

## **IC 35-47-2.5**

### **Chapter 2.5. Sale of Handguns**

#### **IC 35-47-2.5-1**

##### **Applicability; conflicts**

Sec. 1. (a) This chapter does 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.*

#### **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**

*(Repealed by P.L.190-2006, SEC.10.)*

#### **IC 35-47-2.5-7**

##### **Repealed**

*(Repealed by P.L.190-2006, SEC.10.)*

#### **IC 35-47-2.5-8**

**Repealed**

*(Repealed by P.L.190-2006, SEC.10.)*

**IC 35-47-2.5-9**

**Repealed**

*(Repealed by P.L.190-2006, SEC.10.)*

**IC 35-47-2.5-10**

**Repealed**

*(Repealed by P.L.190-2006, SEC.10.)*

**IC 35-47-2.5-11**

**Repealed**

*(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 Class D felony.

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

**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**

**Providing handgun to ineligible purchaser; exemptions**

Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:

- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
- (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:
  - (A) a qualified firearms instructor; or
  - (B) an adult who is supervising the child while the child is at the range.
- (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.
- (4) A child who is hunting or trapping under a valid license

issued to the child under IC 14-22.

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

(6) A child who:

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

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

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

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

(2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm;

commits a Class D felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

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

#### **IC 35-47-2.5-15**

##### **Ineligible purchaser attempting to purchase handgun; violation**

Sec. 15. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Class D felony.

(b) If the violation involves a transfer of more than one (1) handgun, the offense is a Class C felony.

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