

Indiana Handgun Laws – The Basics

Disclaimer: The following is not legal advice. I have made an honest effort to obtain accurate information, however, it is your own responsibility to know the law for yourself. If you have questions, read the relevant codes for yourself and seek the advice of a competent attorney.

As a general precaution, I **strongly** urge **everyone** who is a handgun owner in Indiana to obtain an “unlimited” Indiana License to Carry a Handgun. A myriad of legal troubles can thus be avoided.

Where can I find Indiana Handgun Laws?

Most relevant laws can be found at <http://www.in.gov/legislative/ic/code/title35/ar47/>

What other sources do you recommend? Get the book *Indiana Handgun Law* by Bryan L. Ciyou, Esq.

Who can legally own/possess a handgun?

Generally speaking, any adult person (age 18) who has not been convicted of a felony or domestic battery may legally own and keep a handgun without a license, **but only:**

- in the person’s dwelling,
- on the person’s property or fixed place of business.

... and that’s it!

Can I carry or transport my handgun without a license? What if I unload it a lock it in the trunk?

NO! Just get a license. If you are a handgun owner in Indiana (a “shall issue” state), there’s no excuse not to have a handgun license, this exempts you from most of the stupid laws and stupid ways to find yourself in court facing a stupid firearms violation. There are very few exceptions... a person without a handgun license may legally transport an “unloaded” handgun in a “secure wrapper” **only in the following cases:**

- from the place of purchase to his dwelling or fixed place of business,
- to a place of repair or back to his dwelling or fixed place of business, or
- in moving from one dwelling or business to another.

... and that’s it! You can’t take it to the range, or hunting, not even if it’s unloaded and locked in your trunk.

What does “unloaded” mean? To my knowledge, the term is not defined in code*. To a firearms instructor “unloaded” means there are no cartridges in the chambers of a revolver, and there are no cartridges in the chamber or magazine of a semi-automatic pistol. (* When used in the section of code dealing with children and firearms, “loaded” has its own special meaning... read on.)

... or just get the “unlimited” license, and then it doesn’t matter.

What does “secure wrapper” mean? This term is also not defined in the text of the law. My best advice is to place the gun in a locked case and lock it in the trunk of your car, or if you are moving, in the rear of the

moving van. Place any ammunition in a separate locked container. If you drive a van or SUV, lock the gun in a case and place it in the far back of the cargo area out of reach of any passengers.

...or just get the “unlimited” license, and then it doesn’t matter.

What does “dwelling” mean?

IC 35-41-1-10

"Dwelling" defined

Sec. 10. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of lodging.

What if I live in an apartment? This is your dwelling. Beware: legal precedent exists for apartment dwellers – your dwelling ends at the doorway to your apartment.

What is a “fixed place of business?” This is generally regarded as the immovable building where you work. Your carnival concessions trailer is not a “fixed” place of business, neither is your mobile dog grooming service in the back of an RV, *even if you live in the RV*.

What is “moving?” This is not defined in code, but a safe bet is this is a change in the location of the dwelling you call home, or of your fixed place of business.

What if I live and work in my RV? Just get the license. The money you save fighting a court case will be well spent. Yes people have been convicted.

What if I’m camping or staying in a hotel room? Just get the license. How do you think you are legally going to transport it to and from your camp site?

What if my buddy who has a license takes it to the range for me? Just get the license.

Who can get a handgun license?

Essentially, any adult (age 18) can apply for and obtain an Indiana License to Carry a Handgun. The law states that an adult who is a “proper person”, has a “proper reason”, and “is of good character and reputation” shall be issued a License to Carry a Handgun. This means that if you qualify, you will be issued the license. The law does not allow denial of a handgun license for capricious or prejudicial reasons and includes time limits for denying the application, along with specific reasons in writing. (For this reason, Indiana is commonly referred to as a “shall issue” state.)

What do “proper person” and “proper reason” mean?

IC 35-47-1-7

"Proper person"

Sec. 7. "Proper person" means a person who:

- (1) does not have a conviction for resisting law enforcement under IC 35-44-3-3 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 35-41-1-6.3), 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; or
- (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.

IC 35-47-1-8
"Proper reason"

Sec. 8. "Proper reason" means for the defense of oneself or the state of Indiana.

What does "of good character and reputation" mean? In part, IC 35-47-2-3(c) states: "The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation." Basically, if you don't have a file, you pass.

What types of handgun licenses are available?

Two types of handgun licenses are issued by the State of Indiana: qualified and unlimited. A qualified license allows a person to transport and possess a handgun for the purposes of "hunting and target practice." An unlimited license is "for the purpose of the protection of life and property." This is also known as a "personal protection" license.

How long is a handgun license valid? Handgun licenses can be issued for four (4) years or for the life of the individual. The only difference in the process is the cost. *Hint: get the lifetime.*

Which type of license should I get? Other than cost (the cost is only about double), I see no reason to get anything but a Lifetime Unlimited license.

What if _____? Just get the license. ☺

I have an "unlimited" Indiana License to Carry a Handgun; can I carry my handgun in other states?

It depends on the laws of the other state. Do your homework in advance. Also, restrictions on concealed carry vary greatly from state to state, much of this information can be found on the internet.

Can I sell or make a gift of a handgun?

It is unlawful for a person to sell, give, or transfer ownership or possession of a handgun to another person if:

- the person is under the age of 18 (parents excepted), or there is reasonable cause to believe the other person:
- has been convicted of a felony, or

- adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;
- is a drug abuser;
- is an alcohol abuser; or
- is mentally incompetent.

Also, sales, gifts, or the transfer of ownership or possession of handguns to persons under age 18 are prohibited (except between a parent/guardian and a minor child... more on this later).

For private transactions (not conducted by an FFL), both parties must be residents of the same state. All interstate sales, gifts, or transfers must be conducted by a licensed firearms dealer (FFL) who is licensed in the state of the person purchasing or receiving the firearm.

A private transaction is commonly referred to as an “FTF” or face-to-face transaction. In a private sale it is a good idea (though not legally required in Indiana) to ask to see the persons driver’s license and handgun license. This is to verify age, and a handgun license means the person has had a full background check. For peace of mind, you can go to a gun dealer, and have him do the transfer.

I’m 18 years old, can I buy a handgun?/Can I give or sell a handgun to an 18 year old?

A Federal Firearms Licensee (FFL) is prohibited from selling handguns or handgun ammunition to persons under age 21.

Indiana law does not *appear* to prohibit private sales, gifts, or transfers to persons over age 18, but I will make the firm recommendation that the 18 year old has a Handgun License. Bryan Ciyou author of Indiana Handgun Law recommends always completing the transaction through a licensed dealer (which would preclude selling to persons under age 21).

I’m 18 years old, can my parents buy a handgun for me? Yes, a gift of a handgun is legal; however, it should be a gift, not an “I’ll give you the money and you buy it for me” or “I’ll pay you back.” This puts you in a legal gray area of whether or not a “straw purchase” has occurred. People debate whether this is true, and I AM NOT A LAWYER, so the best advice is DON’T DO IT! A “straw purchase” is where someone purchases a gun with the intent of selling or giving it to someone else who can not legally purchase a gun him/herself. In this case people argue that since the 18 year old is not legally prohibited from owning the gun, it is not a “straw purchase.” DON’T DO IT! THE PENALTIES FOR BREAKING GUN LAWS ARE SEVERE! It’s not worth it. There are Federal and State laws regarding “straw purchases.” If this is a gun that the parent has owned for some time and sells it to the 18 year old, then that is likely not a straw purchase. This is what the Indiana Code says:

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.

IC 35-47-2.5-14

Providing handgun to ineligible purchaser

Sec. 14. (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.

I will make this recommendation, and I would apply this same standard to parents giving gifts to an 18-21 year old: read in the context of the entire Chapter 2.5, it would be a good idea not to sell, give, or transfer a handgun to anyone between the ages of 18 and 21 unless that person has a Handgun License, since the start of Chapter 2.5 has this tidbit:

IC 35-47-2.5-1

Applicability; conflicts

Sec. 1. (a) This chapter does not apply to the following:

(3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

If you follow IC 35-47-2.5-1(a)(3) it *appears* that you're covered. I am not aware of any case law.

I have a handgun license, are there places where I am not allowed to carry a gun?

(This is most likely not a complete list.)

- Boarding a commercial or chartered aircraft while possessing a firearm is a Class C felony.
- Entering the secure area of an airport while possessing a firearm is Class A misdemeanor.
- Not disclosing that a firearm is being checked in baggage on a commercial passenger airline is a Class A misdemeanor.
- Possessing a firearm in or on school property, in or on property that is being used by a school for a school function; or on a school bus; is a Class D felony. (Exception: "A person who may legally possess a firearm; and possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function." In other words, DON'T EXIT YOUR VEHICLE FOR ANY REASON, AND DON'T PARK YOUR ON THE SCHOOL LOT AND LEAVE A GUN IN THE CAR. (Yes, people have been convicted.) Schools can include places like preschools (and churches that have a preschool), head start, or similar programs – even when "school" is not in session, like at Sunday services.
- Penal facilities, shelters, halfway houses and the like.
- The Indiana State Fair (though you may lock the gun inside your car).
- A riverboat casino (the riverboat casino is required to provide a secure storage area).
- Courthouses.
- The Indiana Statehouse and Government Center.
- The Post Office (this is hotly debated, they are wrong – DON'T DO IT).
- Federal Property.
- A Military Base.
- National Parks and Forests (Edit: this has just recently been changed by a ruling of the Department of the Interior, so it is now legal to carry if you can legally carry in that state!!), Lakes owned by the Army Corps of Engineers is still off limits as far as I know (like Monroe Reservoir and Falls of the Ohio).
- Local governments may have addition restrictions (IndyParks for example).

I moved/changed my name/lost my license, who do I need to notify, and do I need a new license?

You are required by law to notify the State Police of your new name/address within 30 days. You do not need a new license if you move, but you can obtain one with your new address for a small fee. You can also get a replacement license. You can do all of this with the form below.

<http://www.in.gov/icpr/webfile/formsdiv/53228.pdf>