

# HOUSE BILL No. 1233

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-26-6-2; IC 33-24-6; IC 35-31.5-2-81.5; IC 35-33-5; IC 35-44.1-2-3; IC 35-47.

**Synopsis:** Possession of firearms. Repeals provisions concerning the: (1) confiscation and retention of firearms from a dangerous person; (2) compilation and publication of statistics related to the confiscation and retention of firearms from a dangerous person; and (3) making of a false report that a person is dangerous. Modifies a provision concerning a petition to find that an individual is no longer dangerous.

**Effective:** July 1, 2022.

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**Payne, Nisly, Jacob**

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January 6, 2022, read first time and referred to Committee on Public Policy.

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Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1233

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-26-6-2, AS AMENDED BY P.L.289-2019,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2022]: Sec. 2. (a) A commitment under this chapter may be
- 4 begun by any of the following methods:
- 5 (1) Upon request of the superintendent under IC 12-26-3-5.
- 6 (2) An order of the court
- 7 (A) having jurisdiction over the individual following
- 8 emergency detention. ~~or~~
- 9 (B) referring an individual:
- 10 (i) following a hearing under IC 35-47-14-6; and
- 11 (ii) after a physicians written statement has been filed setting
- 12 forth the requirements described in subsections (c)(1) and
- 13 (c)(2) of this section.
- 14 (3) Filing a petition with a court having jurisdiction in the county:
- 15 (A) of residence of the individual; or
- 16 (B) where the individual may be found.
- 17 (b) A petitioner under subsection (a)(3) must be at least eighteen



- 1 (18) years of age.
- 2 (c) A petition under subsection (a)(3) must include a physician's
- 3 written statement stating both of the following:
- 4 (1) The physician has examined the individual within the past
- 5 thirty (30) days.
- 6 (2) The physician believes the individual is:
- 7 (A) mentally ill and either dangerous or gravely disabled; and
- 8 (B) in need of custody, care, or treatment in an appropriate
- 9 facility.
- 10 SECTION 2. IC 33-24-6-3, AS AMENDED BY P.L.115-2021,
- 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2022]: Sec. 3. (a) The office of judicial administration shall
- 13 do the following:
- 14 (1) Examine the administrative and business methods and systems
- 15 employed in the offices of the clerks of court and other offices
- 16 related to and serving the courts and make recommendations for
- 17 necessary improvement.
- 18 (2) Collect and compile statistical data and other information on
- 19 the judicial work of the courts in Indiana. All justices of the
- 20 supreme court, judges of the court of appeals, judges of all trial
- 21 courts, and any city or town courts, whether having general or
- 22 special jurisdiction, court clerks, court reporters, and other
- 23 officers and employees of the courts shall, upon notice by the
- 24 chief administrative officer and in compliance with procedures
- 25 prescribed by the chief administrative officer, furnish the chief
- 26 administrative officer the information as is requested concerning
- 27 the nature and volume of judicial business. The information must
- 28 include the following:
- 29 (A) The volume, condition, and type of business conducted by
- 30 the courts.
- 31 (B) The methods of procedure in the courts.
- 32 (C) The work accomplished by the courts.
- 33 (D) The receipt and expenditure of public money by and for
- 34 the operation of the courts.
- 35 (E) The methods of disposition or termination of cases.
- 36 (3) Prepare and publish reports, not less than one (1) or more than
- 37 two (2) times per year, on the nature and volume of judicial work
- 38 performed by the courts as determined by the information
- 39 required in subdivision (2).
- 40 (4) Serve the judicial nominating commission and the judicial
- 41 qualifications commission in the performance by the commissions
- 42 of their statutory and constitutional functions.



- 1 (5) Administer the civil legal aid fund as required by IC 33-24-12.  
 2 (6) Administer the court technology fund established by section  
 3 12 of this chapter.  
 4 (7) By December 31, 2013, develop and implement a standard  
 5 protocol for sending and receiving court data:  
 6 (A) between the protective order registry, established by  
 7 IC 5-2-9-5.5, and county court case management systems;  
 8 (B) at the option of the county prosecuting attorney, for:  
 9 (i) a prosecuting attorney's case management system;  
 10 (ii) a county court case management system; and  
 11 (iii) a county court case management system developed and  
 12 operated by the office of judicial administration;  
 13 to interface with the electronic traffic tickets, as defined by  
 14 IC 9-30-3-2.5; and  
 15 (C) between county court case management systems and the  
 16 case management system developed and operated by the office  
 17 of judicial administration.  
 18 The standard protocol developed and implemented under this  
 19 subdivision shall permit private sector vendors, including vendors  
 20 providing service to a local system and vendors accessing the  
 21 system for information, to send and receive court information on  
 22 an equitable basis and at an equitable cost.  
 23 (8) Establish and administer an electronic system for receiving  
 24 information that relates to certain individuals who may be  
 25 prohibited from possessing a firearm for the purpose of  
 26 ~~(A) transmitting this information to the Federal Bureau of~~  
 27 ~~Investigation for inclusion in the NICS. and~~  
 28 ~~(B) beginning July 1, 2021, compiling and publishing certain~~  
 29 ~~statistics related to the confiscation and retention of firearms~~  
 30 ~~as described under section 14 of this chapter.~~  
 31 (9) Establish and administer an electronic system for receiving  
 32 drug related felony conviction information from courts. The office  
 33 of judicial administration shall notify NPLeX of each drug related  
 34 felony entered after June 30, 2012, and do the following:  
 35 (A) Provide NPLeX with the following information:  
 36 (i) The convicted individual's full name.  
 37 (ii) The convicted individual's date of birth.  
 38 (iii) The convicted individual's driver's license number, state  
 39 personal identification number, or other unique number, if  
 40 available.  
 41 (iv) The date the individual was convicted of the felony.  
 42 Upon receipt of the information from the office of judicial



- 1 administration, a stop sale alert must be generated through  
 2 NPLEx for each individual reported under this clause.  
 3 (B) Notify NPLEx if the felony of an individual reported under  
 4 clause (A) has been:  
 5 (i) set aside;  
 6 (ii) reversed;  
 7 (iii) expunged; or  
 8 (iv) vacated.  
 9 Upon receipt of information under this clause, NPLEx shall  
 10 remove the stop sale alert issued under clause (A) for the  
 11 individual.  
 12 (10) After July 1, 2018, establish and administer an electronic  
 13 system for receiving from courts felony conviction information for  
 14 each felony described in IC 20-28-5-8(c). The office of judicial  
 15 administration shall notify the department of education at least  
 16 one (1) time each week of each felony described in  
 17 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:  
 18 (A) Provide the department of education with the following  
 19 information:  
 20 (i) The convicted individual's full name.  
 21 (ii) The convicted individual's date of birth.  
 22 (iii) The convicted individual's driver's license number, state  
 23 personal identification number, or other unique number, if  
 24 available.  
 25 (iv) The date the individual was convicted of the felony.  
 26 (B) Notify the department of education if the felony of an  
 27 individual reported under clause (A) has been:  
 28 (i) set aside;  
 29 (ii) reversed; or  
 30 (iii) vacated.  
 31 (11) Perform legal and administrative duties for the justices as  
 32 determined by the justices.  
 33 (12) Provide staff support for the judicial conference of Indiana  
 34 established in IC 33-38-9.  
 35 (13) Work with the United States Department of Veterans Affairs  
 36 to identify and address the needs of veterans in the court system.  
 37 (14) If necessary for purposes of IC 35-47-16-1, issue a retired  
 38 judicial officer an identification card identifying the retired  
 39 judicial officer as a retired judicial officer.  
 40 (b) All forms to be used in gathering data must be approved by the  
 41 supreme court and shall be distributed to all judges and clerks before  
 42 the start of each period for which reports are required.



1 (c) The office of judicial administration may adopt rules to  
2 implement this section.

3 SECTION 3. IC 33-24-6-14 IS REPEALED [EFFECTIVE JULY 1,  
4 2022]. Sec. 14. (a) The following definitions apply throughout this  
5 section:

6 (1) "Dangerous" has the meaning set forth in IC 35-47-14-1.

7 (2) "Firearm" has the meaning set forth in IC 35-47-1-5.

8 (3) "Office" means the office of judicial administration created by  
9 section 1 of this chapter.

10 (b) Beginning July 1, 2021, the office shall collect and record the  
11 following information:

12 (1) The law enforcement agency responsible for each confiscation  
13 of a firearm under IC 35-47-14-2 and IC 35-47-14-3.

14 (2) The number of:

15 (A) warrant based firearm confiscations under IC 35-47-14-2;  
16 and

17 (B) warrantless firearm confiscations under IC 35-47-14-3;  
18 for each county, as applicable, each year.

19 (3) The total number of:

20 (A) handguns; and

21 (B) long guns;

22 confiscated under IC 35-47-14 for each county, as applicable,  
23 each year.

24 (4) The county in which a court issues an order that finds or does  
25 not find an individual to be dangerous under IC 35-47-14-6.

26 (c) The office shall, beginning July 1, 2021, not later than January  
27 1 of each year, submit a report to the legislative council in an electronic  
28 format under IC 5-14-6 that consolidates and presents the information  
29 described in subsection (b).

30 (d) Notwithstanding subsections (b) and (c) and information  
31 provided to a law enforcement agency for the purposes of handgun  
32 licenses, the office shall not disclose, distribute, transfer, or provide the  
33 following information to any person, entity, agency, or department:

34 (1) The:

35 (A) name;

36 (B) date of birth;

37 (C) Social Security number;

38 (D) address; or

39 (E) other unique identifier;

40 belonging to or associated with an individual alleged to be  
41 dangerous by a law enforcement officer or found to be dangerous  
42 by a circuit or superior court.



1 (2) The make, model, or serial number of any handgun, long gun,  
 2 or firearm seized, confiscated, retained, disposed of, or sold under  
 3 IC 35-47-14.

4 (e) Information:

5 (1) collected by the office; or  
 6 (2) used by the office;

7 to prepare the report described in subsection (e) is confidential and not  
 8 subject to public inspection or copying under IC 5-14-3-3.

9 (f) The office shall make the report described in subsection (e)  
 10 available to the public.

11 (g) The office may adopt rules under IC 4-22-2 to implement this  
 12 section.

13 SECTION 4. IC 35-31.5-2-81.5 IS REPEALED [EFFECTIVE JULY  
 14 1, 2022]. Sec. 81.5: "Dangerous", for purposes of IC 35-47-4-6.5;  
 15 IC 35-47-4-6.7, and IC 35-47-14, has the meaning set forth in  
 16 IC 35-47-14-1.

17 SECTION 5. IC 35-33-5-1, AS AMENDED BY P.L.1-2006,  
 18 SECTION 526, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) A court may issue warrants  
 20 only upon probable cause, supported by oath or affirmation, to search  
 21 any place for any of the following:

- 22 (1) Property which is obtained unlawfully.
- 23 (2) Property, the possession of which is unlawful.
- 24 (3) Property used or possessed with intent to be used as the means  
 25 of committing an offense or concealed to prevent an offense from  
 26 being discovered.
- 27 (4) Property constituting evidence of an offense or tending to  
 28 show that a particular person committed an offense.
- 29 (5) Any person.
- 30 (6) Evidence necessary to enforce statutes enacted to prevent  
 31 cruelty to or neglect of children.

32 (7) A firearm possessed by a person who is dangerous (as defined  
 33 in IC 35-47-14-1).

34 (b) As used in this section, "place" includes any location where  
 35 property might be secreted or hidden, including buildings, persons, or  
 36 vehicles.

37 SECTION 6. IC 35-33-5-5, AS AMENDED BY P.L.1-2007,  
 38 SECTION 225, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) All items of property seized  
 40 by any law enforcement agency as a result of an arrest, search warrant,  
 41 or warrantless search, shall be securely held by the law enforcement  
 42 agency under the order of the court trying the cause, except as provided



- 1 in this section.
- 2 (b) Evidence that consists of property obtained unlawfully from its  
3 owner may be returned by the law enforcement agency to the owner  
4 before trial, in accordance with IC 35-43-4-4(h).
- 5 (c) Following the final disposition of the cause at trial level or any  
6 other final disposition the following shall be done:
- 7 (1) Property which may be lawfully possessed shall be returned  
8 to its rightful owner, if known. If ownership is unknown, a  
9 reasonable attempt shall be made by the law enforcement agency  
10 holding the property to ascertain ownership of the property. After  
11 ninety (90) days from the time:
- 12 (A) the rightful owner has been notified to take possession of  
13 the property; or
- 14 (B) a reasonable effort has been made to ascertain ownership  
15 of the property;
- 16 the law enforcement agency holding the property shall, at a  
17 convenient time, dispose of this property at a public auction. The  
18 proceeds of this property shall be paid into the county general  
19 fund.
- 20 (2) Except as provided in subsection (e), property, the possession  
21 of which is unlawful, shall be destroyed by the law enforcement  
22 agency holding it sixty (60) days after final disposition of the  
23 cause.
- 24 (3) A firearm that has been seized from a person who is  
25 dangerous (as defined in IC 35-47-14-1 (**before its repeal**)) shall  
26 be retained, returned, or disposed of in accordance with  
27 IC 35-47-14.
- 28 (d) If any property described in subsection (c) was admitted into  
29 evidence in the cause, the property shall be disposed of in accordance  
30 with an order of the court trying the cause.
- 31 (e) A law enforcement agency may destroy or cause to be destroyed  
32 chemicals, controlled substances, or chemically contaminated  
33 equipment (including drug paraphernalia as described in  
34 IC 35-48-4-8.5) associated with the illegal manufacture of drugs or  
35 controlled substances without a court order if all the following  
36 conditions are met:
- 37 (1) The law enforcement agency collects and preserves a  
38 sufficient quantity of the chemicals, controlled substances, or  
39 chemically contaminated equipment to demonstrate that the  
40 chemicals, controlled substances, or chemically contaminated  
41 equipment was associated with the illegal manufacture of drugs  
42 or controlled substances.





1 (2) The law enforcement agency takes photographs of the illegal  
2 drug manufacturing site that accurately depict the presence and  
3 quantity of chemicals, controlled substances, and chemically  
4 contaminated equipment.

5 (3) The law enforcement agency completes a chemical inventory  
6 report that describes the type and quantities of chemicals,  
7 controlled substances, and chemically contaminated equipment  
8 present at the illegal manufacturing site.

9 The photographs and description of the property shall be admissible  
10 into evidence in place of the actual physical evidence.

11 (f) For purposes of preserving the record of any conviction on  
12 appeal, a photograph demonstrating the nature of the property, and an  
13 adequate description of the property must be obtained before the  
14 disposition of the property. In the event of a retrial, the photograph and  
15 description of the property shall be admissible into evidence in place  
16 of the actual physical evidence. All other rules of law governing the  
17 admissibility of evidence shall apply to the photographs.

18 (g) The law enforcement agency disposing of property in any  
19 manner provided in subsection (b), (c), or (e) shall maintain certified  
20 records of any disposition under subsection (b), (c), or (e). Disposition  
21 by destruction of property shall be witnessed by two (2) persons who  
22 shall also attest to the destruction.

23 (h) This section does not affect the procedure for the disposition of  
24 firearms seized by a law enforcement agency.

25 (i) A law enforcement agency that disposes of property by auction  
26 under this section shall permanently stamp or otherwise permanently  
27 identify the property as property sold by the law enforcement agency.

28 (j) Upon motion of the prosecuting attorney, the court shall order  
29 property seized under IC 34-24-1 transferred, subject to the perfected  
30 liens or other security interests of any person in the property, to the  
31 appropriate federal authority for disposition under 18 U.S.C. 981(e), 19  
32 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted  
33 by the United States Department of Justice.

34 SECTION 7. IC 35-44.1-2-3, AS AMENDED BY P.L.174-2021,  
35 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2022]: Sec. 3. (a) As used in this section, "consumer product"  
37 has the meaning set forth in IC 35-45-8-1.

38 (b) As used in this section, "misconduct" means a violation of a  
39 departmental rule or procedure of a law enforcement agency.

40 (c) A person who reports that:

41 (1) the person or another person has placed or intends to place a  
42 explosive, a destructive device, or other destructive substance in



1 a building or transportation facility;  
 2 (2) there has been or there will be tampering with a consumer  
 3 product introduced into commerce; or  
 4 (3) there has been or will be placed or introduced a weapon of  
 5 mass destruction in a building or a place of assembly;  
 6 knowing the report to be false, commits false reporting, a Level 6  
 7 felony.  
 8 (d) A person who:  
 9 (1) gives:  
 10 (A) a false report of the commission of a crime; or  
 11 (B) false information to a law enforcement officer that relates  
 12 to the commission of a crime;  
 13 knowing the report or information to be false;  
 14 (2) gives a false alarm of fire to the fire department of a  
 15 governmental entity, knowing the alarm to be false;  
 16 (3) makes a false request for ambulance service to an ambulance  
 17 service provider, knowing the request to be false;  
 18 (4) gives a false report concerning a missing child (as defined in  
 19 IC 10-13-5-4) or missing endangered adult (as defined in  
 20 IC 12-7-2-131.3) or gives false information to a law enforcement  
 21 officer or a governmental entity that relates to a missing child or  
 22 missing endangered adult knowing the report or information to be  
 23 false;  
 24 (5) makes a complaint against a law enforcement officer to the  
 25 state or municipality (as defined in IC 8-1-13-3(b)) that employs  
 26 the officer:  
 27 (A) alleging the officer engaged in misconduct while  
 28 performing the officer's duties; and  
 29 (B) knowing the complaint to be false;  
 30 (6) makes a false report of a missing person, knowing the report  
 31 or information is false; **or**  
 32 (7) gives a false report of actions, behavior, or conditions  
 33 concerning:  
 34 (A) a septic tank soil absorption system under IC 8-1-2-125 or  
 35 IC 13-26-5-2.5; or  
 36 (B) a septic tank soil absorption system or constructed wetland  
 37 septic system under IC 36-9-23-30.1;  
 38 knowing the report or information to be false; **or**  
 39 ~~(8) makes a false report that a person is dangerous (as defined in~~  
 40 ~~IC 35-47-14-1) knowing the report or information to be false;~~  
 41 commits false informing, a Class B misdemeanor. However, the offense  
 42 is a Class A misdemeanor if it substantially hinders any law



1 enforcement process or if it results in harm to another person.

2 SECTION 8. IC 35-47-1-7, AS AMENDED BY P.L.289-2019,  
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2022]: Sec. 7. "Proper person" means a person who:

5 (1) does not have a conviction for resisting law enforcement  
6 under IC 35-44.1-3-1 within five (5) years before the person  
7 applies for a license or permit under this chapter;

8 (2) does not have a conviction for a crime for which the person  
9 could have been sentenced for more than one (1) year;

10 (3) does not have a conviction for a crime of domestic violence  
11 (as defined in IC 35-31.5-2-78), unless a court has restored the  
12 person's right to possess a firearm under IC 35-47-4-7;

13 (4) is not prohibited by a court order from possessing a handgun;

14 (5) does not have a record of being an alcohol or drug abuser as  
15 defined in this chapter;

16 (6) does not have documented evidence which would give rise to  
17 a reasonable belief that the person has a propensity for violent or  
18 emotionally unstable conduct;

19 (7) does not make a false statement of material fact on the  
20 person's application;

21 (8) does not have a conviction for any crime involving an inability  
22 to safely handle a handgun;

23 (9) does not have a conviction for violation of the provisions of  
24 this article within five (5) years of the person's application;

25 (10) does not have an adjudication as a delinquent child for an act  
26 that would be a felony if committed by an adult, if the person  
27 applying for a license or permit under this chapter is less than  
28 twenty-three (23) years of age;

29 (11) has not been involuntarily committed, other than a temporary  
30 commitment for observation or evaluation, to a mental institution  
31 by a court, board, commission, or other lawful authority;

32 (12) has not been the subject of a:

33 (A) ninety (90) day commitment as a result of proceeding  
34 under IC 12-26-6; or

35 (B) regular commitment under IC 12-26-7; **or**

36 (13) has not been found by a court to be mentally incompetent,  
37 including being found:

38 (A) not guilty by reason of insanity;

39 (B) guilty but mentally ill; or

40 (C) incompetent to stand trial. **or**

41 ~~(14) is not currently designated as dangerous (as defined in~~  
42 ~~IC 35-47-14-1) by a court following a hearing under~~



1           ~~IC 35-47-14-6.~~

2           SECTION 9. IC 35-47-4-6.5 IS REPEALED [EFFECTIVE JULY  
3 1, 2022]. Sec. 6.5: A person who:

4           (1) has been found to be dangerous by a circuit or superior court  
5           having jurisdiction over the person following a hearing under  
6           ~~IC 35-47-14-6~~; and

7           (2) knowingly or intentionally:

8           (A) rents;

9           (B) purchases;

10          (C) receives transfer of;

11          (D) owns; or

12          (E) possesses;

13          a firearm commits unlawful possession of a firearm by a dangerous  
14          person; a Class A misdemeanor.

15          SECTION 10. IC 35-47-4-6.7 IS REPEALED [EFFECTIVE JULY  
16 1, 2022]. Sec. 6.7: A person who knowingly or intentionally rents;  
17          transfers, sells, or offers for sale a firearm to another person who the  
18          person knows to be found dangerous by a circuit or superior court  
19          following a hearing under ~~IC 35-47-14-6~~ commits unlawful transfer of  
20          a firearm to a dangerous person; a Level 5 felony.

21          SECTION 11. IC 35-47-14-1 IS REPEALED [EFFECTIVE JULY  
22 1, 2022]. Sec. 1. (a) For the purposes of this chapter, an individual is  
23          "dangerous" if:

24          (1) the individual presents an imminent risk of personal injury to  
25          the individual or to another individual; or

26          (2) it is probable that the individual will present a risk of personal  
27          injury to the individual or to another individual in the future and  
28          the individual:

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

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

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

40          SECTION 12. IC 35-47-14-1.5, AS ADDED BY P.L.289-2019,  
41          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42          JULY 1, 2022]: Sec. 1.5. For the purposes of this chapter, an individual



1 is a "responsible third party" if:  
 2 (1) the individual does not cohabit with the person found to be  
 3 dangerous in the hearing conducted under section 6 of this  
 4 chapter **(before its repeal)**;  
 5 (2) the individual is a proper person (as defined under  
 6 ~~IC 35-47-1-7~~) who may lawfully possess a firearm; and  
 7 (3) the individual is willing to enter into a written court agreement  
 8 to accept the transfer of the firearm as a responsible third party  
 9 under section 10 of this chapter.  
 10 SECTION 13. IC 35-47-14-2 IS REPEALED [EFFECTIVE JULY  
 11 1, 2022]. Sec. 2: (a) A circuit or superior court may issue a warrant to  
 12 search for and seize a firearm in the possession of an individual who is  
 13 dangerous if:  
 14 (1) a law enforcement officer provides the court a sworn affidavit  
 15 that:  
 16 (A) states why the law enforcement officer believes that the  
 17 individual is dangerous and in possession of a firearm; and  
 18 (B) describes the law enforcement officer's interactions and  
 19 conversations with:  
 20 (i) the individual who is alleged to be dangerous; or  
 21 (ii) another individual, if the law enforcement officer  
 22 believes that information obtained from this individual is  
 23 credible and reliable;  
 24 that have led the law enforcement officer to believe that the  
 25 individual is dangerous and in possession of a firearm;  
 26 (2) the affidavit specifically describes the location of the firearm;  
 27 and  
 28 (3) the circuit or superior court determines that probable cause  
 29 exists to believe that the individual is:  
 30 (A) dangerous; and  
 31 (B) in possession of a firearm.  
 32 (b) A law enforcement agency responsible for the seizure of the  
 33 firearm under this section shall file a search warrant return with the  
 34 court setting forth the:  
 35 (1) quantity; and  
 36 (2) type;  
 37 of each firearm seized from an individual under this section. Beginning  
 38 July 1, 2021, the court shall provide information described under this  
 39 subsection to the office of judicial administration in a manner required  
 40 by the office.  
 41 SECTION 14. IC 35-47-14-3 IS REPEALED [EFFECTIVE JULY  
 42 1, 2022]. Sec. 3: (a) If a law enforcement officer seizes a firearm from



1 an individual whom the law enforcement officer believes to be  
 2 dangerous without obtaining a warrant; the law enforcement officer  
 3 shall submit to the circuit or superior court having jurisdiction over the  
 4 individual believed to be dangerous an affidavit describing the basis for  
 5 the law enforcement officer's belief that the individual is dangerous:

6 (b) An affidavit described in subsection (a) shall:

7 (1) set forth the quantity and type of each firearm seized from the  
 8 individual under this section; and

9 (2) be submitted to a circuit or superior court having jurisdiction  
 10 over the individual believed to be dangerous not later than  
 11 forty-eight (48) hours after the seizure of the firearm:

12 (c) The court shall review the affidavit described in subsection (a)  
 13 as soon as possible:

14 (d) If the court finds that probable cause exists to believe that the  
 15 individual is dangerous; the court shall order the law enforcement  
 16 agency having custody of the firearm to retain the firearm. Beginning  
 17 July 1, 2021, the court shall provide information described under this  
 18 subsection and subsection (b)(1) to the office of judicial administration  
 19 in a manner required by the office:

20 (e) If the court finds that there is no probable cause to believe that  
 21 the individual is dangerous; the court shall order the law enforcement  
 22 agency having custody of the firearm to return the firearm to the  
 23 individual as quickly as practicable; but not later than five (5) days  
 24 after the date of the order:

25 SECTION 15. IC 35-47-14-4 IS REPEALED [EFFECTIVE JULY  
 26 1, 2022]. Sec. 4: If a court issued a warrant to seize a firearm under this  
 27 chapter, the law enforcement officer who served the warrant shall, not  
 28 later than forty-eight (48) hours after the warrant was served; file a  
 29 return with the court that:

30 (1) states that the warrant was served; and

31 (2) sets forth:

32 (A) the time and date on which the warrant was served;

33 (B) the name and address of the individual named in the  
 34 warrant; and

35 (C) the quantity and identity of any firearms seized by the law  
 36 enforcement officer:

37 SECTION 16. IC 35-47-14-5 IS REPEALED [EFFECTIVE JULY  
 38 1, 2022]. Sec. 5: (a) After the filing of a search warrant return under  
 39 section 2 of this chapter or the filing of an affidavit under section 3 of  
 40 this chapter; the court shall conduct a hearing:

41 (b) The court shall make a good faith effort to conduct the hearing  
 42 not later than fourteen (14) days after the filing of a search warrant



1 return under section 2 of this chapter or the filing of an affidavit under  
 2 section 3 of this chapter. If the hearing cannot be conducted within  
 3 fourteen (14) days after the filing of the search warrant return or  
 4 affidavit, the court shall conduct the hearing as soon as possible.  
 5 However, a request for a continuance of the hearing described in this  
 6 subsection for a period of not more than sixty (60) days from the  
 7 individual from whom the firearm was seized shall be liberally granted.  
 8 The court shall inform:

9 (1) the prosecuting attorney; and

10 (2) the individual from whom the firearm was seized;

11 of the date, time, and location of the hearing. The court may conduct  
 12 the hearing at a facility or other suitable place not likely to have a  
 13 harmful effect upon the individual's health or well-being.

14 SECTION 17. IC 35-47-14-6 IS REPEALED [EFFECTIVE JULY  
 15 1, 2022]. Sec. 6: (a) The court shall conduct a hearing as required under  
 16 this chapter:

17 (b) The state has the burden of proving all material facts by clear  
 18 and convincing evidence.

19 (c) If the court determines that the state has proved by clear and  
 20 convincing evidence that the individual is dangerous, the court shall  
 21 issue a written order:

22 (1) finding the individual is dangerous (as defined in section 1 of  
 23 this chapter);

24 (2) ordering the law enforcement agency having custody of the  
 25 seized firearm to retain the firearm;

26 (3) ordering the individual's license to carry a handgun, if  
 27 applicable, suspended; and

28 (4) enjoining the individual from:

29 (A) renting;

30 (B) receiving transfer of;

31 (C) owning; or

32 (D) possessing;

33 a firearm; and

34 determine whether the individual should be referred to further  
 35 proceedings to consider whether the individual should be involuntarily  
 36 detained or committed under IC 12-26-6-2(a)(2)(B).

37 (d) If the court finds that the individual is dangerous under  
 38 subsection (c), the clerk shall transmit the order of the court to the  
 39 office of judicial administration:

40 (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and

41 (2) beginning July 1, 2021, for the collection of certain data  
 42 related to the confiscation and retention of firearms taken from



1 dangerous individuals;  
2 in accordance with IC 33-24-6-3.

3 (e) If the court orders a law enforcement agency to retain a firearm;  
4 the law enforcement agency shall retain the firearm until the court  
5 orders the firearm returned or otherwise disposed of:

6 (f) If the court determines that the state has failed to prove by clear  
7 and convincing evidence that the individual is dangerous, the court  
8 shall issue a written order that:

9 (1) the individual is not dangerous (as defined in section 1 of this  
10 chapter); and

11 (2) the law enforcement agency having custody of the firearm  
12 shall return the firearm as quickly as practicable, but not later  
13 than five (5) days after the date of the order, to the individual  
14 from whom it was seized:

15 SECTION 18. IC 35-47-14-7 IS REPEALED [EFFECTIVE JULY  
16 1, 2022]. Sec. 7. If the court, in a hearing conducted under section 5 of  
17 this chapter, determines that:

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

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

22 the court may order the law enforcement agency having custody of the  
23 firearm to return the firearm to the owner of the firearm:

24 SECTION 19. IC 35-47-14-8, AS AMENDED BY P.L.142-2020,  
25 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2022]: Sec. 8. **(a) If a court ordered a law enforcement  
27 agency to retain a firearm under section 3 or 6 of this chapter  
28 (before their repeal), the law enforcement agency shall retain the  
29 firearm until the court orders the firearm returned or otherwise  
30 disposed of.**

31 (a) **(b)** At least one hundred eighty (180) days After the date on  
32 which a court orders a law enforcement agency to retain an individual's  
33 firearm under section 6(c) of this chapter **(before its repeal)**, the  
34 individual may petition the court for a finding that the individual is no  
35 longer dangerous.

36 **(b) (c)** Upon receipt of a petition described in subsection **(a); (b)**, the  
37 court shall:

38 (1) enter an order setting a date for a hearing on the petition; and  
39 (2) inform the prosecuting attorney of the date, time, and location  
40 of the hearing.

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





1           ~~(d)~~ (e) In a hearing on a petition under this section, the individual  
2 may be represented by an attorney.

3           ~~(e)~~ (f) In a hearing on a petition under this section, filed:

4               ~~(1) not later than one (1) year after the date of the order issued~~  
5               ~~under section 6(c) of this chapter; the individual must prove by a~~  
6               ~~preponderance of the evidence that the individual is no longer~~  
7               ~~dangerous; and~~

8               ~~(2) later than one (1) year after the date of the order issued under~~  
9               ~~section 6(c) of this chapter; the state must prove by clear and~~  
10              ~~convincing evidence that the individual is still dangerous;~~  
11              **otherwise prohibited by law from possessing a firearm.**

12           ~~(f)~~ (g) If, upon the completion of the hearing and consideration of  
13 the record, the court finds that the individual is ~~no longer dangerous;~~  
14 **not otherwise prohibited by law from possessing a firearm,** the  
15 court shall:

16               (1) issue a court order that finds that the individual is no longer  
17               dangerous;

18               (2) order the law enforcement agency having custody of any  
19               firearm to return the firearm as quickly as practicable, but not  
20               later than five (5) days after the date of the order, to the  
21               individual;

22               (3) terminate any injunction issued under section 6 of this chapter  
23               **(before its repeal);** and

24               (4) terminate the suspension of the individual's license to carry a  
25               handgun so that the individual may reapply for a license.

26           ~~(g)~~ (h) If the court denies an individual's petition under this section,  
27 the individual may not file a subsequent petition until at least one  
28 hundred eighty (180) days after the date on which the court denied the  
29 petition.

30           ~~(h)~~ (i) If a court issues an order described under subsection ~~(f);~~ (g),  
31 the court's order shall be transmitted, as soon as practicable, to the  
32 office of judicial administration for transmission to the NICS (as  
33 defined in IC 35-47-2.5-2.5). ~~and, beginning July 1, 2021, for the~~  
34 ~~collection of certain data related to the confiscation and retention of~~  
35 ~~firearms taken from dangerous individuals in accordance with~~  
36 ~~IC 33-24-6-3.~~

37           SECTION 20. IC 35-47-14-10, AS AMENDED BY P.L.289-2019,  
38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2022]: Sec. 10. (a) If a court has ordered a law enforcement  
40 agency to retain an individual's firearm under section 6 of this chapter  
41 **(before its repeal),** the individual or the rightful owner of the firearm,  
42 as applicable, may petition the court to order the law enforcement



- 1 agency to:
- 2 (1) transfer the firearm to a responsible third party as described
- 3 under section 1.5 of this chapter;
- 4 (2) transfer the firearm to an individual who possesses a valid
- 5 federal firearms license issued under 18 U.S.C. 923 for storage or
- 6 an eventual lawful sale whose terms are mutually agreed upon
- 7 between the licensee and the individual or rightful owner, as
- 8 applicable; or
- 9 (3) sell the firearm at auction under IC 35-47-3-2 and return the
- 10 proceeds to the individual or the rightful owner of the firearm, as
- 11 applicable.
- 12 The responsible third party who accepts transfer of the firearm from the
- 13 law enforcement agency under a court order under this section shall
- 14 enter into a written court agreement that obligates the responsible third
- 15 party to the reasonable care and storage of the firearm, including not
- 16 providing access or transferring the firearm to the individual found to
- 17 be dangerous in a hearing under section 6 of this chapter **(before its**
- 18 **repeal)**.
- 19 (b) An individual or rightful owner of the firearm may petition the
- 20 court as described in subsection (a):
- 21 (1) at the hearing described in section 6 ~~or~~ 9 of this chapter; or
- 22 (2) at any time before the hearing described in section 6 ~~or~~ 9 of
- 23 this chapter is held.
- 24 (c) If an individual or rightful owner timely requests a sale or
- 25 transfer of a firearm under subsection (a), the court shall order the law
- 26 enforcement agency having custody of the firearm to transfer the
- 27 firearm or sell the firearm at auction under IC 35-47-3-2, unless:
- 28 (1) the serial number of the firearm has been obliterated;
- 29 (2) the transfer of the firearm would be unlawful; or
- 30 (3) the requirements of subsection (a) have not been met.
- 31 (d) If the court issues an order under subsection (c), the court's order
- 32 must require:
- 33 (1) that the firearm be sold not more than one (1) year after
- 34 receipt of the order; and
- 35 (2) that the proceeds of the sale be returned to the individual or
- 36 rightful owner of the firearm.
- 37 (e) A law enforcement agency may retain not more than eight
- 38 percent (8%) of the sale price to pay the costs of the sale, including
- 39 administrative costs and the auctioneer's fee.

