

IC 35-47-2.5

Chapter 2.5. Sale of Handguns

IC 35-47-2.5-0.1

Repealed

(As added by P.L.220-2011, SEC.619. Repealed by P.L.63-2012, SEC.73.)

IC 35-47-2.5-1

Applicability; conflicts

Sec. 1. (a) Sections 2 through 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.

As added by P.L.17-1997, SEC.8. Amended by P.L.190-2006, SEC.5; P.L.152-2014, SEC.3.

IC 35-47-2.5-2

"Dealer" defined

Sec. 2. As used in this chapter, "dealer" includes any person licensed under 18 U.S.C. 923.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-2.5

"NICS"

Sec. 2.5. 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.).

As added by P.L.190-2006, SEC.6.

IC 35-47-2.5-3

Form 4473

Sec. 3. A person purchasing a handgun from a dealer shall

complete and sign Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473.

As added by P.L.17-1997, SEC.8. Amended by P.L.190-2006, SEC.7; P.L.155-2007, SEC.3.

IC 35-47-2.5-4

Dealer requirements before sale, rent, trade, or transfer

Sec. 4. (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 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.

As added by P.L.17-1997, SEC.8. Amended by P.L.190-2006, SEC.8.

IC 35-47-2.5-5

Documentation of personal identification and residence

Sec. 5. (a) To establish personal identification and residence in Indiana for purposes of this chapter, a dealer must require a prospective purchaser to present one (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.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-6

Repealed

(As added by P.L.17-1997, SEC.8. Repealed by P.L.190-2006, SEC.10.)

IC 35-47-2.5-7

Repealed

(As added by P.L.17-1997, SEC.8. Amended by P.L.97-2004, SEC.125. Repealed by P.L.190-2006, SEC.10.)

IC 35-47-2.5-8

Repealed

(As added by P.L.17-1997, SEC.8. Amended by P.L.68-1999, SEC.1. Repealed by P.L.190-2006, SEC.10.)

IC 35-47-2.5-9

Repealed

(As added by P.L.17-1997, SEC.8. Amended by P.L.2-2003, SEC.97. Repealed by P.L.190-2006, SEC.10.)

IC 35-47-2.5-10

Repealed

(As added by P.L.17-1997, SEC.8. Repealed by P.L.190-2006, SEC.10.)

IC 35-47-2.5-11

Repealed

(As added by P.L.17-1997, SEC.8. Repealed by P.L.190-2006, SEC.10.)

IC 35-47-2.5-12

Criminal history check; false statement on consent form

Sec. 12. A person who knowingly or intentionally makes a materially false statement on Form 4473 completed under section 3 of this chapter commits a Level 6 felony.

As added by P.L.17-1997, SEC.8. Amended by P.L.190-2006, SEC.9; P.L.155-2007, SEC.4; P.L.158-2013, SEC.585.

IC 35-47-2.5-13

Dealer violations

Sec. 13. 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.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-14

Repealed

(As added by P.L.17-1997, SEC.8. Amended by P.L.158-2013, SEC.586. Repealed by P.L.152-2014, SEC.4.)

IC 35-47-2.5-15

Repealed

(As added by P.L.17-1997, SEC.8. Amended by P.L.158-2013, SEC.587. Repealed by P.L.152-2014, SEC.5.)

IC 35-47-2.5-16

Criminal transfer of a firearm

Sec. 16. (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.

As added by P.L.152-2014, SEC.6.