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Peru

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Winfield

Title 35 – Criminal Law and Procedure
Article 47 – Regulation of Weapons and Instruments of Violence
Chapter 1 – Definitions

Section 35-47-1-2.5. Ammunition.

"Ammunition", for purposes of IC 35-47-11.1, means:

- (1) fixed cartridge ammunition;
- (2) shotgun shells;
- (3) the individual components of fixed cartridge ammunition and shotgun shells;
- (4) projectiles for muzzle loading firearms; and
- (5) any propellant used in a firearm or in firearm ammunition.

Section 35-47-1-3. Dealer.

"Dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis.

Section 35-47-1-5. Firearm.

"Firearm" means any weapon:

- (1) that is:
 - (A) capable of expelling; or
 - (B) designed to expel; or
- (2) that may readily be converted to expel;

a projectile by means of an explosion.

Section 35-47-1-5.1. Firearm accessory.

"Firearm accessory" means:

- (1) any device specifically adapted to enable:
 - (A) the wearing or carrying about one's person; or
 - (B) the storage or mounting in or on any conveyance;

of a firearm; and

- (2) any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm.

Section 35-47-1-5.5. Gun show.

"Gun show" has the meaning set forth in 27 CFR 478.100.

Section 35-47-1-6. Handgun.

"Handgun" means any firearm:

- (1) Designed or adapted so as to be aimed and fired from 1 hand, regardless of barrel length; or
- (2) Any firearm with:
 - (A) A barrel less than 16 inches in length; or
 - (B) An overall length of less than 26 inches.

Section 35-47-1-7. Proper person.

"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;
 - (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 35-47-1-9. Retail.

“Retail” means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof.

Section 35-47-1-11. Shotgun.

“Shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Section 35-47-1-13. Wholesale.

“Wholesale” means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in handguns, or the sale of a handgun to a governmental law enforcement agency for issue to its employees.

Chapter 2 – Handguns

Section 35-47-2-7. Prohibited sales or transfers.

- (a) As used in this section, “machine gun” means any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one (1) shot, without manual reloading, by a single function of the trigger. The term includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or a combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.
- (b) 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 (governing children and firearms) and federal law, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or machine gun to any person under eighteen (18) years of age.
- (c) A person who knowingly or intentionally sells, gives, or in any other manner transfers ownership or possession of a machine gun to a person under eighteen (18) years of age commits a Level 5 felony. However, the offense is a Level 4 felony if the person who sells, gives, or transfers ownership of the machine gun has a prior conviction under this section, and a Level 3 felony if a person under eighteen (18) years of age uses the machine gun to commit murder (IC 35-42-1-1).
- (d) A person who knowingly or intentionally sells, gives, or in any other manner transfers the ownership or possession of a handgun to another person who the person knows:

(1) is ineligible for any reason other than the person's age to purchase or otherwise receive from a dealer a handgun;
or

(2) intends to use the handgun to commit a crime;

commits criminal transfer of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).

(e) A person who purchases a handgun with the intent to:

(1) resell or otherwise provide the handgun to another person who the person knows is ineligible for any reason to purchase or otherwise receive from a dealer a handgun;

(2) resell or otherwise provide the handgun to another person who the person knows intends to use the handgun to commit a crime; or

(3) transport the handgun outside Indiana to be resold or otherwise provided to another person who the transferor knows:

(A) is ineligible to purchase or otherwise receive a handgun; or

(B) intends to use the handgun to commit a crime;

commits the straw purchase of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).

(f) As used in this subsection, "NICS" has the meaning set forth in IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection (d)(1) that:

(1) the accused person contacted NICS (or had a dealer contact NICS on the person's behalf) to request a background check on the other person before the accused person sold, gave, or in any other manner transferred the ownership or possession of the handgun to the other person; and

(2) the accused person (or dealer acting on the person's behalf) received authorization from NICS to sell, give, or in any other manner transfer ownership or possession of the handgun to the other person.

Section 35-47-2-8. Persons to whom sale regulations apply.

The regulation of the sale of handguns imposed by this chapter shall apply equally to an occasional sale, trade, or transfer between individual persons and to retail transactions between dealers and individual persons.

Section 35-47-2-14. License requirements for retail dealer – Failure to display license.

A retail dealer who knowingly or intentionally:

(1) sells;

(2) trades;

(3) transfers;

(4) exposes for sale, trade, or transfer; or

(5) possesses with intent to sell, trade, or transfer;

any handgun without being licensed under sections 15 and 16 [IC 35-47-2-15 and IC 35-47-2-16] of this chapter and without displaying the retail dealer's license at all times commits a Class B misdemeanor.

Section 35-47-2-15. Issuance of retail handgun dealer's license – Investigation and fingerprinting.

(a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which the person resides, or if the person is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which the person has a regular place of business. The applicant shall state the applicant's name, full address, occupation, sex, race, age, place of birth, date of birth, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). The officer to whom the application is made shall verify the application and search the officer's records concerning the applicant's character and reputation.

(b) The officer to whom the application is made shall send to the superintendent:

(1) the verified application;

(2) the results of the officer's investigation; and

(3) the officer's recommendation for approval or disapproval of the application;

in as many copies as the superintendent shall designate, and 1 set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, the officer shall provide the superintendent and the applicant with the officer's complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, the officer shall instruct the applicant in the proper method of taking legible and classifiable fingerprints.

(c) If an applicant applies for a license under this section before July 1, 2011, and it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, the superintendent shall issue to the applicant a retail handgun dealer's license which shall be valid for a period of 2 years from the date of issue. The fee for the license shall be \$20, which shall be deposited with the officer to whom the application is made, who shall in turn forward it to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent.

(d) If an applicant applies for a license under this section after June 30, 2011:

(1) the applicant shall deposit with the officer to whom the application is made a fee for the license of \$60;

(2) if it appears to the superintendent that the applicant is:

(A) of good character and reputation; and

(B) a proper person to be licensed;

the superintendent shall issue to the applicant a retail handgun dealer's license, which is valid for 6 years after the date the license is issued; and

(3) the officer to whom the application was made shall forward the fee for the license to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent.

(e) In the event that an application is disapproved by the superintendent, the fee deposited by the applicant under subsection (c) or (d) shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.

(f) No retail dealer's license shall be issued to any person who has been:

(1) convicted of a felony; or

(2) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person applying for the retail dealer's license is less than 23 years of age;

in Indiana or any other state or country.

(g) A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the conditions specified in this chapter. The license may be suspended or revoked in accordance with applicable law, and the licensee may be subject to punishment as provided in this chapter.

Section 35-47-2-16. License-designated business site – Display of license – Restrictions on sale of handguns – Display, sale or transfer at gun shows.

(a) A retail dealer's business shall be carried on only in the site designated in the license. A separate license shall be required for each separate retail outlet. Whenever a licensed dealer moves the dealer's place of business, the dealer shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This subsection does not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold:

(1) in violation of any provision of this chapter; or

(2) under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of the purchaser's identity.

(d) Notwithstanding subsection (a), a retail dealer may display, sell, or transfer handguns at a gun show in accordance with this chapter and federal law.

Section 35-47-2-17. False information – Confiscation and disposal of firearm.

(a) No person, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry a handgun, shall knowingly or intentionally:

(1) give false information on a form required to:

- (A) purchase or secure delivery of a firearm; or
 - (B) apply for a license to carry a handgun; or
- (2) offer false evidence of identity.

In addition to any penalty provided by this chapter, any firearm obtained through false information shall be subject to confiscation and disposition as provided in this chapter. Upon notice of a violation of this section by the superintendent, it shall be the duty of the sheriff or chief of police or corresponding officer of the jurisdiction in which the purchaser resides to confiscate the firearm and retain it as evidence pending trial for the offense.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

Section 35-47-2-18. Alteration, removal or obliteration of identifying marks prohibited — Possession of such handguns prohibited.

(a) No person shall:

- (1) remove, obliterate, or alter the importer or manufacturer's serial number on any firearm; or
- (2) possess any firearm on which the importer or manufacturer's serial number has been removed, obliterated, or altered.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

Section 35-47-2-19. Firearms exempted.

This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

Section 35-47-2-20. Effect of full or conditional pardon.

(a) A full pardon from the governor of Indiana for:

- (1) A felony other than a felony that is included in IC 35-42; or
- (2) A violation of this chapter;

removes any disability under this chapter imposed because of that offense, if 15 years have elapsed between the time of the offense and the application for a license under this chapter.

(b) A conditional pardon described in IC 11-9-2-4 for:

- (1) A felony; or
- (2) A violation of this chapter;

removes a disability under this chapter if the superintendent determines after an investigation that circumstances have changed since the pardoned conviction was entered to such an extent that the pardoned person is likely to handle handguns in compliance with the law.

Section 35-47-2-21. Foreign licenses.

- (a) Retail dealers' licenses issued by other states or foreign countries will not be recognized in Indiana except for sales at wholesale.
- (b) Licenses to carry handguns, issued by other states or foreign countries, will be recognized according to the terms thereof but only while the holders are not residents of Indiana.

Section 35-47-2-22. Use of false or altered handgun license unlawful.

(a) It is unlawful for any person to use, or to attempt to use, a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter.

Chapter 2.5 – Sale of Handguns

Section 35-47-2.5-1. Applicability.

(a) Sections 2 through 5 [IC 35-47-2.5-2 through IC 35-47-2.5-5] of this chapter do not apply to the following:

- (1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.
- (2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.

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

(b) Notwithstanding any other provision of this chapter, the state shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:

(1) the state participates in the NICS; and

(2) there is a conflict between:

(A) a provision of this chapter; and

(B) a procedure required under the NICS;

the procedure required under the NICS prevails over the conflicting provision of this chapter.

Section 35-47-2.5-2. "Dealer" defined.

As used in this chapter, "dealer" includes any person licensed under 18 U.S.C. 923.

Section 35-47-2.5-2.5. "NICS" defined.

As used in this chapter, "NICS" refers to the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation in accordance with the federal Brady Handgun Violence Prevention Act (18 U.S.C. 921 et seq.).

Section 35-47-2.5-3. Completion of Form 4473.

A person purchasing a handgun from a dealer shall complete and sign Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473.

Section 35-47-2.5-4. Dealer's responsibilities.

(a) A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

(1) Obtained from the prospective purchaser a completed and signed Form 4473 as specified in section 3 [IC 35 47-2.5-3] of this chapter.

(2) Contacted NICS:

(A) by telephone; or

(B) electronically;

to request a background check on the prospective purchaser.

(3) Received authorization from NICS to transfer the handgun to the prospective purchaser.

(b) The dealer shall record the NICS transaction number on Form 4473 and retain Form 4473 for auditing purposes.

Section 35-47-2.5-5. Photographic identification required – Other documentation of residence.

(a) To establish personal identification and residence in Indiana for purposes of this chapter, a dealer must require a prospective purchaser to present 1 photographic identification form issued by a governmental agency of the state or by the United States Department of Defense, or other documentation of residence.

(b) Except when photographic identification was issued by the United States Department of Defense, other documentation of residence must show an address identical to that shown on the photographic identification form or as amended by proper notice of change of address filed with the issuing authority. Suitable other documentation of residence includes:

(1) evidence of currently paid personal property tax or real estate tax, a current lease, utility, or telephone bill, a voter registration card, a bank check, a passport, an automobile registration, or a hunting or fishing license;

(2) other current identification allowed as evidence of residency by 27 CFR 178.124 and United States Alcohol, Tobacco, and Firearms Ruling 79-7; or

(3) other documentation of residence, determined to be acceptable by the state police department, that corroborates that the prospective purchaser currently resides in Indiana.

(c) If the photographic identification was issued by the United States Department of Defense, permanent orders may be used as documentation of residence.

Section 35-47-2.5-13. Violation by dealer a misdemeanor.

Except as otherwise provided in this chapter, a dealer who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of this chapter commits a Class A misdemeanor.

Section 35-47-2.5-16. Providing firearm to ineligible person or for criminal purpose.

(a) This section does not apply to a person who complies with IC 35-47-10 (governing children and firearms).

(b) A person who provides a firearm to an individual who the person knows:

- (1) is ineligible to purchase or otherwise receive or possess a firearm for any reason other than the person's age; or
- (2) intends to use the firearm to commit a crime;

commits criminal transfer of a firearm, a Level 5 felony. However, the offense is a Level 3 felony if the individual uses the firearm to commit murder (IC 35-42-1-1).

(c) It is a defense to a prosecution under subsection (b)(1) that:

- (1) the accused person (or dealer acting on the person's behalf) contacted NICS to request a background check on the individual before the accused person provided the firearm to the individual; and
- (2) the accused person (or dealer acting on the person's behalf) received authorization from NICS to provide the firearm to the individual.

Chapter 4 – Miscellaneous Provisions

Section 35-47-4-1. Sale or delivery of deadly weapon to intoxicated person unlawful.

A person who sells, barter, gives, or delivers any deadly weapon to any person at the time in a state of intoxication, knowing him to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him to be a person who is in the habit of becoming intoxicated, commits a Class B misdemeanor.

Section 35-47-4-5. Possession of firearm by serious violent felon.

(a) As used in this section, “**serious violent felon**” means a person who has been convicted of committing a serious violent felony.

(b) As used in this section, “**serious violent felony**” means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;
- (6) aggravated battery (IC 35-42-2-1.5);
- (7) kidnapping (IC 35-42-3-2);
- (8) criminal confinement (IC 35-42-3-3);
- (9) rape (IC 35-42-4-1);
- (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (11) child molesting (IC 35-42-4-3);
- (12) sexual battery (IC 35-42-4-8) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (13) robbery (IC 35-42-5-1);
- (14) carjacking (IC 5-42-5-2) (before its repeal);
- (15) arson (IC 35-43-1-1(a)) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (16) burglary (IC 35-43-2-1) as a:

- (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (17) assisting a criminal (IC 35-44.1-2-5) as a:
- (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (18) resisting law enforcement (IC 35-44.1-3-1) as a:
- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (19) escape (IC 35-44.1-3-4) as a:
- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
- (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (21) criminal organization intimidation (IC 35-45-9-4);
- (22) stalking (IC 35-45-10-5) as a:
- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (23) incest (IC 35-46-1-3);
- (24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (25) dealing in methamphetamine (IC 35-48-4-1.1) or manufacturing methamphetamine (IC 35-48-4-1.2);
- (26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- (28) dealing in a schedule V controlled substance (IC 35-48-4-4); or
- (29) dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

Section 35-47-4-6. Possession of firearm by domestic batterer.

(a) A person who has been convicted of domestic battery under IC 35-42-2-1.3 and who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a domestic batterer, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the person's right to possess a firearm has been restored under IC 35-47-4-7.

Section 35-47-4-6.5. Unlawful possession of a firearm by a dangerous person.

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 person, a Class A misdemeanor.

Section 35-47-4-6.7. Unlawful transfer of a firearm to a dangerous person.

A person who knowingly or intentionally rents, transfers, sells, or offers for sale a firearm to another person who the person knows to be found dangerous by a circuit or superior court following a hearing under IC 35-47-14-6 commits unlawful transfer of a firearm to a dangerous person, a Level 5 felony.

Section 35-47-4-7. Restoration of right to possess firearm by person who has been convicted of domestic violence – Procedure.

(a) Notwithstanding IC 35-47-2, IC 35-47-2.5, the restoration of the right to serve on a jury under IC 33-28-5-18, the restoration of the right to vote under IC 3-7-13-5, or the expungement of a crime of domestic violence under IC 35-38-9, and except as provided in subsections (b), (c), and (f), a person who has been convicted of a crime of domestic violence may not possess a firearm.

(b) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

(1) Whether the person has been subject to:

(A) a protective order;

(B) a no contact order;

(C) a workplace violence restraining order; or

(D) any other court order that prohibits the person from possessing a firearm.

(2) Whether the person has successfully completed a substance abuse program, if applicable.

(3) Whether the person has successfully completed a parenting class, if applicable.

(4) Whether the person still presents a threat to the victim of the crime.

(5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to satisfy a specified condition under subsection (c) or whether the person has committed a subsequent offense.

(c) The court may condition the restoration of a person's right to possess a firearm upon the person's satisfaction of specified conditions.

(d) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until 1 year has elapsed after the filing of the most recent petition.

(e) A person has not been convicted of a crime of domestic violence for purposes of subsection (a) if the person has been pardoned.

(f) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on post-conviction review at the earlier of the following:

(1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.

(2) Ninety (90) days after the final disposition of the appeal or the post-conviction proceeding.

Section 35-47-4-8. Unlawful possession of a firearm by an alien.

(a) As used in this section, "alien" has the meaning set forth in 8 U.S.C. 1101(a).

(b) Except as provided in subsection (c), an alien who:

(1) is illegally or unlawfully present in the United States; and

(2) knowingly or intentionally possesses a firearm;

commits unlawful possession of a firearm by an alien, a Level 6 felony.

(c) This section does not apply to an alien described in 18 U.S.C. 922(y)(2).

Section 35-47-4-9. Unlawful possession of a firearm by a dangerous person.

(a) As used in this section, "serious violent felony" has the meaning set forth in section 5 [IC 35-47-4-5] of this chapter.

(b) A person who:

(1) has been adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony if committed by an adult;

(2) is less than:

(A) twenty-six (26) years of age, if the delinquent act, if committed by an adult, would have been a:

- (i) Level 6 felony;
- (ii) Level 5 felony;
- (iii) Level 4 felony; or
- (iv) Level 3 felony; or

(B) twenty-eight (28) years of age, if the delinquent act, if committed by an adult, would have been:

- (i) a Level 2 felony;
- (ii) a Level 1 felony; or
- (iii) murder; and

(3) knowingly or intentionally possesses a firearm;

commits unlawful possession of a firearm by a dangerous person, a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction under this section.

Chapter 5 – Prohibited Weapons and Other Instruments of Violence

Section 35-47-5-5. Firearms exempted.

This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

Section 35-47-5-8. Ownership or possession of machine gun prohibited.

A person who knowingly or intentionally owns or possesses a machine gun commits a Level 5 felony.

Section 35-47-5-10. Exemptions to machine gun prohibitions.

The provisions of section 8 or 9 [IC 35-47-5-8 or IC 35-47-5-9] of this chapter shall not be construed to apply to any of the following:

- (1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.
- (2) Machine guns kept for display as relics and which are rendered harmless and not usable.
- (3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.
- (4) Persons lawfully engaged in the display, testing, or use of fireworks.
- (5) Agencies of state government.
- (6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machine guns, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting within the scope of such business.
- (7) Persons possessing, or having applied to possess, machine guns under applicable United States statutes. Such machine guns must be transferred as provided in this article.
- (8) Persons lawfully engaged in the manufacture, transportation, distribution, use or possession of any material, substance, or device for the sole purpose of industrial, agricultural, mining, construction, educational, or any other lawful use.

Section 35-47-5-11.5. Use of armor-piercing ammunition prohibited – Exception.

(a) As used in this section, “armor-piercing ammunition” means:

- (1) a projectile or projectile core that is designed and intended by the manufacturer for use in a handgun and that is constructed entirely (excluding the presence of traces of other substances) from one (1) or a combination of tungsten alloys, steel, iron, brass, bronze, or beryllium copper; or
- (2) a full jacketed projectile larger than .22 caliber designed and intended by the manufacturer for use in a handgun and whose jacket has a weight of more than twenty-five percent (25%) of the total weight of the projectile.

The term does not include shotgun shot required by federal or state environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile that is primarily intended by the manufacturer to be used in a rifle or shotgun, or a handgun projectile that is designed and intended by the manufacturer to be used for hunting, recreational shooting, or competitive shooting.

(b) Except as provided in subsection (c), a person who knowingly or intentionally possesses, manufactures, sells, or delivers armor-piercing ammunition commits a Level 5 felony.

(c) Subsection (b) does not apply to the following:

(1) A person who manufactures, sells, or delivers armor-piercing ammunition for the use of:

(A) the United States;

(B) a department or agency of the United States;

(C) a state;

(D) a law enforcement agency; or

(E) a department, agency, or political subdivision of a state.

(2) A person who manufactures, sells, or delivers armor-piercing ammunition for export.

(3) A person who manufactures, sells, or delivers armor-piercing ammunition for the purpose of testing or experimentation.

(4) A law enforcement officer acting in the course of the officer's official duties.

Chapter 9 – Possession of Firearms on School Property and School Buses

Section 35-47-9-1. Security guards – School functions.

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

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;
to carry a firearm in or on school property.

(3) Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses only a firearm that is:

(i) locked in the trunk of the person's motor vehicle;

(ii) kept in the glove compartment of the person's locked motor vehicle; or

(iii) stored out of plain sight in the person's locked motor vehicle.

(6) A person who:

(A) may legally possess a firearm; and

(B) possesses a firearm on school property in connection with or while:

(i) attending a worship service or religious ceremony conducted at a house of worship located on the school property; or

(ii) carrying out the person's official duties at a house of worship located on the school property, if the person is employed by or a volunteer at the house of worship.

This subdivision does not affect the right of a property owner to prohibit, in whole or in part, the possession of a firearm on a property where a school or house of worship is located.

(b) For purposes of subsection (a)(3) and (a)(5), a person does not include a person who is:

(1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team; or

(2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous twenty-four (24) months.

(c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.

Section 35-47-9-2. Possession of firearms on school property, school bus, or in a motor vehicle in school parking lot – Defense to prosecution.

(a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:

(1) in or on school property; or

(2) on a school bus;

commits a Level 6 felony.

(b) It is a defense to a prosecution under subsection (a) that:

(1) the person is permitted to legally possess the firearm; and

(2) the firearm is:

(A) locked in the trunk of the person's motor vehicle;

(B) kept in the glove compartment of the person's locked motor vehicle; or

(C) stored out of plain sight in the person's locked motor vehicle.

(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

Chapter 10 – Children and Handguns

Section 35-47-10-1. Applicability.

(a) This section does not apply to section 7 [IC 35-47-10-7] of this chapter.

(b) Except as provided in subsection (c), 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.

(c) This chapter applies to a child, and to a person who provides a firearm to a child, if the child:

(1) is ineligible to purchase or possess a firearm for any reason other than the child's age; or

(2) if the child intends to use a firearm to commit a crime.

Section 35-47-10-2. "Adult" defined.

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

Section 35-47-10-3. "Child" defined.

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

Section 35-47-10-4. "Loaded" defined.

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.

Section 35-47-10-5. Dangerous possession of firearm.

(a) A child who knowingly, intentionally, or recklessly possesses a firearm for any purpose other than a purpose described in section 1 [IC 35-47-10-1] of this chapter commits dangerous possession of a firearm, a Class A misdemeanor. However, the offense is a Level 5 felony if the child has a prior conviction under this section or has been adjudicated a delinquent for an act that would be an offense under this section if committed by an adult.

(b) A child who knowingly or intentionally provides a firearm to another child whom the child knows:

(1) is ineligible for any reason to purchase or otherwise receive from a dealer a firearm; or

(2) intends to use the firearm to commit a crime;

commits a Level 5 felony. However, the offense is a Level 3 felony if the other child uses the firearm to commit murder (IC 35-42-1-1).

Section 35-47-10-6. Provision of firearm by adult to child.

An adult who knowingly or intentionally provides a firearm to a child whom the adult knows:

(1) is ineligible for any reason to purchase or otherwise receive from a dealer a firearm; or

(2) intends to use the firearm to commit a crime;

commits dangerous control of a firearm, a Level 5 felony. However, the offense is a Level 4 felony if the adult has a prior conviction under this section, and a Level 3 felony if the child uses the firearm to commit murder (IC 35-42-1-1).

Section 35-47-10-7. Dangerous control of a child.

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 Level 5 felony. However, the offense is a Level 4 felony if the child's parent or legal guardian has a prior conviction under this section.

Chapter 14 – Proceedings for the Seizure and Retention of a Firearm

Section 35-47-14-1. "Dangerous individual" defined.

(a) For the purposes of this chapter, an individual is "dangerous" if:

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

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

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

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

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

Section 35-47-14-1.5. Responsible third party.

For the purposes of this chapter, an individual is a "responsible third party" if:

(1) the individual does not cohabit with the person found to be dangerous in the hearing conducted under section 6 of this chapter;

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

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

Section 35-47-14-2. Warrant for search and seizure of firearm.

(a) A circuit or superior court may issue a warrant to search for and seize a firearm in the possession of an individual who is dangerous if:

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

(A) states why the law enforcement officer believes that the individual is dangerous and in possession of a firearm; and

(B) describes the law enforcement officer's interactions and conversations with:

(i) the individual who is alleged to be dangerous; or

(ii) another individual, if the law enforcement officer believes that information obtained from this individual is credible and reliable;

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

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

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

(A) dangerous; and

(B) in possession of a firearm.

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

(1) quantity; and

(2) type;

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

Section 35-47-14-7. Return of firearm to owner.

If the court, in a hearing conducted under section 5 [IC 35-47-14-5] 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 35-47-14-8. Petition for return of firearm after hearing.

- (a) 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, the individual may petition the court for a finding that the individual is no longer dangerous.
- (b) Upon receipt of a petition described in subsection (a), 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) The prosecuting attorney shall represent the state at the hearing on a petition under this section.
- (d) In a hearing on a petition under this section, the individual may be represented by an attorney.
- (e) 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.
- (f) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is no longer dangerous, the court shall:
- (1) issue a court order that finds that the individual is no longer dangerous;
 - (2) 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;
 - (3) terminate any injunction issued under section 6 of this chapter; and
 - (4) terminate the suspension of the individual's license to carry a handgun so that the individual may reapply for a license.
- (g) 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.
- (h) If a court issues an order described under subsection (f), 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 35-47-14-9. Destruction or permanent disposal of firearm.

If at least 5 years have passed since a court conducted the first hearing to retain a firearm under this chapter, the court, after giving notice to the parties and conducting a hearing, may order the law enforcement agency having custody of the firearm to dispose of the firearm in accordance with IC 35-47-3.

Section 35-47-14-10. Transfer or sale of firearms retained under court order.

(a) If a court has ordered a law enforcement agency to retain an individual's firearm under section 6 of this chapter, 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 in a hearing under section 6 of this chapter.

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

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

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

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

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

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

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

Section 35-47-14-11. Sale, disposal, or transfer of firearm retained under this chapter — Effect on individual's designation as dangerous person.

The sale, disposal, or transfer of a firearm retained under this chapter does not:

- (1) alter or terminate an individual's designation as a dangerous person by a court; or
- (2) constitute prima facie evidence that an individual is no longer dangerous.

Chapter 11.1 – Local Regulation of Firearms, Ammunition, and Firearm Accessories

Section 35-47-11.1-1. Applicability of chapter.

This chapter applies to a political subdivision (as defined in IC 3-5-2-38).

Section 35-47-11.1-2. Local regulation prohibited.

Except as provided in section 4 [IC 35-47-11.1-4] of this chapter, a political subdivision may not regulate:

- (1) firearms, ammunition, and firearm accessories;
- (2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and
- (3) commerce in and taxation of firearms, firearm ammunition, and firearm accessories.

Section 35-47-11.1-3. Provisions violating prohibition void.

Any provision of an ordinance, measure, enactment, rule, or policy or exercise of proprietary authority of a political subdivision or of an employee or agent of a political subdivision acting in an official capacity:

- (1) enacted or undertaken before, on, or after June 30, 2011; and
- (2) that pertains to or affects the matters listed in section 2 [IC 35-47-11.1-2] of this chapter; is void.

Section 35-47-11.1-4. Exceptions.

This chapter may not be construed to prevent any of the following:

- (1) A law enforcement agency of a political subdivision from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by law enforcement officers in the course of their official duties.
- (2) Subject to IC 34-28-7-2, an employer from regulating or prohibiting the employees of the employer from carrying firearms and ammunition in the course of the employee's official duties.
- (3) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of the court or judge.
- (4) The enactment or enforcement of generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other similar businesses. However, a provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, ammunition, or firearm accessories that is otherwise lawful under the laws of this state is void. A unit (as defined in IC 36-1-2-23) may not use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

(5) Subject to IC 35-47-16-1, the enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in any building that contains the courtroom of a circuit, superior, city, town, or small claims court. However, if a portion of the building is occupied by a residential tenant or private business, any provision restricting or prohibiting the possession of a firearm does not apply to the portion of the building that is occupied by the residential tenant or private business, or to common areas of the building used by a residential tenant or private business.

(6) The enactment or enforcement of a provision prohibiting or restricting the intentional display of a firearm at a public meeting.

(7) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a public hospital corporation that contains a secure correctional health unit that is staffed by a law enforcement officer 24 hours a day.

(8) The imposition of any restriction or condition placed on a person participating in:

(A) a community corrections program (IC 11-12-1);

(B) a forensic diversion program (IC 11-12-3.7); or

(C) a pretrial diversion program (IC 33-39-1).

(9) The enforcement or prosecution of the offense of criminal recklessness (IC 35-42-2-2) involving the use of a firearm.

(10) For an event occurring on property leased from a political subdivision or municipal corporation by the promoter or organizer of the event:

(A) the establishment, by the promoter or organizer, at the promoter's or organizer's own discretion, of rules of conduct or admission upon which attendance at or participation in the event is conditioned; or

(B) the implementation or enforcement of the rules of conduct or admission described in clause (A) by a political subdivision or municipal corporation in connection with the event.

(11) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a hospital established and operated under IC 16-22-2 or IC 16-23.

(12) A unit from using the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within 200 feet of a school by a person having a business that did not sell firearms within 200 feet of a school before April 1, 1994.

(13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23) from enacting or enforcing a provision prohibiting or restricting the possession of a firearm in a building owned or administered by the unit if:

(A) metal detection devices are located at each public entrance to the building;

(B) each public entrance to the building is staffed by at least 1 law enforcement officer:

(i) who has been adequately trained to conduct inspections of persons entering the building by use of metal detection devices and proper physical pat down searches; and

(ii) when the building is open to the public; and

(C) each:

(i) individual who enters the building through the public entrance when the building is open to the public; and

(ii) bag, package, and other container carried by the individual;

is inspected by a law enforcement officer described in clause (B)

However, except as provided in subdivision (5) concerning a building that contains a courtroom, a unit may not prohibit or restrict the possession of a handgun under this subdivision in a building owned or administered by the unit if the person who possesses the handgun has been issued a valid license to carry the handgun under IC 35-47-2.

Angola Code of Ordinances

(<https://www.codepublishing.com/IN/Angola/>) **Title 18 – Unified Development Code**
Chapter 18.12 – Zoning Districts

Section 18.12.040. Zoning district land uses.

The chapter for each standard zoning district in Division II of this title, Zoning Districts, identifies land uses allowed in that district. Such land uses are of two kinds: permitted uses and special exception uses. Angola's permitted and special

exception uses for each district are noted in the “Permitted uses” and “Special exception uses” sections of each chapter. [Ord. 1268-2008. UDO § 1.19.]

Chapter 18.20 – Land Use Matrix

Section 18.20.010. Land use matrix.

	P R	A G	A C	E R	R 1	R 2	R 3	R 4	R 5	T R	L R	M H	U V	I S	N C	D C	C 1	C 2	H C	I 1	I 2	I 3	H I	
Commercial Uses																								
Gun sales																		S			S			P

Austin Code of Ordinances

Current through Ordinance 2014-04, passed May 12, 2014.

**Title XV – Land Usage
Chapter 152 – Zoning
Special Uses**

Section 152.115. Home occupation.

(C) Conditions. A home occupation shall be determined by and regulated by the following conditions:

(10) A home occupation shall not be considered to include clairvoyance, fortune telling, experimentation that may involve the use of chemicals or other substances which may create noises, odors, or hazards to health, safety, and welfare of the neighborhood. Neither shall a home occupation include hobby or curio shops, convalescing or nursing homes, tourist homes and gun shops.

Avon Code of Ordinances

Current through Ordinance 2016-35, passed January 26, 2017.

**Chapter 6 – Public Health and Safety Matters; Public Nuisances
Article 5 – Curfew Regulations
Division III – Minors Possessing Weapons**

Section 6-75. Conduct prohibited.

No person shall sell, loan or furnish to any minor, under the age of 18 years, any gun, pistol or other firearm, in which any explosive substance is or can be used, or any rifle, gun or other weapon which expels pellets or other missiles by use of compressed air or otherwise, pointed arrows propelled from a bow or explosives of any kind, for use or which are to be use within the limits of the town. Minors over the age of 15 years may be permitted with the consent of their parents or guardians to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

Cloverdale Code of Ordinances

Current through Ordinance 2019-1.

**Title XV – Land Usage
Chapter 156 – Zoning
Zoning Districts**

Section 156.068. Uses generally permitted.

(B)

(2) Certain uses by their very nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their possible compliance with the standards set for accessory use or home occupations are strictly prohibited:

(e) Firearm and ammunition sales;

Crawfordsville Code of Ordinances

Current through Ord. 19-2020, passed 12-14-20 and State legislation current through 2020 ALS Pamphlet No. 3

**Title XV – Land Usage
Chapter 153 – Zoning Code
Explanation of Use Classifications**

Section 153.030. Official schedule of uses.

Certain principal and accessory uses are permitted, either by right or by special exception, in each zoning district. The city’s Official Schedule of Uses shall determine whether or not a specific use is permitted or prohibited in each of the established zoning districts. Uses not specifically listed or defined to be included in this division shall be prohibited.

Section 153.031. Permitted uses.

Permitted uses are allowed, by right, in a particular zoning district or districts and shall be subject to the restrictions applicable to that zoning district. Permitted uses do not require consideration or approval by the Board of Zoning Appeals.

Section 153.032. Special exception uses.

Certain uses may be appropriate in any number of districts; however, some uses may require an added degree of scrutiny in the form of development plan review to ensure that the proposed activities, traffic generation, on- and off-street parking, and other elements of the project do not negatively affect adjacent properties. Special exception uses are only permissible with the issuance of a special exception use permit. The special exception uses for each district are listed in the official schedule of uses. The Board of Zoning Appeals shall take into consideration all of the applicable provisions of this chapter, and any other applicable ordinance or regulations when reviewing and deciding on any special exception use permit.

Appendix A – Schedule of Uses

Uses	Zoning District										
	C-1	A-R	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	SC
Gun Shop								S	P	P	

McCordsville Code of Ordinances

Current through Ordinance 061119A, passed June 11, 2019.

**Title XV – Land Usage
Chapter 154 – Zoning Code
Specific Use Standards**

Section 154.069. Fire arm/gun sales.

The establishment of any fire arm sales shop shall be prohibited if such business is within 200 feet of the property line of any school. The distance between a gun shop and any school shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the gun shop to the nearest property line of any school. If any gun shop is part of or included within a building or structure containing multiple commercial uses, only the portion of the building or structure occupied by such gun shop shall be included in determining the closest exterior wall of the establishment.

Muncie Code of Ordinances

**Title XV – Land Usage
Chapter 150 – Zoning Code
Division 27 – Special Uses**

Section 150.222. Home occupation.

(10) A home occupation shall not be considered to include clairvoyance, fortune telling, or experimentation that may involve the use of chemicals or other substances which may create noises, odors, or hazards to health, safety, and welfare of the neighborhood. Neither shall a home occupation include hobby or curio shops, convalescing or nursing homes, tourist homes, and gun shops.

New Carlisle Code of Ordinances

Current

Title XV – Land Usage

**Chapter 152 – Zoning
Special Regulations for Controlled Uses**

Section 152.331. Additional development standards for controlled uses.

Controlled uses shall be subject to the following additional development standards:

(A) Spacing regulations.

(4) Gun sales or gunsmith shops. No firearms or ammunition shall be sold in any gun sales or gunsmith shops within 200 feet of any:

- (a)** Any public or parochial school for children in any grades from K through 12;
- (b)** Child care center; or
- (c)** Child care ministry.

Appendix A – Permitted Use Table

Key:

- P = Permitted use
- SE = Special exception use
- = Not permitted
- CU = Controlled use

Use	R1	R2	MF	OB	LB	CB	TC	LI	GI	PUD
Gun shop and gunsmith shop (Controlled use - See §§ 152.330-152.332)					P	P				

Peru Code of Ordinances

Current

**Title XV – Land Usage
Chapter 151 – Zoning Code
District Regulations**

Section 151.042. Primary uses.

(A) The following table shall be used to determine when a use is authorized in a district. If the use is marked with an (X) this shall mean that the use is authorized in that district. A use marked with (S) means that a special exception is required from the Board of Zoning Appeals. A use that is marked with (HO) shall be authorized as a home occupation provided all requirements in § 151.075 are met. A use marked (SP) means there are special requirements that must be met. A use marked with (*) means special requirements were set by DNR and the flood plain ordinance. Whenever there are (**) special requirements must be met. A use not found in the Table 1: Primary Uses shall use the most similar use and have the same restriction as the similar use.

Table 1: Primary Uses												
Districts	A-1	A-2	A-3	R-1	R-3	B-1	B-3	I-1	I-2	PUD	FP	FF
Retail Business												
Bait and Gun Shop							X	X		X		X*

Saint Joseph County Code of Ordinances

Current

**Title XV – Land Usage
Chapter 155 – Planning and Zoning
A: Agricultural District**

Section 154.091. Permitted uses.

(B) Special uses.

(8) Gun shops and gunsmith shops, subject to the following development standards:

- (a)** No firearms or ammunition shall be sold in any gun sales or gunsmith shops within 200 feet of any:
 1. Public or parochial school for children in any grades from K through 12;
 2. Child care center; or
 3. Child care ministry; and

(b) The operator shall reside in the dwelling unit located on the property as his, her or their primary place of residence.

R-1: Residential District

Section 154.106. Permitted uses.

(B) Special uses.

(11) Gun shops and gunsmith shops, subject to the following development standards:

(a) No firearms or ammunition shall be sold in any gun sales or gunsmith shops within 200 feet of any:

1. Public or parochial school for children in any grades from K through 12;
2. Child care center; or
3. Child care ministry.

(b) The operator shall reside in the dwelling unit located on the property as his, her or their primary place of residence.

R-2: Residential District

Section 154.121. Permitted uses.

(B) Special uses.

(2) Gun shops and gunsmith shops, subject to the following development standards:

(a) No firearms or ammunition shall be sold in any gun sales or gunsmith shops within 200 feet of any:

1. Public or parochial school for children in any grades from K through 12;
2. Child care center; or
3. Child care ministry.

(b) The operator shall reside in the dwelling unit located on the property as their primary place of residence.

C: Commercial District

Section 154.181. Permitted uses.

(B) Special uses.

(7) Gun shops and gunsmith shops, subject to the following development standards: no firearms or ammunition shall be sold in any gun sales or gunsmith shops within 200 feet of any:

- (a)** Public or parochial school for children in any grades from K through 12;
- (b)** Child care center; or
- (c)** Child care ministry.

South Bend Code of Ordinances

**Supplement History Table
Chapter 21 – Zoning
Section 21-08 – Special Regulations**

Section 21-08.02. Special regulations for controlled uses.

(a) Where Permitted:

Controlled uses shall be allowed as primary uses or special exception uses in Commercial / Mixed Use Districts, Industrial District; i;i; or PUD Districts as specified in the following Table:

Controlled Use	District									
	OB	MU	O	LB	CB	CBD	GB	LI	GI	PUD
Gun Shops and Gunsmith Shops	-	-	-	-	SE	-	SE	-	-	*

P Permitted as a Primary Use

SE Permitted only as a Special Exception Use

* Permitted only if specified in the PUD District Ordinance

- Not Permitted

Section 21-11 – Definitions

Section 21-11.02. Definitions.

The following terms or words used in the text of this Ordinance shall have the following meanings, unless a contrary meaning is: (i) required by the context of a particular sentence or phrase; or, (ii) specifically prescribed in a particular sentence or phrase:

Gun and Gunsmith Shops: Any location where firearms or ammunition are being sold or repaired as the primary business items.

Section 21-03 – Commercial/Mixed Use Districts Regulations

Section 21-03.05. CB Community Business District.

(2) Special Exception Uses.

(G) Retail: Including but not limited to: Gun Shop and Gunsmith Shop*; Satellite Dish Sales and Service (outdoor display).

* = Controlled Use. See Section 21-08.02 - Special Regulations for Controlled Uses for additional requirements.

Section 21-03.07. GB General Business District.

(a) Permitted Uses.

(2) Special Exception Uses.

(F) Retail: Including but not limited to: Gun Shop and Gunsmith Shop*.

* = Controlled Use. See Section 21-08.02 - Special Regulations for Controlled Uses for additional requirements.

Winfield Code of Ordinances

Current

**Title XV – Land Usage
Chapter 156 – Zoning
General Provisions**

Section 156.010. Definitions.

Retail Gun Sales. A business (or department within a store) which sells firearms, has firearms on display and is open to the public. This is not intended to regulate direct, occasional, private or personal sales of firearms. Firearms must have a trigger lock, be secured in a locked room or case and the premises must be alarmed when the business is not supervised.

WHOLESALE GUN SALES. A business, which sells firearms to other businesses on a regular basis, either in person or by mail order. Firearms must have a trigger lock, be secured in a locked room or case and the premises must be alarmed when the business is not supervised.

Administration and Enforcement

Appendix A. District Use Table

Use	Zoning District										
	AG	AG-B	R-1	R-2	R-3	R-4	MF	C-1	C-2	C-3	M-1
Retail Gun Sales										S	S

Key:

Empty space: excluded use

C: Conditional use

P: Permitted use

S: Special exception