

HOUSE BILL No. 1653

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: Repeal of involuntary firearm removal process. 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, 2025.

Payne

January 21, 2025, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1653

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, 2025]: 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.104-2024,
- 11 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2025]: 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 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, and for a case
 23 management system developed and operated by the office of
 24 judicial administration, must include a searchable field for the
 25 name and bail agent license number, if applicable, of the bail
 26 agent or a person authorized by the surety that pays bail for an
 27 individual as described in IC 35-33-8-3.2.
 28 (8) Establish and administer an electronic system for receiving
 29 information that relates to certain individuals who may be
 30 prohibited from possessing a firearm for the purpose of
 31 ~~(A) transmitting this information to the Federal Bureau of~~
 32 ~~Investigation for inclusion in the NICS. and~~
 33 ~~(B) beginning July 1, 2021, compiling and publishing certain~~
 34 ~~statistics related to the confiscation and retention of firearms~~
 35 ~~as described under section 14 of this chapter.~~
 36 (9) Establish and administer an electronic system for receiving
 37 drug related felony conviction information from courts. The office
 38 of judicial administration shall notify NPLeX of each drug related
 39 felony entered after June 30, 2012, and do the following:
 40 (A) Provide NPLeX with the following information:
 41 (i) The convicted individual's full name.
 42 (ii) The convicted individual's date of birth.



- 1 (iii) The convicted individual's driver's license number, state
 2 personal identification number, or other unique number, if
 3 available.
- 4 (iv) The date the individual was convicted of the felony.
 5 Upon receipt of the information from the office of judicial
 6 administration, a stop sale alert must be generated through
 7 NPLEx for each individual reported under this clause.
- 8 (B) Notify NPLEx if the felony of an individual reported under
 9 clause (A) has been:
- 10 (i) set aside;
 11 (ii) reversed;
 12 (iii) expunged; or
 13 (iv) vacated.
- 14 Upon receipt of information under this clause, NPLEx shall
 15 remove the stop sale alert issued under clause (A) for the
 16 individual.
- 17 (10) After July 1, 2018, establish and administer an electronic
 18 system for receiving from courts felony or misdemeanor
 19 conviction information for each felony or misdemeanor described
 20 in IC 20-28-5-8(c). The office of judicial administration shall
 21 notify the department of education at least one (1) time each week
 22 of each felony or misdemeanor described in IC 20-28-5-8(c)
 23 entered after July 1, 2018, and do the following:
- 24 (A) Provide the department of education with the following
 25 information:
- 26 (i) The convicted individual's full name.
 27 (ii) The convicted individual's date of birth.
 28 (iii) The convicted individual's driver's license number, state
 29 personal identification number, or other unique number, if
 30 available.
 31 (iv) The date the individual was convicted of the felony or
 32 misdemeanor.
- 33 (B) Notify the department of education if the felony or
 34 misdemeanor of an individual reported under clause (A) has
 35 been:
- 36 (i) set aside;
 37 (ii) reversed; or
 38 (iii) vacated.
- 39 (11) Perform legal and administrative duties for the justices as
 40 determined by the justices.
- 41 (12) Provide staff support for the judicial conference of Indiana
 42 established in IC 33-38-9.



1 (13) Work with the United States Department of Veterans Affairs
2 to identify and address the needs of veterans in the court system.

3 (14) If necessary for purposes of IC 35-47-16-1, issue a retired
4 judicial officer an identification card identifying the retired
5 judicial officer as a retired judicial officer.

6 (15) Establish and administer the statewide juvenile justice data
7 aggregation plan established under section 12.5 of this chapter.

8 (16) Create and make available an application for detention to be
9 used in proceedings under IC 12-26-5 (mental health detention,
10 commitment, and treatment).

11 (17) Create and make available a uniform form to assist a court in
12 making an indigency determination under IC 35-33-7-6.5.

13 (b) All forms to be used in gathering data must be approved by the
14 supreme court and shall be distributed to all judges and clerks before
15 the start of each period for which reports are required.

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

18 SECTION 3. IC 33-24-6-14 IS REPEALED [EFFECTIVE JULY 1,
19 2025]. Sec. 14. (a) The following definitions apply throughout this
20 section:

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

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

23 (3) "Office" means the office of judicial administration created by
24 section 1 of this chapter:

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

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

29 (2) The number of:

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

32 (B) warrantless firearm confiscations under IC 35-47-14-3;

33 for each county, as applicable, each year:

34 (3) The total number of:

35 (A) handguns; and

36 (B) long guns;

37 confiscated under IC 35-47-14 for each county, as applicable,
38 each year:

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

41 (c) The office shall, beginning July 1, 2021, not later than January
42 1 of each year, submit a report to the legislative council in an electronic



1 format under IC 5-14-6 that consolidates and presents the information
2 described in subsection (b):

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

7 (1) The:

8 (A) name;

9 (B) date of birth;

10 (C) Social Security number;

11 (D) address; or

12 (E) other unique identifier;

13 belonging to or associated with an individual alleged to be
14 dangerous by a law enforcement officer or found to be dangerous
15 by a circuit or superior court.

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

19 (e) Information:

20 (1) collected by the office; or

21 (2) used by the office;

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

24 (f) The office shall make the report described in subsection (c)
25 available to the public.

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

28 SECTION 4. IC 35-31.5-2-81.5 IS REPEALED [EFFECTIVE JULY
29 1, 2025]. Sec. 81.5. "Dangerous"; for purposes of IC 35-47-4-6.5;
30 IC 35-47-4-6.7, and IC 35-47-14, has the meaning set forth in
31 IC 35-47-14-1.

32 SECTION 5. IC 35-33-5-1, AS AMENDED BY P.L.1-2006,
33 SECTION 526, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) A court may issue warrants
35 only upon probable cause, supported by oath or affirmation, to search
36 any place for any of the following:

37 (1) Property which is obtained unlawfully.

38 (2) Property, the possession of which is unlawful.

39 (3) Property used or possessed with intent to be used as the means
40 of committing an offense or concealed to prevent an offense from
41 being discovered.

42 (4) Property constituting evidence of an offense or tending to



1 show that a particular person committed an offense.

2 (5) Any person.

3 (6) Evidence necessary to enforce statutes enacted to prevent
4 cruelty to or neglect of children.

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

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

10 SECTION 6. IC 35-33-5-5, AS AMENDED BY P.L.89-2022,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2025]: Sec. 5. (a) All items of property seized by any law
13 enforcement agency as a result of an arrest, search warrant, or
14 warrantless search, shall be securely held by the law enforcement
15 agency under the order of the court trying the cause, except as provided
16 in this section.

17 (b) Evidence that consists of property obtained unlawfully from its
18 owner may be returned by the law enforcement agency to the owner
19 before trial, in accordance with IC 35-43-4-4(h).

20 (c) Following the final disposition of the cause at trial level or any
21 other final disposition the following shall be done:

22 (1) Property which may be lawfully possessed shall be returned
23 to its rightful owner, if known. If ownership is unknown, a
24 reasonable attempt shall be made by the law enforcement agency
25 holding the property to ascertain ownership of the property. After
26 ninety (90) days from the time:

27 (A) the rightful owner has been notified to take possession of
28 the property; or

29 (B) a reasonable effort has been made to ascertain ownership
30 of the property;

31 the law enforcement agency holding the property shall, at a
32 convenient time, dispose of this property at a public auction. The
33 proceeds of this property shall be paid into the county general
34 fund.

35 (2) Except as provided in subsection (e), property, the possession
36 of which is unlawful, shall be destroyed by the law enforcement
37 agency holding it sixty (60) days after final disposition of the
38 cause.

39 (3) A firearm that has been seized from a person who is
40 dangerous (as defined in IC 35-47-14-1 **(before its repeal)**) shall
41 be retained, returned, or disposed of in accordance with
42 IC 35-47-14.



1 (d) Except as provided in subsection (g), if any property described
2 in subsection (c) was admitted into evidence in the cause, the property
3 shall be disposed of in accordance with an order of the court trying the
4 cause.

5 (e) A law enforcement agency may destroy or cause to be destroyed
6 chemicals, controlled substances, or chemically contaminated
7 equipment (including drug paraphernalia as described in
8 IC 35-48-4-8.5) associated with the illegal manufacture of drugs or
9 controlled substances without a court order if all the following
10 conditions are met:

11 (1) The law enforcement agency collects and preserves a
12 sufficient quantity of the chemicals, controlled substances, or
13 chemically contaminated equipment to demonstrate that the
14 chemicals, controlled substances, or chemically contaminated
15 equipment was associated with the illegal manufacture of drugs
16 or controlled substances.

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

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

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

27 (f) For purposes of preserving the record of any conviction on
28 appeal, a photograph demonstrating the nature of the property, and an
29 adequate description of the property must be obtained before the
30 disposition of the property. In the event of a retrial, the photograph and
31 description of the property shall be admissible into evidence in place
32 of the actual physical evidence. All other rules of law governing the
33 admissibility of evidence shall apply to the photographs.

34 (g) All evidence for a violent offense (as defined in IC 11-12-3.7-6)
35 in the law enforcement agency's possession or control that could be
36 subjected to DNA testing and analysis shall be preserved by the law
37 enforcement agency for the later of the following:

38 (1) Twenty (20) years from the date the defendant's conviction
39 becomes final.

40 (2) The period of the defendant's incarceration.

41 In cases where an investigation did not result in a conviction, the
42 evidence shall be preserved until the expiration of the statute of



1 limitations for the alleged offense. If the preservation of the evidence
2 is impracticable, the law enforcement agency shall remove portions of
3 the material evidence likely to contain biological evidence related to
4 the offense, in a quantity sufficient to permit future DNA testing before
5 returning or disposing of the physical evidence. At subsequent hearings
6 or trials, all records, notes, identification numbers, photographs, and
7 other documentation relating to the preservation of biological evidence
8 shall be admissible into evidence.

9 (h) The law enforcement agency disposing of property in any
10 manner provided in subsection (b), (c), (e), or (g), shall maintain
11 certified records of any disposition under subsection (b), (c), (e), or (g).
12 Disposition by destruction of property shall be witnessed by two (2)
13 persons who shall also attest to the destruction.

14 (i) This section does not affect the procedure for the disposition of
15 firearms seized by a law enforcement agency.

16 (j) A law enforcement agency that disposes of property by auction
17 under this section shall permanently stamp or otherwise permanently
18 identify the property as property sold by the law enforcement agency.

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

25 (l) The law enforcement agency responsible for disposing of
26 property under subsection (g), shall do the following:

27 (1) Maintain a record of the preserved evidence.

28 (2) Schedule a disposal date for the preserved evidence.

29 (3) Provide notice to the last known address of the defendant and
30 the defendant's attorney:

31 (A) when the preserved evidence is removed from its secure
32 location; or

33 (B) of the date the preserved evidence has been marked for
34 disposal.

35 The defendant or the defendant's attorney must provide the most
36 current address of the defendant or the defendant's attorney to the law
37 enforcement agency responsible for disposing of property in order to
38 effectively receive proper notice. If the law enforcement agency
39 responsible for disposing of property does not have the defendant's or
40 the defendant's attorney's most current address on file, then the notice
41 requirement is deemed waived.

42 (m) Failure of a law enforcement agency to follow the procedures



1 described in this section may constitute contempt of court. However,
 2 failure to follow the procedures described in this section shall not be
 3 grounds for reversal of a conviction unless the defendant proves a
 4 violation of the defendant's due process rights.

5 (n) Nothing in subsection (g) shall preclude a law enforcement
 6 agency from submitting biological evidence to forensic DNA testing or
 7 analysis, at its own initiative or at the request of a prosecuting attorney,
 8 if such testing will not consume the remainder of the evidence. If such
 9 testing would consume the remainder of the evidence, the prosecuting
 10 attorney may seek a court order allowing such testing under
 11 IC 35-38-7-17.

12 SECTION 7. IC 35-44.1-2-3, AS AMENDED BY P.L.104-2024,
 13 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2025]: Sec. 3. (a) As used in this section, "consumer product"
 15 has the meaning set forth in IC 35-45-8-1.

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

18 (c) A person who reports that:

- 19 (1) the person or another person has placed or intends to place an
 20 explosive, a destructive device, or other destructive substance in
 21 a building or transportation facility;
- 22 (2) there has been or there will be tampering with a consumer
 23 product introduced into commerce; or
- 24 (3) there has been or will be placed or introduced a weapon of
 25 mass destruction in a building or a place of assembly;

26 knowing the report to be false, commits false reporting, a Level 6
 27 felony.

28 (d) A person who:

29 (1) gives:

30 (A) a false report of the commission of a crime; or

31 (B) false information to a law enforcement officer that relates
 32 to the commission of a crime;

33 knowing the report or information to be false;

34 (2) gives a false alarm of fire to the fire department of a
 35 governmental entity, knowing the alarm to be false;

36 (3) makes a false request for ambulance service to an ambulance
 37 service provider, knowing the request to be false;

38 (4) gives a false report concerning a missing child (as defined in
 39 IC 10-13-5-4), missing veteran at risk (as defined in
 40 IC 12-7-2-197.3), or missing endangered adult (as defined in
 41 IC 12-7-2-131.3) or gives false information to a law enforcement
 42 officer or a governmental entity that relates to a missing child,



1 missing veteran at risk, or missing endangered adult knowing the
 2 report or information to be false;
 3 (5) makes a complaint against a law enforcement officer to the
 4 state or municipality (as defined in IC 8-1-13-3(b)) that employs
 5 the officer:
 6 (A) alleging the officer engaged in misconduct while
 7 performing the officer's duties; and
 8 (B) knowing the complaint to be false;
 9 (6) makes a false report of a missing person, knowing the report
 10 or information is false; **or**
 11 (7) gives a false report of actions, behavior, or conditions
 12 concerning:
 13 (A) a septic tank soil absorption system under IC 8-1-2-125 or
 14 IC 13-26-5-2.5; or
 15 (B) a septic tank soil absorption system or constructed wetland
 16 septic system under IC 36-9-23-30.1;
 17 knowing the report or information to be false; **or**
 18 ~~(8) makes a false report that a person is dangerous (as defined in~~
 19 ~~IC 35-47-14-1) knowing the report or information to be false;~~
 20 commits false informing, a Class B misdemeanor except as provided
 21 in subsection (e).
 22 (e) The offense described in subsection (d) is
 23 ~~(1) a Class A misdemeanor if it~~
 24 ~~(A) substantially hinders any law enforcement process **or**~~
 25 ~~(B) results in harm to another person. **or**~~
 26 ~~(C) is committed under subsection (d)(8);~~
 27 ~~(2) a Level 6 felony if it:~~
 28 ~~(A) is committed under subsection (d)(8); and~~
 29 ~~(B) either:~~
 30 ~~(i) substantially hinders any law enforcement process; or~~
 31 ~~(ii) results in harm to another person; and~~
 32 ~~(3) a Level 5 felony if it is committed under subsection (d)(8) and~~
 33 ~~results in serious bodily injury or death to another person.~~
 34 SECTION 8. IC 35-47-1-7, AS AMENDED BY P.L.289-2019,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2025]: Sec. 7. "Proper person" means a person who:
 37 (1) does not have a conviction for resisting law enforcement
 38 under IC 35-44.1-3-1 within five (5) years before the person
 39 applies for a license or permit under this chapter;
 40 (2) does not have a conviction for a crime for which the person
 41 could have been sentenced for more than one (1) year;
 42 (3) does not have a conviction for a crime of domestic violence



- 1 (as defined in IC 35-31.5-2-78), unless a court has restored the
 2 person's right to possess a firearm under IC 35-47-4-7;
 3 (4) is not prohibited by a court order from possessing a handgun;
 4 (5) does not have a record of being an alcohol or drug abuser as
 5 defined in this chapter;
 6 (6) does not have documented evidence which would give rise to
 7 a reasonable belief that the person has a propensity for violent or
 8 emotionally unstable conduct;
 9 (7) does not make a false statement of material fact on the
 10 person's application;
 11 (8) does not have a conviction for any crime involving an inability
 12 to safely handle a handgun;
 13 (9) does not have a conviction for violation of the provisions of
 14 this article within five (5) years of the person's application;
 15 (10) does not have an adjudication as a delinquent child for an act
 16 that would be a felony if committed by an adult, if the person
 17 applying for a license or permit under this chapter is less than
 18 twenty-three (23) years of age;
 19 (11) has not been involuntarily committed, other than a temporary
 20 commitment for observation or evaluation, to a mental institution
 21 by a court, board, commission, or other lawful authority;
 22 (12) has not been the subject of a:
 23 (A) ninety (90) day commitment as a result of proceeding
 24 under IC 12-26-6; or
 25 (B) regular commitment under IC 12-26-7; **or**
 26 (13) has not been found by a court to be mentally incompetent,
 27 including being found:
 28 (A) not guilty by reason of insanity;
 29 (B) guilty but mentally ill; or
 30 (C) incompetent to stand trial. **or**
 31 ~~(14) is not currently designated as dangerous (as defined in~~
 32 ~~IC 35-47-14-1) by a court following a hearing under~~
 33 ~~IC 35-47-14-6.~~

34 SECTION 9. IC 35-47-2-1.5, AS ADDED BY P.L.175-2022,
 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2025]: Sec. 1.5. (a) The following terms are defined for this
 37 section:

- 38 (1) "Adjudicated a mental defective" means a determination by a
 39 court that a person:
 40 (A) presents a danger to the person or to others; or
 41 (B) lacks the mental capacity necessary to contract or manage
 42 the person's affairs.



- 1 The term includes a finding of insanity by a court in a criminal
 2 proceeding.
 3 (2) "Alien" means any person who is not lawfully in the United
 4 States. The term includes:
 5 (A) any person who has:
 6 (i) entered the United States without inspection and
 7 authorization by an immigration officer; and
 8 (ii) not been paroled into the United States under the federal
 9 Immigration and Nationality Act;
 10 (B) a nonimmigrant:
 11 (i) whose authorized period of stay has expired; or
 12 (ii) who has violated the terms of the nonimmigrant category
 13 under which the person was admitted;
 14 (C) a person paroled under the federal Immigration and
 15 Nationality Act whose period of parole has:
 16 (i) expired; or
 17 (ii) been terminated; and
 18 (D) a person subject to an order:
 19 (i) of deportation, exclusion, or removal; or
 20 (ii) to depart the United States voluntarily;
 21 regardless of whether or not the person has left the United
 22 States.
 23 (3) "Committed to a mental institution" means the formal
 24 commitment of a person to a mental institution by a court. The
 25 term includes:
 26 (A) a commitment for:
 27 (i) a cognitive or mental defect; or
 28 (ii) a mental illness; and
 29 (B) involuntary commitments.
 30 The term does not include voluntary commitments or a
 31 commitment made for observational purposes.
 32 (4) "Crime of domestic violence" has the meaning set forth in
 33 IC 35-31.5-2-78.
 34 ~~(5) "Dangerous" has the meaning set forth in IC 35-47-14-1.~~
 35 ~~(6)~~ (5) "Fugitive from justice" means any person who:
 36 (A) flees or leaves from any state to avoid prosecution for a
 37 felony or misdemeanor offense; or
 38 (B) flees or leaves any state to avoid testifying in a criminal
 39 proceeding.
 40 ~~(7)~~ (6) "Indictment" means any formal accusation of a crime made
 41 by a prosecuting attorney in any court for a crime punishable by
 42 a term of imprisonment exceeding one (1) year.



1 ~~(8)~~ (7) A crime or offense "punishable by a term of imprisonment
2 exceeding one (1) year" does not include a federal or state crime
3 or offense pertaining to antitrust violations, unfair trade practices,
4 restraints of trade, or other similar offenses relating to the
5 regulation of business practices.

6 (b) Except as provided in ~~subsections~~ **subsection** (c), ~~and (d)~~; the
7 following persons may not knowingly or intentionally carry a handgun:

8 (1) A person convicted of a federal or state offense punishable by
9 a term of imprisonment exceeding one (1) year.

10 (2) A fugitive from justice.

11 (3) An alien.

12 (4) A person convicted of:

13 (A) a crime of domestic violence (IC 35-31.5-2-78);

14 (B) domestic battery (IC 35-42-2-1.3); or

15 (C) criminal stalking (IC 35-45-10-5).

16 (5) A person restrained by an order of protection issued under
17 IC 34-26-5.

18 (6) A person under indictment.

19 (7) A person who has been:

20 ~~(A) adjudicated dangerous under IC 35-47-14-6;~~

21 ~~(B)~~ (A) adjudicated a mental defective; or

22 ~~(C)~~ (B) committed to a mental institution.

23 (8) A person dishonorably discharged from:

24 (A) military service; or

25 (B) the National Guard.

26 (9) A person who renounces the person's United States citizenship
27 in the manner described in 8 U.S.C. 1481.

28 (10) A person who is less than:

29 (A) eighteen (18) years of age; or

30 (B) twenty-three (23) years of age and has an adjudication as
31 a delinquent child for an act described by IC 35-47-4-5;

32 unless authorized under IC 35-47-10.

33 (c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person if
34 a court has restored the person's right to possess a firearm under
35 IC 35-47-4-7.

36 ~~(d)~~ A person who has:

37 (1) been adjudicated dangerous under IC 35-47-14-6; and

38 (2) successfully petitioned for the return of a firearm under
39 IC 35-47-14-8 with respect to the adjudication under subdivision

40 (1);

41 is not prohibited from carrying a handgun under subsection (b) on the
42 basis that the person was adjudicated dangerous under subdivision (1):



1 However, the person may still be prohibited from carrying a handgun
2 on one (1) or more of the other grounds listed in subsection (b):

3 (e) (d) A person who violates this section commits unlawful
4 carrying of a handgun, a Class A misdemeanor. However, the offense
5 is a Level 5 felony if:

6 (1) the offense is committed:

7 (A) on or in school property;

8 (B) within five hundred (500) feet of school property; or

9 (C) on a school bus; or

10 (2) the person:

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

12 (i) this section;

13 (ii) section 1 of this chapter (carrying a handgun without a
14 license) (before its repeal); or

15 (iii) section 22 of this chapter; or

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

18 SECTION 10. IC 35-47-4-6.5 IS REPEALED [EFFECTIVE JULY
19 1, 2025]. Sec. 6.5: A person who:

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

23 (2) knowingly or intentionally:

24 (A) rents;

25 (B) purchases;

26 (C) receives transfer of;

27 (D) owns; or

28 (E) possesses;

29 a firearm commits unlawful possession of a firearm by a dangerous
30 person; a Class A misdemeanor.

31 SECTION 11. IC 35-47-4-6.7 IS REPEALED [EFFECTIVE JULY
32 1, 2025]. Sec. 6.7: A person who knowingly or intentionally rents;
33 transfers; sells; or offers for sale a firearm to another person who the
34 person knows to be found dangerous by a circuit or superior court
35 following a hearing under IC 35-47-14-6 commits unlawful transfer of
36 a firearm to a dangerous person; a Level 5 felony.

37 SECTION 12. IC 35-47-14-1 IS REPEALED [EFFECTIVE JULY
38 1, 2025]. Sec. 1: (a) For the purposes of this chapter, an individual is
39 "dangerous" if:

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

42 (2) it is probable that the individual will present a risk of personal



1 injury to the individual or to another individual in the future and
 2 the individual:
 3 (A) has a mental illness (as defined in IC 12-7-2-130) that may
 4 be controlled by medication; and has not demonstrated a
 5 pattern of voluntarily and consistently taking the individual's
 6 medication while not under supervision; or
 7 (B) is the subject of documented evidence that would give rise
 8 to a reasonable belief that the individual has a propensity for
 9 violent or suicidal conduct.
 10 (b) The fact that an individual has been released from a mental
 11 health facility or has a mental illness that is currently controlled by
 12 medication does not establish that the individual is dangerous for the
 13 purposes of this chapter.

14 SECTION 13. IC 35-47-14-1.5, AS ADDED BY P.L.289-2019,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2025]: Sec. 1.5. For the purposes of this chapter, an individual
 17 is a "responsible third party" if:

- 18 (1) the individual does not cohabit with the person found to be
 19 dangerous **(as defined in section 1 of this chapter before its**
 20 **repeal)** in the hearing conducted under section 6 of this chapter
 21 **(before its repeal);**
- 22 (2) the individual is a proper person (as defined under
 23 IC 35-47-1-7) who may lawfully possess a firearm; and
- 24 (3) the individual is willing to enter into a written court agreement
 25 to accept the transfer of the firearm as a responsible third party
 26 under section 10 of this chapter.

27 SECTION 14. IC 35-47-14-2 IS REPEALED [EFFECTIVE JULY
 28 1, 2025]. Sec. 2: (a) A circuit or superior court may issue a warrant to
 29 search for and seize a firearm in the possession of an individual who is
 30 dangerous if:

- 31 (1) a law enforcement officer provides the court a sworn affidavit
 32 that:
 33 (A) states why the law enforcement officer believes that the
 34 individual is dangerous and in possession of a firearm; and
 35 (B) describes the law enforcement officer's interactions and
 36 conversations with:
 37 (i) the individual who is alleged to be dangerous; or
 38 (ii) another individual; if the law enforcement officer
 39 believes that information obtained from this individual is
 40 credible and reliable;
 41 that have led the law enforcement officer to believe that the
 42 individual is dangerous and in possession of a firearm;



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

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

5 (A) dangerous; and

6 (B) in possession of a firearm.

7 (b) A law enforcement agency responsible for the seizure of the
8 firearm under this section shall file a search warrant return with the
9 court setting forth the:

10 (1) quantity; and

11 (2) type;

12 of each firearm seized from an individual under this section. Beginning
13 July 1, 2021, the court shall provide information described under this
14 subsection to the office of judicial administration in a manner required
15 by the office.

16 SECTION 15. IC 35-47-14-3 IS REPEALED [EFFECTIVE JULY
17 1, 2025]. Sec. 3: (a) If a law enforcement officer seizes a firearm from
18 an individual whom the law enforcement officer believes to be
19 dangerous without obtaining a warrant, the law enforcement officer
20 shall submit to the circuit or superior court having jurisdiction over the
21 individual believed to be dangerous an affidavit describing the basis for
22 the law enforcement officer's belief that the individual is dangerous:

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

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

26 (2) be submitted to a circuit or superior court having jurisdiction
27 over the individual believed to be dangerous not later than
28 forty-eight (48) hours after the seizure of the firearm.

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

31 (d) If the court finds that probable cause exists to believe that the
32 individual is dangerous, the court shall order the law enforcement
33 agency having custody of the firearm to retain the firearm. Beginning
34 July 1, 2021, the court shall provide information described under this
35 subsection and subsection (b)(1) to the office of judicial administration
36 in a manner required by the office.

37 (e) If the court finds that there is no probable cause to believe that
38 the individual is dangerous, the court shall order the law enforcement
39 agency having custody of the firearm to return the firearm to the
40 individual as quickly as practicable, but not later than five (5) days
41 after the date of the order.

42 SECTION 16. IC 35-47-14-4 IS REPEALED [EFFECTIVE JULY



1 1, 2025]. Sec. 4: If a court issued a warrant to seize a firearm under this
 2 chapter, the law enforcement officer who served the warrant shall, not
 3 later than forty-eight (48) hours after the warrant was served, file a
 4 return with the court that:

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

6 (2) sets forth:

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

8 (B) the name and address of the individual named in the
 9 warrant; and

10 (C) the quantity and identity of any firearms seized by the law
 11 enforcement officer.

12 SECTION 17. IC 35-47-14-5 IS REPEALED [EFFECTIVE JULY
 13 1, 2025]. Sec. 5: (a) After the filing of a search warrant return under
 14 section 2 of this chapter or the filing of an affidavit under section 3 of
 15 this chapter, the court shall conduct a hearing:

16 (b) The court shall make a good faith effort to conduct the hearing
 17 not later than fourteen (14) days after the filing of a search warrant
 18 return under section 2 of this chapter or the filing of an affidavit under
 19 section 3 of this chapter. If the hearing cannot be conducted within
 20 fourteen (14) days after the filing of the search warrant return or
 21 affidavit, the court shall conduct the hearing as soon as possible.
 22 However, a request for a continuance of the hearing described in this
 23 subsection for a period of not more than sixty (60) days from the
 24 individual from whom the firearm was seized shall be liberally granted.
 25 The court shall inform:

26 (1) the prosecuting attorney; and

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

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

31 SECTION 18. IC 35-47-14-6 IS REPEALED [EFFECTIVE JULY
 32 1, 2025]. Sec. 6: (a) The court shall conduct a hearing as required under
 33 this chapter:

34 (b) The state has the burden of proving all material facts by clear
 35 and convincing evidence:

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

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

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



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

3 (4) enjoining the individual from:

4 (A) renting;

5 (B) receiving transfer of;

6 (C) owning; or

7 (D) possessing;

8 a firearm; and

9 determine whether the individual should be referred to further
 10 proceedings to consider whether the individual should be involuntarily
 11 detained or committed under IC 12-26-6-2(a)(2)(B):

12 (d) If the court finds that the individual is dangerous under
 13 subsection (c); the clerk shall transmit the order of the court to the
 14 office of judicial administration:

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

16 (2) beginning July 1, 2021, for the collection of certain data
 17 related to the confiscation and retention of firearms taken from
 18 dangerous individuals;

19 in accordance with IC 33-24-6-3:

20 (e) If the court orders a law enforcement agency to retain a firearm;
 21 the law enforcement agency shall retain the firearm until the court
 22 orders the firearm returned or otherwise disposed of:

23 (f) If the court determines that the state has failed to prove by clear
 24 and convincing evidence that the individual is dangerous; the court
 25 shall issue a written order that:

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

28 (2) the law enforcement agency having custody of the firearm
 29 shall return the firearm as quickly as practicable; but not later
 30 than five (5) days after the date of the order; to the individual
 31 from whom it was seized:

32 SECTION 19. IC 35-47-14-7 IS REPEALED [EFFECTIVE JULY
 33 1, 2025]. Sec. 7. If the court, in a hearing conducted under section 5 of
 34 this chapter, determines that:

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

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

39 the court may order the law enforcement agency having custody of the
 40 firearm to return the firearm to the owner of the firearm:

41 SECTION 20. IC 35-47-14-8, AS AMENDED BY P.L.142-2020,
 42 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2025]: Sec. 8. **(a) If a court ordered a law enforcement**
 2 **agency to retain a firearm under section 3 or 6 of this chapter**
 3 **(before their repeal), the law enforcement agency shall retain the**
 4 **firearm until the court orders the firearm returned or otherwise**
 5 **disposed of.**

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

11 ~~(b) (c)~~ Upon receipt of a petition described in subsection ~~(a); (b)~~, the
 12 court shall:

- 13 (1) enter an order setting a date for a hearing on the petition; and
- 14 (2) inform the prosecuting attorney of the date, time, and location
 15 of the hearing.

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

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

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

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

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

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

- 33 (1) issue a court order that finds that the individual is no longer
 34 dangerous;
- 35 (2) order the law enforcement agency having custody of any
 36 firearm to return the firearm as quickly as practicable, but not
 37 later than five (5) days after the date of the order, to the
 38 individual;
- 39 (3) terminate any injunction issued under section 6 of this chapter
 40 **(before its repeal);** and
- 41 (4) terminate the suspension of the individual's license to carry a
 42 handgun so that the individual may reapply for a license.



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

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

12 SECTION 21. IC 35-47-14-10, AS AMENDED BY P.L.289-2019,
 13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2025]: Sec. 10. (a) If a court has ordered a law enforcement
 15 agency to retain an individual's firearm under section 6 of this chapter
 16 **(before its repeal)**, the individual or the rightful owner of the firearm,
 17 as applicable, may petition the court to order the law enforcement
 18 agency to:

- 19 (1) transfer the firearm to a responsible third party as described
 20 under section 1.5 of this chapter;
 21 (2) transfer the firearm to an individual who possesses a valid
 22 federal firearms license issued under 18 U.S.C. 923 for storage or
 23 an eventual lawful sale whose terms are mutually agreed upon
 24 between the licensee and the individual or rightful owner, as
 25 applicable; or
 26 (3) sell the firearm at auction under IC 35-47-3-2 and return the
 27 proceeds to the individual or the rightful owner of the firearm, as
 28 applicable.

29 The responsible third party who accepts transfer of the firearm from the
 30 law enforcement agency under a court order under this section shall
 31 enter into a written court agreement that obligates the responsible third
 32 party to the reasonable care and storage of the firearm, including not
 33 providing access or transferring the firearm to the individual found to
 34 be dangerous **(as defined in section 1 of this chapter before its**
 35 **repeal)** in a hearing under section 6 of this chapter **(before its repeal)**.

36 (b) An individual or rightful owner of the firearm may petition the
 37 court as described in subsection (a):

- 38 (1) at the hearing described in section 6 ~~or~~ 9 of this chapter; or
 39 (2) at any time before the hearing described in section 6 ~~or~~ 9 of
 40 this chapter is held.

41 (c) If an individual or rightful owner timely requests a sale or
 42 transfer of a firearm under subsection (a), the court shall order the law



1 enforcement agency having custody of the firearm to transfer the
2 firearm or sell the firearm at auction under IC 35-47-3-2, unless:
3 (1) the serial number of the firearm has been obliterated;
4 (2) the transfer of the firearm would be unlawful; or
5 (3) the requirements of subsection (a) have not been met.
6 (d) If the court issues an order under subsection (c), the court's order
7 must require:
8 (1) that the firearm be sold not more than one (1) year after
9 receipt of the order; and
10 (2) that the proceeds of the sale be returned to the individual or
11 rightful owner of the firearm.
12 (e) A law enforcement agency may retain not more than eight
13 percent (8%) of the sale price to pay the costs of the sale, including
14 administrative costs and the auctioneer's fee.

