

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<sup>39</sup> As specified in [Ind. Code Ann. § 35-47-2.5-3](#).

<sup>40</sup> [Ind. Code Ann. § 35-47-2.5-4\(a\)](#).

<sup>41</sup> [Ind. Code Ann. § 35-47-2.5-4\(b\)](#).

<sup>42</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Oct 24, 2011).

## Private Sales in Indiana

Indiana has no law requiring a background check on the purchaser of a firearm when the seller is not a licensed dealer.

Although a background check is not required, Indiana law expressly provides that the state's handgun sales restrictions (*i.e.*, the prohibited purchaser provisions) apply equally to an occasional sale, trade, or transfer between individual persons and to retail transactions between dealers and individual persons.<sup>43</sup>

In addition, 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 age 18, 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 provisions relating to children and firearms.<sup>44</sup>

Indiana prohibits any person from selling, giving, or in any manner transferring the ownership or possession of a handgun to another individual the transferor has reasonable cause to believe:

- Has been convicted of a felony or 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 23 years of age;
- Is a drug abuser;
- Is an alcohol abuser; or
- Is mentally incompetent.<sup>45</sup>

A person is criminally liable for a Class D felony if he or she purchases a handgun with the intent to:

- Resell or otherwise transfer the handgun to another person who the transferor knows or has reason to believe is ineligible for any reason to purchase or otherwise receive a handgun; or
- 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.<sup>46</sup>

Any person who sells, barter, gives, or delivers any deadly weapon to any person in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the

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<sup>43</sup> [Ind. Code Ann. § 35-47-2-8.](#)

<sup>44</sup> [Ind. Code Ann. § 35-47-2-7\(a\).](#)

<sup>45</sup> [Ind. Code Ann. § 35-47-2-7\(b\).](#)

<sup>46</sup> [Ind. Code Ann. § 35-47-2.5-14\(b\).](#)

habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, commits a Class B misdemeanor.<sup>47</sup>

Although Indiana law specifically excludes Indiana residents licensed to carry handguns from Indiana's handgun sales requirements,<sup>48</sup> the Indiana State Police have stated that this statute became inoperative on October 1, 2003, when Indiana licenses to carry a handgun ceased being an alternative to background checks under the federal [Brady Act](#). See the [Indiana Concealed Weapons Permitting](#) section.

The Indiana Code does not address the private sale of rifles or shotguns.

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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<sup>47</sup> [Ind. Code Ann. § 35-47-4-1.](#)

<sup>48</sup> [Ind. Code Ann. § 35-47-2.5-1.](#)

## Indiana Gun Shows

Under Indiana law, a retail dealer may display, sell, or transfer handguns at a gun show in accordance with [Chapter 35-47-2](#) and federal law.<sup>49</sup> Indiana uses the federal definition and corresponding regulations for gun shows.<sup>50</sup>

See the [Indiana Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

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<sup>49</sup> [Ind. Code Ann. § 35-47-2-16\(d\)](#).

<sup>50</sup> *See* [27 C.F.R. § 478.100](#).

## Indiana Immunity Statutes

Indiana law prohibits any person from bringing an action against a firearms or ammunition manufacturer, trade association, or seller for:

- Recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing or sale of a firearm or ammunition; or
- Recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition by a third party.<sup>51</sup>

Furthermore, if a court finds that a party has brought an action under a theory of recovery described above, the finding constitutes conclusive evidence that the action is groundless.<sup>52</sup> Upon this finding, a court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.

However, an action may be brought against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages for:

- Breach of contract or warranty concerning firearms or ammunition purchased by a person;
- Damage or harm to a person or to property owned or leased by a person caused by a defective firearm or ammunition; or
- Injunctive relief to enforce a valid statute, rule, or ordinance. However, a person may not bring an action seeking injunctive relief if that action is barred under Indiana Code Ann. § 34-12-3-3.<sup>53</sup>

In addition, a person is immune from civil liability based on an act or omission related to the use of a firearm or ammunition by another person if the other person directly or indirectly obtained the firearm or ammunition through the commission of a burglary, robbery, theft, receiving stolen property, or criminal conversion.<sup>54</sup>

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

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<sup>51</sup> [Ind. Code Ann. § 34-12-3-3.](#)

<sup>52</sup> [Ind. Code Ann. § 34-12-3-4.](#)

<sup>53</sup> [Ind. Code Ann. § 34-12-3-5.](#)

<sup>54</sup> [Ind. Code Ann. § 34-30-20-1.](#)

## **Gun Owner Responsibilities**

### **Licensing of Gun Owners or Purchasers in Indiana**

Indiana has no law requiring gun owners or purchasers to obtain a license.

See [\*Regulating Guns in America: Licensing of Gun Owners or Purchasers\*](#) for a comprehensive discussion of this issue.

## Indiana Registration of Firearms

Indiana does not require the registration of firearms. However, handguns may be voluntarily registered with local law enforcement.<sup>55</sup>

See [\*Regulating Guns in America: Registration of Firearms\*](#) for a comprehensive discussion of this issue.

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<sup>55</sup> [Bureau of Justice Statistics Survey of State Procedures Related to Firearm Sales, Midyear 2005 \(November 2006\).](#)

## **Reporting Lost or Stolen Firearms in Indiana**

Indiana does not require firearm owners to report the loss or theft of a firearm.

See [\*Regulating Guns in America: Reporting Lost or Stolen Firearms\*](#) for a comprehensive discussion of this issue.

## Firearms in Public Places

### Concealed Weapons Permitting in Indiana

Indiana does not prohibit a person from carrying a concealed firearm in public if the person has a license.<sup>56</sup> Carrying a handgun is permitted, without a license, in or on property that the person carrying the handgun owns, leases, rents, or otherwise legally controls. In addition, no license is required to carry a handgun on property another person owns, leases, rents, or otherwise legally controls if that person consents to the carrying of a handgun on the property.<sup>57</sup>

Indiana is a “shall issue” state, meaning that the Indiana State Police (ISP) must issue a concealed weapons license if the applicant meets certain qualifications. The Superintendent of the Indiana State Police (Superintendent) shall issue a license to carry a handgun if it appears that the applicant:

- Has a proper reason for carrying a handgun (i.e., “for the defense of oneself or the state of Indiana;”<sup>58</sup>);
- Is of good character and reputation;
- Is a citizen of the United States, or not a citizen of the United States but allowed to carry a firearm under federal law; and
- Is a “proper person” to be licensed.<sup>59</sup>

A “proper person” is defined as someone who:

- Does not have a conviction for resisting law enforcement within five years of his or her application;
- Does not have a conviction for a crime for which he or she could have been sentenced for more than one year;
- Does not have a conviction for a crime of domestic violence (as defined in § 35-41-1-6.3), unless a court has restored that person’s “right to possess a firearm” under section 35-47-4-7;
- Is not prohibited by a court order from possessing a handgun;
- Does not have a record of being an alcohol or drug abuser as defined in Chapter 35-47-1;
- Does not have documented evidence which would give rise to a reasonable belief that he or she has a propensity for violent or emotionally unstable conduct;
- Does not make a false statement of material fact on his or her application;

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<sup>56</sup> [Ind. Code Ann. §§ 35-47-2-1.](#)

<sup>57</sup> [Id.](#)

<sup>58</sup> See [Ind. Code Ann. § 35-47-1-8](#); *Schubert v. DeBard*, 398 N.E.2d 1339, 1341 (Ind. Ct. App. 1980).

<sup>59</sup> [Ind. Code Ann. § 35-47-2-3.](#)

- Does not have a conviction for any crime involving an inability to safely handle a handgun;
- Does not have a conviction for violation of the provisions of Title 35, Article 47 within five years of his or her application;
- Does not 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 is less than 23 years of age;
- Has not been involuntarily committed, other than a temporary commitment for observation or evaluation, to a mental institution by a court, board, commission, or other lawful authority;
- Has not been adjudicated mentally ill and dangerous or gravely disabled and committed for a ninety day commitment or a regular commitment to a mental health facility;
- Has not been found by a court to be mentally incompetent, including not guilty by reason of insanity; guilty but mentally ill; or incompetent to stand trial.<sup>60</sup>

Furthermore, a person is not a “proper person” if he or she:

- Has a history of minor criminal activity which would give rise to a reasonable belief that he or she has a propensity for violent or emotionally unstable conduct;
- Is found, upon a standard of reasonable belief, not to be emotionally stable; or
- Makes a false statement of material fact on his or her application.<sup>61</sup>

A license to carry a handgun may not be issued to any person who:

- Has been convicted of a felony;
- Has had a license to carry a handgun suspended, unless the person’s license has been reinstated;
- Is under 18 years of age;
- 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
- Has been arrested for a Class A or Class B felony, 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.<sup>62</sup>

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<sup>60</sup> [Ind. Code Ann. § 35-47-1-7.](#)

<sup>61</sup> [240 Ind. Admin. Code 3-1-1.](#)

<sup>62</sup> [Ind. Code Ann. § 35-47-2-3.](#)

Licenses to carry handguns are either “qualified” or “unlimited.”<sup>63</sup> A qualified license will be issued for hunting and target practice only. An unlimited license is issued for the purpose of the protection of life and property.

The Superintendent must include information concerning handgun safety rules with every issued license, that:

- Neither opposes nor supports an individual’s right to bear arms;
- Is recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
- Is prepared by the ISP; and
- Is approved by the Superintendent.<sup>64</sup>

### **Firearms Safety Training**

Indiana does not require applicants for a license to carry a handgun to undergo training or testing in firearms safety.

### **Duration & Renewal**

A license to carry a handgun is valid for a period of four years from the date of issue in the case of a “four (4) year license,” but for the lifetime of the individual in the case of a “lifetime license.”<sup>65</sup> The licenses 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 are lifetime licenses.<sup>66</sup> However, lifetime licenses are automatically revoked if the license holder does not remain a “proper person” to carry a handgun.<sup>67</sup>

### **Disclosure or Use of Information**

The following information is confidential, may not be published, and is not open to public inspection:

- Information submitted by a person to obtain or renew a license to carry a handgun;
- Information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to obtain or renew a license to carry a handgun; and

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<sup>63</sup> [Ind. Code Ann. § 35-47-2-4\(a\)](#).

<sup>64</sup> [Ind. Code Ann. § 35-47-2-3](#). Additional application and background check requirements, as well as permit suspension and disqualification information, are detailed under [Ind. Code Ann. §§ 35-47-2-3 through 35-47-2-6](#).

<sup>65</sup> [Ind. Code Ann. §§ 35-47-2-3; 35-47-2-4](#).

<sup>66</sup> [Ind. Code Ann. § 35-47-2-3](#).

<sup>67</sup> [Id.](#)

- 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.<sup>68</sup>

However, information may be released to a government entity for law enforcement purposes or to determine the validity of a license. In addition, general information that does not disclose the identity of a person who holds a license to carry a handgun may be released for purposes of journalistic or academic research.<sup>69</sup>

### **Reciprocity**

Licenses to carry handguns, issued by other states or foreign countries, will be recognized according to the terms in the license and of the issuing state or country, but only while the holders are not residents of Indiana.<sup>70</sup>

Also, if the applicant is a resident of another state and has a regular place of business or employment in Indiana, he or she must apply for an Indiana license to carry a handgun to the sheriff of the county in which the applicant has a regular place of business or employment.<sup>71</sup>

See [\*Regulating Guns in America: Carrying Concealed Weapons\*](#) for a comprehensive discussion of this issue.

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<sup>68</sup> [Ind. Code Ann. § 35-47-2-3.](#)

<sup>69</sup> [Id.](#)

<sup>70</sup> [Ind. Code Ann. § 35-47-2-21.](#)

<sup>71</sup> [Ind. Code Ann. § 35-47-2-3\(a\)\(3\).](#)

## **Open Carrying in Indiana**

Indiana prohibits the [open carrying](#) of handguns in public without obtaining the license described in the [Concealed Weapons Permitting Section](#) above. No license is required for the open carrying of long guns in Indiana.

## Location Restrictions

### Guns in Vehicles in Indiana

Indiana prohibits carrying a firearm in a vehicle without a license to carry a handgun unless the vehicle is owned, leased, rented, or otherwise legally controlled by the person, and the handgun is unloaded, not readily accessible, and secured in a case.<sup>72</sup> The same conditions apply if the person is lawfully in a vehicle owned, leased, rented, or otherwise legally controlled by another person so long as the person carrying the handgun is lawfully in the vehicle.<sup>73</sup>

However, no person may adopt or enforce an ordinance, resolution, policy or rule that prohibits or 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.<sup>74</sup> This restriction does not apply in various, specifically named locations.<sup>75</sup> In addition, the restriction may not be construed 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.<sup>76</sup>

Indiana law generally prohibits operating a "vehicle"—defined as an off-road vehicle or snowmobile<sup>77</sup>—while transporting a firearm on or in the vehicle, unless the firearm is unloaded, and securely encased or equipped with and made inoperative by a "manufactured keylocked trigger housing mechanism."<sup>78</sup> This restriction does not apply to any person issued an "unlimited" handgun license.<sup>79</sup>

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<sup>72</sup> [Ind. Code Ann. § 35-47-2-1.](#)

<sup>73</sup> [Id.](#)

<sup>74</sup> [Id.](#), [Ind. Code Ann. § 34-28-7-2.](#)

<sup>75</sup> See [Ind. Code Ann. § 34-28-7-2](#) for the list.

<sup>76</sup> [Ind. Code Ann. § 35-47-2-1.](#)

<sup>77</sup> [Ind. Code Ann. § 14-16-1-7.](#)

<sup>78</sup> [Ind. Code Ann. § 14-16-1-23\(a\)\(9\).](#)

<sup>79</sup> [Ind. Code Ann. § 14-16-1-23\(b\).](#)

## **Guns in Schools in Indiana**

Indiana does not permit any person, including a person licensed to carry a handgun, to possess a firearm in or on:

- School property (including private schools and preschools<sup>80</sup>);
- Property that is being used by a school for a school function or on a school bus.<sup>81</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>80</sup> See [Ind. Code Ann. § 35-41-1-24.7](#) for a definition of “school property”.

<sup>81</sup> [Ind. Code Ann. § 35-47-9-2](#). In Indiana, a student who is identified as bringing a firearm to school or on school property, or in possession of a firearm on school property, shall be expelled for at least one calendar year. [Ind. Code Ann. § 20-33-8-16\(d\)](#). The school superintendent may, on a case by case basis, modify the period of expulsion for a student who is expelled under this section. [Ind. Code Ann. § 20-33-8-16\(e\)](#).

## Other Location Restrictions in Indiana

No person, including a person with a license to carry a handgun, may possess a firearm:

- In a commercial or charter aircraft;<sup>82</sup>
- In an area of an airport where access is controlled by the inspection of persons and property;<sup>83</sup>
- On board a riverboat gambling operation;<sup>84</sup>
- On the fairgrounds during the annual state fair;<sup>85</sup>
- In or on port areas or port property;<sup>86</sup> or
- In a children's home or child caring institution run or overseen by Child Welfare Services.<sup>87</sup>

Indiana has no statutes prohibiting the possession of firearms in the following locations, although administrative regulations may apply:

- Parks;
- Hospitals;
- Places of worship;
- Bars or restaurants where alcohol is served;
- Sports arenas; or
- Polling places

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<sup>82</sup> [Ind. Code Ann. § 35-47-6-1.](#)

<sup>83</sup> [Ind. Code Ann. § 35-47-6-1.3.](#)

<sup>84</sup> [68 Ind. Admin. Code 1-7-1.](#)

<sup>85</sup> [80 Ind. Admin. Code 4-4-4\(b\).](#) Note that any person properly licensed to carry a firearm must secure the firearm in a locked compartment of his or her vehicle, where it will not be visible, per [80 Ind. Admin. Code 4-4-4\(d\).](#)

<sup>86</sup> See [130 Ind. Admin. Code 4-1-7](#) and [4-1-8\(2\).](#)

<sup>87</sup> [465 Ind. Admin. Code 2-9-80\(b\)\(3\)](#); [465 Ind. Admin. Code 2-10-79\(b\)\(3\)](#); [465 Ind. Admin. Code 2-11-80\(b\)\(3\)](#); [465 Ind. Admin. Code 2-12-78\(b\)\(3\)](#); [465 Ind. Admin. Code 2-13-77\(b\)\(3\)](#). In addition, child care centers must prominently post in places regularly viewed by parents, prohibitions against the use or possession of firearms, unless such possession is required as a condition of employment. [470 Ind. Admin Code 3-4.7-19\(a\)\(5\)\(C\).](#)

## Consumer & Child Safety

### Indiana Design Safety Standards for Handguns

Indiana does not specifically regulate junk guns or unsafe firearms.

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

## Locking Devices in Indiana

Indiana does not require a locking device to accompany the sale of a firearm, and no state statutes require firearm owners to affirmatively lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

## **Personalized / Owner-Authorized Firearms in Indiana**

Indiana does not require firearms to be personalized.

See [\*Regulating Guns in America: Personalized Firearms\*](#) for a comprehensive discussion of this issue.

## Indiana Child Access Prevention

Indiana provides that a child's parent or legal guardian who knowingly, intentionally, or recklessly permits the child (defined as a person under age 18;<sup>88</sup>) to possess a firearm, either:

- While aware of a substantial risk that the child will use the firearm to commit a felony; and
- While failing to make reasonable efforts to prevent the use of a firearm by the child to commit a felony; or
- 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 Class C felony.<sup>89</sup>

The offense is a Class B felony if the child's parent or legal guardian has a prior conviction under this section.<sup>90</sup>

In addition, an adult who knowingly, intentionally, or recklessly provides a firearm to a child for any purpose other than those specified<sup>91</sup> commits "dangerous control of a firearm," a Class C felony.<sup>92</sup> The offense rises to a Class B felony if the adult has a prior conviction under this section.<sup>93</sup>

A child who knowingly, intentionally, or recklessly provides a firearm to another child with or without remuneration for any purpose other than those described in [section 35-47-10-1](#), with or without remuneration, commits "dangerous possession of a firearm," a Class A misdemeanor.<sup>94</sup> The offense rises to a Class C felony if the child has a prior conviction under this section.<sup>95</sup>

Firearms in youth camps must be locked in cabinets or buildings.<sup>96</sup> Caregivers in child care homes must keep all ammunition and firearms in a locked area inaccessible to children whenever children are present.<sup>97</sup> Providers at certain child care facilities must ensure that firearms and ammunition are secured in a locked area, by key or combination, where children cannot gain access.<sup>98</sup>

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

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<sup>88</sup> See [Ind. Code Ann. § 35-47-10-3](#).

<sup>89</sup> [Ind. Code Ann. § 35-47-10-7](#).

<sup>90</sup> *Id.*

<sup>91</sup> See the exceptions to the child possession and transfer restrictions at [Ind. Code Ann. § 35-47-10-1](#).

<sup>92</sup> [Ind. Code Ann. § 35-47-10-6](#).

<sup>93</sup> *Id.*

<sup>94</sup> [Ind. Code Ann. § 35-47-10-5\(2\)](#).

<sup>95</sup> *Id.*

<sup>96</sup> [410 Ind. Admin. Code 6-7.2-21\(g\)](#).

<sup>97</sup> [470 Ind. Admin. Code 3-1.1-48\(e\)](#).

<sup>98</sup> [470 Ind. Admin. Code 3-18-10\(a\)](#).

## **Classes of Weapons / Ammunition**

### **Assault Weapons in Indiana**

Indiana has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

## **Large Capacity Ammunition Magazines in Indiana**

Indiana has no law regulating large capacity ammunition magazines.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles in Indiana**

Indiana has no law regulating fifty caliber firearms.

See [\*Regulating Guns in America: Fifty Caliber Rifles\*](#) for a comprehensive discussion of this issue.

## Machine Guns/Automatic Firearms in Indiana

With some exceptions, Indiana prohibits any person from owning or possessing any machine gun or operating a loaded machine gun.<sup>99</sup> However, this prohibition does not apply to any person possessing a machine gun “under applicable federal statutes.”<sup>100</sup> Federal law generally allows private citizens to possess machine guns manufactured prior to May 19, 1986 so long as they are registered.

See [LCAV's policy page on Machine Guns](#) for further information.

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<sup>99</sup> [Ind. Code Ann. §§ 35-47-5-8, 35-47-9.](#)

<sup>100</sup> [Ind. Code Ann. § 35-47-5-10\(7\).](#)

## **Non-Powder Guns in Indiana**

Indiana does not specifically regulate non-powder guns.

See [\*Regulating Guns in America: Non-Powder Guns\*](#) for a comprehensive discussion of this issue.

## Ammunition Regulation in Indiana

Indiana prohibits any person from knowingly or intentionally manufacturing, possessing, transferring or offering to transfer any armor-piercing handgun ammunition.<sup>101</sup> “Armor-piercing handgun ammunition” is defined as a cartridge that can be fired in a handgun and, upon firing, expels a metal core that has an outer coating of plastic.<sup>102</sup> Note that the [federal prohibitions on certain kinds of armor-piercing ammunition](#) also apply.

Indiana does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- Require a license to purchase or possess ammunition; or
- Impose a minimum age for the purchase or possession of ammunition.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

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<sup>101</sup> [Ind. Code Ann. § 35-47-5-11\(b\)](#).

<sup>102</sup> [Id.](#)

## **Crime Gun Investigation**

### **Indiana Microstamping/Ballistic Identification**

Indiana has no laws regarding firearm microstamping or ballistic identification.

See [\*Regulating Guns in America: Ballistic Identification\*](#) for a comprehensive discussion of this issue.

## Firearms Trafficking in Indiana

In Indiana, any person who knowingly or intentionally makes a materially false statement on the Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 (which federal law requires a purchaser to fill out when buying a firearm from a dealer) when purchasing a handgun commits a felony.<sup>103</sup> Penalties are increased when the individual purchases the handgun with the intent to provide it to another person who he or she knows, or has reason to believe, is ineligible to purchase a handgun; or, with the intent to transport the handgun out of state to be provided to a person the transferor knows is ineligible to purchase it.<sup>104</sup> Penalties are also increased for making a materially false statement on Form 4473 if the purchase involves more than one handgun.<sup>105</sup>

A person who is ineligible to purchase a handgun and knowingly or intentionally receives assistance from another person to purchase the handgun commits a felony. Penalties are increased if the purchase involves more than one handgun.<sup>106</sup>

A firearms dealer who knowingly or intentionally sells, rents, trades or transfers a handgun in violation of the state laws regulating such activities commits a misdemeanor.<sup>107</sup>

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<sup>103</sup> [Ind. Code Ann. § 35-47-2.5-12.](#)

<sup>104</sup> [Ind. Code Ann. § 35-47-2.5-14.](#)

<sup>105</sup> *Id.*

<sup>106</sup> [Ind. Code Ann. § 35-47-2.5-15.](#)

<sup>107</sup> [Ind. Code Ann. § 35-47-2.5-13.](#)

## **Indiana State Links**

[Attorney General, State of Indiana](#)

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Columbus Field Division \(OH, IN\)](#)

[Hoosiers Concerned About Gun Violence](#)

[Indiana Coalition Against Domestic Violence](#)