

Children and Firearms

I suppose I could try to explain it but it's probably better if you just read it for yourself. This first part is in the section of the Indiana Code entitled "Sale of Handguns."

IC 35-47-2.5-14

Providing handgun to ineligible purchaser; exemptions

- Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:
- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
 - (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:
 - (A) a qualified firearms instructor; or
 - (B) an adult who is supervising the child while the child is at the range.
 - (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.
 - (4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.
 - (5) A child who is traveling with an unloaded firearm to or from an activity described in this section.
 - (6) A child who:
 - (A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and
 - (B) has permission from the child's parent or legal guardian to possess a firearm.
- (b) A person who purchases a handgun with the intent to:
- (1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or
 - (2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm; commits a Class D felony.
- (c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

This next part is its own chapter. Pay particular attention to the definition of "loaded" as it pertains to children.

IC 35-47-10

Chapter 10. Children and Firearms

IC 35-47-10-1

Exemptions from chapter

- Sec. 1. This chapter does not apply to the following:
- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
 - (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or supervised by:
 - (A) a qualified firearms instructor; or
 - (B) an adult who is supervising the child while the child is at the range.
 - (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of

the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.

(4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.

(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

(6) A child who:

(A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and

(B) has permission from the child's parent or legal guardian to possess a firearm.

(7) A child who:

(A) is at the child's residence; and

(B) has the permission of the child's parent, an adult family member of the child, or the child's legal guardian to possess a firearm.

IC 35-47-10-2

"Adult" defined

Sec. 2. As used in this chapter, "adult" means a person who is at least eighteen (18) years of age.

IC 35-47-10-3

"Child" defined

Sec. 3. As used in this chapter, "child" means a person who is less than eighteen (18) years of age.

IC 35-47-10-4

"Loaded" defined

Sec. 4. As used in this chapter, "loaded" means having any of the following:

(1) A cartridge in the chamber or cylinder of a firearm.

(2) Ammunition in close proximity to a firearm so that a person can readily place the ammunition in the firearm.

IC 35-47-10-5

Dangerous possession of a firearm

Sec. 5. A child who knowingly, intentionally, or recklessly:

(1) possesses a firearm for any purpose other than a purpose described in section 1 of this chapter; or

(2) provides a firearm to another child with or without remuneration for any purpose other than a purpose described in section 1 of this chapter;

commits dangerous possession of a firearm, a Class A misdemeanor. However, the offense is a Class C felony if the child has a prior conviction under this section.

IC 35-47-10-6

Dangerous control of a firearm

Sec. 6. An adult who knowingly, intentionally, or recklessly provides a firearm to a child for any purpose other than those described in section 1 of this chapter, with or without remuneration, commits dangerous control of a firearm, a Class C felony. However, the offense is a Class B felony if the adult has a prior conviction under this section.

IC 35-47-10-7

Permitting child to possess a firearm

Sec. 7. A child's parent or legal guardian who knowingly, intentionally, or recklessly permits the child to possess a firearm:

- (1) while:
- (A) aware of a substantial risk that the child will use the firearm to commit a felony; and
 - (B) failing to make reasonable efforts to prevent the use of a firearm by the child to commit a felony; or
- (2) when the child has been convicted of a crime of violence or has been adjudicated as a juvenile for an offense that would constitute a crime of violence if the child were an adult; commits dangerous control of a child, a Class C felony. However, the offense is a Class B felony if the child's parent or legal guardian has a prior conviction under this section.

IC 35-47-10-8

Term of imprisonment in addition to criminal penalty

Sec. 8. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall order the following:

- (1) That a person who has committed an offense be incarcerated for five (5) consecutive days in an appropriate facility.
 - (2) That the additional five (5) day term must be served within two (2) weeks after the date of sentencing.
- (b) Notwithstanding IC 35-50-6, a person does not earn credit time while serving an additional five (5) day term of imprisonment imposed by a court under this section.

IC 35-47-10-9

Consecutive sentences imposed

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

As added by P.L.140-1994, SEC.12.

IC 35-47-10-10

Rehabilitation of child; placement in quasi-military program

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

And one more:

IC 35-47-2-7

Prohibited sales or transfers of ownership

Sec. 7. (a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon (as defined in IC 35-50-2-11) to any person under eighteen (18) years of age.

By the way, IC 35-5-2-11 has nothing to do with "assault weapons" and I can't find the term anywhere else in the Indiana Code. I believe I had seen it some time ago, but now I think it is vestigial. It's possible that some local governments might have it defined (South Bend comes to mind).