

HOUSE BILL No. 1375

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, 2026.

Payne, Sweet, Hostettler

January 8, 2026, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1375

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, 2026]: 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



(18) years of age.

(c) A petition under subsection (a)(3) must include a physician's written statement stating both of the following:

(1) The physician has examined the individual within the past thirty (30) days.

(2) The physician believes the individual is:

(A) mentally ill and either dangerous or gravely disabled; and

(B) in need of custody, care, or treatment in an appropriate facility.

SECTION 2. IC 33-24-6-3, AS AMENDED BY P.L.77-2025, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The office of judicial administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.



(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the court technology fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the prosecuting attorney, for:

(i) a prosecuting attorney's case management system;

(ii) a county court case management system; and

(iii) a county court case management system developed and operated by the office of judicial administration;

to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost, and for a case management system developed and operated by the office of judicial administration, must include a searchable field for the name and bail agent license number, if applicable, of the bail agent or a person authorized by the surety that pays bail for an individual as described in IC 35-33-8-3.2.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm for the purpose of

~~(A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS. and~~

~~(B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.~~

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.



(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the felony.

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

(i) set aside;

(ii) reversed;

(iii) expunged; or

(iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony or misdemeanor conviction information for each felony or misdemeanor described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony or misdemeanor described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.

(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the felony or misdemeanor.

(B) Notify the department of education if the felony or misdemeanor of an individual reported under clause (A) has been:

(i) set aside;

(ii) reversed; or

(iii) vacated.

(11) Perform legal and administrative duties for the justices as determined by the justices.

(12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.



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

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

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

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

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

(18) Before July 1, 2025, establish and administer an electronic system for:

(A) receiving a request for a chronological case summary from; and

(B) transmitting a chronological case summary to;

the state police department for purposes of expungement or sealing of records.

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

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

SECTION 3. IC 33-24-6-14 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 14: (a) The following definitions apply throughout this section:

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

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

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

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

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

(2) The number of:

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

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

(3) The total number of:

(A) handguns; and



(B) long guns;
confiscated under IC 35-47-14 for each county, as applicable;
each year.

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

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

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

(1) The:

(A) name;

(B) date of birth;

(C) Social Security number;

(D) address; or

(E) other unique identifier;

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

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

(e) Information:

(1) collected by the office; or

(2) used by the office;

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

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

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

SECTION 4. IC 35-31.5-2-81.5 IS REPEALED [EFFECTIVE JULY
1, 2026]. Sec. 81.5: "Dangerous", for purposes of IC 35-47-4-6.5,
IC 35-47-4-6.7, and IC 35-47-14, has the meaning set forth in
IC 35-47-14-1.

SECTION 5. IC 35-33-5-1, AS AMENDED BY P.L.1-2006,
SECTION 526, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A court may issue warrants
only upon probable cause, supported by oath or affirmation, to search



any place for any of the following:

- (1) Property which is obtained unlawfully.
- (2) Property, the possession of which is unlawful.
- (3) Property used or possessed with intent to be used as the means of committing an offense or concealed to prevent an offense from being discovered.
- (4) Property constituting evidence of an offense or tending to show that a particular person committed an offense.
- (5) Any person.
- (6) Evidence necessary to enforce statutes enacted to prevent cruelty to or neglect of children.
- (7) ~~A firearm possessed by a person who is dangerous (as defined in IC 35-47-14-1).~~

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

SECTION 6. IC 35-33-5-5, AS AMENDED BY P.L.89-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) All items of property seized by any law enforcement agency as a result of an arrest, search warrant, or warrantless search, shall be securely held by the law enforcement agency under the order of the court trying the cause, except as provided in this section.

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

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

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

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

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

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

- (2) Except as provided in subsection (e), property, the possession



1 of which is unlawful, shall be destroyed by the law enforcement
2 agency holding it sixty (60) days after final disposition of the
3 cause.

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

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

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

18 (1) The law enforcement agency collects and preserves a
19 sufficient quantity of the chemicals, controlled substances, or
20 chemically contaminated equipment to demonstrate that the
21 chemicals, controlled substances, or chemically contaminated
22 equipment was associated with the illegal manufacture of drugs
23 or controlled substances.

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

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

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

34 (f) For purposes of preserving the record of any conviction on
35 appeal, a photograph demonstrating the nature of the property, and an
36 adequate description of the property must be obtained before the
37 disposition of the property. In the event of a retrial, the photograph and
38 description of the property shall be admissible into evidence in place
39 of the actual physical evidence. All other rules of law governing the
40 admissibility of evidence shall apply to the photographs.

41 (g) All evidence for a violent offense (as defined in IC 11-12-3.7-6)
42 in the law enforcement agency's possession or control that could be



1 subjected to DNA testing and analysis shall be preserved by the law
2 enforcement agency for the later of the following:

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

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

6 In cases where an investigation did not result in a conviction, the
7 evidence shall be preserved until the expiration of the statute of
8 limitations for the alleged offense. If the preservation of the evidence
9 is impracticable, the law enforcement agency shall remove portions of
10 the material evidence likely to contain biological evidence related to
11 the offense, in a quantity sufficient to permit future DNA testing before
12 returning or disposing of the physical evidence. At subsequent hearings
13 or trials, all records, notes, identification numbers, photographs, and
14 other documentation relating to the preservation of biological evidence
15 shall be admissible into evidence.

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

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

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

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

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

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

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

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

38 (A) when the preserved evidence is removed from its secure
39 location; or

40 (B) of the date the preserved evidence has been marked for
41 disposal.

42 The defendant or the defendant's attorney must provide the most



1 current address of the defendant or the defendant's attorney to the law
 2 enforcement agency responsible for disposing of property in order to
 3 effectively receive proper notice. If the law enforcement agency
 4 responsible for disposing of property does not have the defendant's or
 5 the defendant's attorney's most current address on file, then the notice
 6 requirement is deemed waived.

7 (m) Failure of a law enforcement agency to follow the procedures
 8 described in this section may constitute contempt of court. However,
 9 failure to follow the procedures described in this section shall not be
 10 grounds for reversal of a conviction unless the defendant proves a
 11 violation of the defendant's due process rights.

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

19 SECTION 7. IC 35-44.1-2-3, AS AMENDED BY P.L.129-2025,
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2026]: Sec. 3. (a) As used in this section, "consumer product"
 22 has the meaning set forth in IC 35-45-8-1.

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

25 (c) A person who reports that:

26 (1) the person or another person has placed or intends to place an
 27 explosive, a destructive device, or other destructive substance in
 28 a building or transportation facility;

29 (2) there has been or there will be tampering with a consumer
 30 product introduced into commerce; or

31 (3) there has been or will be placed or introduced a weapon of
 32 mass destruction in a building or a place of assembly;

33 knowing the report to be false, commits false reporting, a Level 6
 34 felony.

35 (d) A person who:

36 (1) gives:

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

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

40 knowing the report or information to be false;

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



- (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
 - (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4), missing veteran at risk (as defined in IC 12-7-2-197.3), or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information to a law enforcement officer or a governmental entity that relates to a missing child, missing veteran at risk, or missing endangered adult knowing the report or information to be false;
 - (5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:
 - (A) alleging the officer engaged in misconduct while performing the officer's duties; and
 - (B) knowing the complaint to be false;
 - (6) makes a false report of a missing person, knowing the report or information is false; **or**
 - (7) gives a false report of actions, behavior, or conditions concerning:
 - (A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or
 - (B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1;
 knowing the report or information to be false; **or**
 - ~~(8) makes a false report that a person is dangerous (as defined in IC 35-47-14-1) knowing the report or information to be false;~~
- commits false informing, a Class B misdemeanor except as provided in subsection (e).
- (e) The offense described in subsection (d) is
- ~~(1)~~ a Class A misdemeanor if it:
 - ~~(A)~~ **(1)** substantially hinders any law enforcement process, including by causing the dispatch of one (1) or more law enforcement officers; **or**
 - ~~(B)~~ **(2)** results in harm to another person. **or**
 - ~~(C)~~ **is committed under subsection (d)(8);**
 - ~~(2)~~ a Level 6 felony if it:
 - ~~(A)~~ **is committed under subsection (d)(8); and**
 - ~~(B)~~ **either:**
 - (i) substantially hinders any law enforcement process, including by causing the dispatch of one (1) or more law enforcement officers;**
 - (ii) results in harm to another person; or**



(iii) would cause a reasonable person to feel terrorized;
 frightened, intimidated, or threatened; and
 (3) a Level 5 felony if it is committed under subsection (d)(8) and
 results in serious bodily injury or death to another person.

SECTION 8. IC 35-47-1-7, AS AMENDED BY P.L.289-2019,
 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2026]: Sec. 7. "Proper person" means a person who:

- (1) does not have a conviction for resisting law enforcement under IC 35-44.1-3-1 within five (5) years before the person applies for a license or permit under this chapter;
- (2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;
- (3) does not have a conviction for a crime of domestic violence (as defined in IC 35-31.5-2-78), unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;
- (4) is not prohibited by a court order from possessing a handgun;
- (5) does not have a record of being an alcohol or drug abuser as defined in this chapter;
- (6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;
- (7) does not make a false statement of material fact on the person's application;
- (8) does not have a conviction for any crime involving an inability to safely handle a handgun;
- (9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application;
- (10) 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 under this chapter is less than twenty-three (23) years of age;
- (11) 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;
- (12) has not been the subject of a:
 - (A) ninety (90) day commitment as a result of proceeding under IC 12-26-6; or
 - (B) regular commitment under IC 12-26-7; or
- (13) has not been found by a court to be mentally incompetent, including being found:
 - (A) not guilty by reason of insanity;
 - (B) guilty but mentally ill; or



(C) incompetent to stand trial. ~~or~~
 (14) is not currently designated as dangerous (as defined in
 IC 35-47-14-1) by a court following a hearing under
 IC 35-47-14-6.

SECTION 9. IC 35-47-2-1.5, AS ADDED BY P.L.175-2022,
 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2026]: Sec. 1.5. (a) The following terms are defined for this
 section:

(1) "Adjudicated a mental defective" means a determination by a
 court that a person:

(A) presents a danger to the person or to others; or

(B) lacks the mental capacity necessary to contract or manage
 the person's affairs.

The term includes a finding of insanity by a court in a criminal
 proceeding.

(2) "Alien" means any person who is not lawfully in the United
 States. The term includes:

(A) any person who has:

(i) entered the United States without inspection and
 authorization by an immigration officer; and

(ii) not been paroled into the United States under the federal
 Immigration and Nationality Act;

(B) a nonimmigrant:

(i) whose authorized period of stay has expired; or

(ii) who has violated the terms of the nonimmigrant category
 under which the person was admitted;

(C) a person paroled under the federal Immigration and
 Nationality Act whose period of parole has:

(i) expired; or

(ii) been terminated; and

(D) a person subject to an order:

(i) of deportation, exclusion, or removal; or

(ii) to depart the United States voluntarily;

regardless of whether or not the person has left the United
 States.

(3) "Committed to a mental institution" means the formal
 commitment of a person to a mental institution by a court. The
 term includes:

(A) a commitment for:

(i) a cognitive or mental defect; or

(ii) a mental illness; and

(B) involuntary commitments.



1 The term does not include voluntary commitments or a
 2 commitment made for observational purposes.

3 (4) "Crime of domestic violence" has the meaning set forth in
 4 IC 35-31.5-2-78.

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

6 ~~(6)~~ (5) "Fugitive from justice" means any person who:

7 (A) flees or leaves from any state to avoid prosecution for a
 8 felony or misdemeanor offense; or

9 (B) flees or leaves any state to avoid testifying in a criminal
 10 proceeding.

11 ~~(7)~~ (6) "Indictment" means any formal accusation of a crime made
 12 by a prosecuting attorney in any court for a crime punishable by
 13 a term of imprisonment exceeding one (1) year.

14 ~~(8)~~ (7) A crime or offense "punishable by a term of imprisonment
 15 exceeding one (1) year" does not include a federal or state crime
 16 or offense pertaining to antitrust violations, unfair trade practices,
 17 restraints of trade, or other similar offenses relating to the
 18 regulation of business practices.

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

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

23 (2) A fugitive from justice.

24 (3) An alien.

25 (4) A person convicted of:

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

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

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

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

31 (6) A person under indictment.

32 (7) A person who has been:

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

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

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

36 (8) A person dishonorably discharged from:

37 (A) military service; or

38 (B) the National Guard.

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

41 (10) A person who is less than:

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



(B) twenty-three (23) years of age and has an adjudication as a delinquent child for an act described by IC 35-47-4-5; unless authorized under IC 35-47-10.

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

(d) A person who has:

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

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

(1);

is not prohibited from carrying a handgun under subsection (b) on the basis that the person was adjudicated dangerous under subdivision (1). However, the person may still be prohibited from carrying a handgun on one (1) or more of the other grounds listed in subsection (b):

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

(1) the offense is committed:

(A) on or in school property;

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

(C) on a school bus; or

(2) the person:

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

(i) this section;

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

(iii) section 22 of this chapter; or

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

SECTION 10. IC 35-47-4-6.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 6.5: A person who:

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

(2) knowingly or intentionally:

(A) rents;

(B) purchases;

(C) receives transfer of;

(D) owns; or

(E) possesses;

a firearm commits unlawful possession of a firearm by a dangerous



1 person; a Class A misdemeanor.

2 SECTION 11. IC 35-47-4-6.7 IS REPEALED [EFFECTIVE JULY
3 1, 2026]. Sec. 6.7. A person who knowingly or intentionally rents;
4 transfers; sells; or offers for sale a firearm to another person who the
5 person knows to be found dangerous by a circuit or superior court
6 following a hearing under IC 35-47-14-6 commits unlawful transfer of
7 a firearm to a dangerous person; a Level 5 felony.

8 SECTION 12. IC 35-47-14-1 IS REPEALED [EFFECTIVE JULY
9 1, 2026]. Sec. 1. (a) For the purposes of this chapter, an individual is
10 "dangerous" if:

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

13 (2) it is probable that the individual will present a risk of personal
14 injury to the individual or to another individual in the future and
15 the individual:

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

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

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

27 SECTION 13. IC 35-47-14-1.5, AS ADDED BY P.L.289-2019,
28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2026]: Sec. 1.5. For the purposes of this chapter, an individual
30 is a "responsible third party" if:

31 (1) the individual does not cohabit with the person found to be
32 dangerous **(as defined in section 1 of this chapter before its**
33 **repeal)** in the hearing conducted under section 6 of this chapter
34 **(before its repeal);**

35 (2) the individual is a proper person (as defined under
36 ~~IC 35-47-1-7~~) who may lawfully possess a firearm; and

37 (3) the individual is willing to enter into a written court agreement
38 to accept the transfer of the firearm as a responsible third party
39 under section 10 of this chapter.

40 SECTION 14. IC 35-47-14-2 IS REPEALED [EFFECTIVE JULY
41 1, 2026]. Sec. 2. (a) A circuit or superior court may issue a warrant to
42 search for and seize a firearm in the possession of an individual who is



1 dangerous if:

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

4 (A) states why the law enforcement officer believes that the
5 individual is dangerous and in possession of a firearm; and
6 (B) describes the law enforcement officer's interactions and
7 conversations with:

8 (i) the individual who is alleged to be dangerous; or
9 (ii) another individual; if the law enforcement officer
10 believes that information obtained from this individual is
11 credible and reliable;

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

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

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

18 (A) dangerous; and

19 (B) in possession of a firearm.

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

23 (1) quantity; and

24 (2) type;

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

29 SECTION 15. IC 35-47-14-3 IS REPEALED [EFFECTIVE JULY
30 1, 2026]. Sec. 3: (a) If a law enforcement officer seizes a firearm from
31 an individual whom the law enforcement officer believes to be
32 dangerous without obtaining a warrant, the law enforcement officer
33 shall submit to the circuit or superior court having jurisdiction over the
34 individual believed to be dangerous an affidavit describing the basis for
35 the law enforcement officer's belief that the individual is dangerous:

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

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

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

42 (c) The court shall review the affidavit described in subsection (a)



as soon as possible:

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

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

SECTION 16. IC 35-47-14-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 4: If a court issued a warrant to seize a firearm under this chapter, the law enforcement officer who served the warrant shall, not later than forty-eight (48) hours after the warrant was served, file a return with the court that:

(1) states that the warrant was served; and

(2) sets forth:

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

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

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

SECTION 17. IC 35-47-14-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 5: (a) After the filing of a search warrant return under section 2 of this chapter or the filing of an affidavit under section 3 of this chapter, the court shall conduct a hearing:

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

(1) the prosecuting attorney; and

(2) the individual from whom the firearm was seized; of the date, time, and location of the hearing. The court may conduct the hearing at a facility or other suitable place not likely to have a



harmful effect upon the individual's health or well-being.

SECTION 18. IC 35-47-14-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 6: (a) The court shall conduct a hearing as required under this chapter.

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

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

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

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

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

(4) enjoining the individual from:

(A) renting;

(B) receiving transfer of;

(C) owning; or

(D) possessing;

a firearm; and

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

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

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

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

in accordance with IC 33-24-6-3.

(e) If the court orders a law enforcement agency to retain a firearm, the law enforcement agency shall retain the firearm until the court orders the firearm returned or otherwise disposed of.

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

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

(2) the law enforcement agency having custody of the firearm shall return the firearm as quickly as practicable, but not later



than five (5) days after the date of the order; to the individual from whom it was seized; and

(3) the following records shall be sealed and expunged:

(A) The court's file;

(B) The records of any law enforcement agency or other person involved in the:

(i) investigation of the individual under this chapter;

(ii) filing of a search warrant return under section 2 of this chapter; or

(iii) filing of an affidavit under section 3 of this chapter.

(C) The records contained in any central repository for criminal history or civil litigation information; including the repository maintained by the state police department. This clause does not require the state police department to seal any record the state police department does not have legal authority to seal.

A record sealed under this subdivision may be disclosed to a law enforcement officer acting within the scope of the officer's duties, but may not be disclosed to any other individual or be accessible to any other person unless authorized by a court order.

(g) If, before July 1, 2025, the court issued an order that an individual is not dangerous under subsection (f); and the individual subsequently files a motion to amend that order to include the expungement provisions of subsection (f)(3); the court shall grant the motion and issue an amended order accordingly.

SECTION 19. IC 35-47-14-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. (a) If, before July 1, 2025, the court issued an order that an individual is not dangerous under section 6(f) of this chapter (before its repeal), and the individual subsequently files a motion to amend that order to include the expungement provisions of section 6(f)(3) of this chapter (before its repeal), the court shall grant the motion and issue an amended written order that the following records shall be sealed and expunged:**

(1) The court's file.

(2) The records of any law enforcement agency or other person involved in the:

(A) investigation of the individual under this chapter;

(B) filing of a search warrant return under section 2 of this chapter (before its repeal); or

(C) filing of an affidavit under section 3 of this chapter



(before its repeal).

(3) The records contained in any central repository for criminal history or civil litigation information, including the repository maintained by the state police department. This subdivision does not require the state police department to seal any record the state police department does not have legal authority to seal.

(b) A record sealed under subsection (a) may be disclosed to a law enforcement officer acting within the scope of the officer's duties, but may not be disclosed to any other individual or be accessible to any other person unless authorized by a court order.

SECTION 20. IC 35-47-14-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 7. If the court, in a hearing conducted under section 5 of this chapter, determines that:

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

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

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

SECTION 21. IC 35-47-14-8, AS AMENDED BY P.L.32-2025, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) If a court ordered a law enforcement agency to retain a firearm under section 3 or 6 of this chapter (before their repeal), the law enforcement agency shall retain the firearm until the court orders the firearm returned or otherwise disposed of.

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

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

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

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

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

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



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

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

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

(1) shall:

(A) issue a court order that finds that the individual is no longer dangerous;

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

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

(D) terminate the suspension of the individual's license to carry a handgun so that the individual may reapply for a license; and

(2) may order that one (1) or more of the following records be sealed and expunged:

(A) The court's file.

(B) The records of any law enforcement agency or other person involved in the:

(i) investigation of the individual under this chapter;

(ii) filing of a search warrant return under section 2 of this chapter **(before its repeal)**; or

(iii) filing of an affidavit under section 3 of this chapter **(before its repeal).**

(C) The records contained in any central repository for criminal history or civil litigation information, including the repository maintained by the state police department. This clause does not require the state police department to seal any record the state police department does not have legal authority to seal.

A record sealed under this subdivision may be disclosed to a law enforcement officer acting within the scope of the officer's duties,



but may not be disclosed to any other individual or be accessible to any other person unless authorized by a court order.

~~(g)~~ **(h)** If, before July 1, 2025, the court issued an order that an individual is no longer dangerous under subsection ~~(f)~~, **(g)**, and the individual subsequently files a motion to amend that order to include the expungement provisions of subsection ~~(f)(2)~~, **(g)(2)**, the court may grant the motion and issue an amended order accordingly.

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

~~(i)~~ **(j)** If a court issues an order that an individual is no longer dangerous under subsection ~~(f)(1)~~, **(g)(1)**, the court's order shall be transmitted, as soon as practicable, to the office of judicial administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5). ~~and, beginning July 1, 2021, for the collection of certain data related to the confiscation and retention of firearms taken from dangerous individuals in accordance with IC 33-24-6-3.~~

SECTION 22. IC 35-47-14-10, AS AMENDED BY P.L.289-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If a court has ordered a law enforcement agency to retain an individual's firearm under section 6 of this chapter **(before its repeal)**, the individual or the rightful owner of the firearm, as applicable, may petition the court to order the law enforcement agency to:

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

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



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

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

6 (c) If an individual or rightful owner timely requests a sale or
7 transfer of a firearm under subsection (a), the court shall order the law
8 enforcement agency having custody of the firearm to transfer the
9 firearm or sell the firearm at auction under IC 35-47-3-2, unless:

- 10 (1) the serial number of the firearm has been obliterated;
11 (2) the transfer of the firearm would be unlawful; or
12 (3) the requirements of subsection (a) have not been met.

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

- 15 (1) that the firearm be sold not more than one (1) year after
16 receipt of the order; and
17 (2) that the proceeds of the sale be returned to the individual or
18 rightful owner of the firearm.

19 (e) A law enforcement agency may retain not more than eight
20 percent (8%) of the sale price to pay the costs of the sale, including
21 administrative costs and the auctioneer's fee.

