



# Gun Owners' Bill of Rights

Provided by Indiana Attorney General Todd Rokita

INDIANA





## A Message from Attorney General Todd Rokita

“A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

- Second Amendment; United States Constitution

---

“The People shall have a right to bear arms, for the defense of themselves and the State”

- Article 1, Section 32; Indiana State Constitution

Dear Fellow Gun Owner,

As Hoosiers, we hold and treasure our God-given rights manifested in our nation’s and our state’s founding documents. Among those is the right to keep and bear arms. Indiana’s founders went a step further to ensure citizens’ right to self-defense when crafting our state constitution. This important right was included to enable law-abiding citizens to protect themselves against an intruder, a violent attacker, and even an overreaching government. While it is often misconstrued, this right was not included to ensure opportunities for hunting or target practice. As Indiana’s Chief Legal Officer, I will do everything I can to ensure your rights as a responsible gun owner are protected.

1

This document highlights some rights and responsibilities of a Hoosier gun owner, current as of July 1, 2022. It is organized as a series of broad questions and answers. I hope this document will be a reference guide to help you better understand Indiana gun laws.

To my partners in law enforcement, this guide was created with you in mind and written in a manner to assist you. I have the utmost respect for those who wear the badge and put their lives on the line every day, and I thank those officers who understand and respect the Second Amendment.

I would like to acknowledge fellow attorney Guy “the Gun Guy” Relford for his contributions to this document. Mr. Relford is an NRA certified firearms instructor and, in addition to his private law practice, hosts a weekly radio show entitled “The Gun Guy” on WIBC in Indianapolis.

While this document provides general information about Indiana’s gun laws, it should not be used as legal advice. Where your rights are concerned, please seek your own legal counsel.

Sincerely,

A handwritten signature in blue ink that reads "Todd Rokita".

Todd Rokita  
Indiana Attorney General

2



## Table of Contents

Is a license to carry a handgun required in Indiana? .....5

Should I still apply for a license to carry a handgun? .....5

Is open carry legal in Indiana? .....5

Are there restrictions on where I can carry a firearm? .....6

Can a private business prohibit me from carrying a firearm?..... 6

Can I carry a gun in another state? .....7

Can my employer restrict me from bringing a gun to work? .....7

Can I carry a gun in church in Indiana? .....8

Can I carry a gun in a state park? .....8

Am I required to receive training to carry a firearm in Indiana? .....9

What are Red Flag Laws, and can the police just take my weapons? .....9

If a police officer sees me carrying a gun, may the officer detain me to investigate whether my possession of the gun is legal?.....10

Do I have to register my guns in Indiana? .....11

Can local cities and counties ban me from carrying or owning a weapon? .....12

## Table of Contents

### Self Defense Laws:

Do I have a duty to retreat if threatened?.....13

Do I have to go through a background check if I want to buy a gun? .....14

Am I liable if my gun is stolen and used in a crime? .....14

Could I be sued if I use my gun to defend myself, my home, or a third person?..15

I have a conviction for a non-violent felony. Can I possess a gun in Indiana?.....15

I only have a misdemeanor conviction on my record, but I have been denied a gun purchase. Why? .....16



### **Q: Is a license to carry a handgun required in Indiana?**

A: No, a permit or license is not required to possess or carry a handgun, shotgun, or rifle in Indiana after July 1, 2022. Handguns, shotguns, and rifles are allowed in the vehicles of all persons 18 years of age and older who have not been deemed an “improper person” by the state. An improper person could be someone with a felony conviction, domestic violence offense, or has a dangerous mental illness, among other disqualifying reasons.

In short, any proper person, as defined in Ind. Code § 35-47-1-7, may legally carry a handgun, concealed or openly, or have a handgun in their vehicle without a license. Ind. Code 35-47-2-1.

### **Q: Should I still apply for a license to carry a handgun?**

A: If you plan to carry a handgun in another state, you may still want to apply for a license. To apply for a Free Lifetime Handgun Permit, visit the Indiana State Police website at [www.in.gov/isp](http://www.in.gov/isp).

### **Q: Is open carry legal in Indiana?**

A: Yes, both openly carrying or concealing a firearm are legal in Indiana and does not require an additional license.

### **Q: Are there restrictions on where I can carry a firearm?**

A: Yes, there are some restrictions. As a responsible gun owner, be sure to take note of these restricted areas. Indiana law prohibits the carrying of a firearm in schools, secure areas of airports, commercial or chartered aircrafts, casinos, the Indiana Government Center, the State Fairgrounds (unless the gun is for sale or trade at a fairgrounds event) and penal institutions, among other locations.

Be aware – federal law prohibits firearms in certain locations, including all “federal facilities” and in “school zones” (including within 1,000 feet of school property), subject to certain exceptions.

### **Q: Can a private business prohibit me from carrying a firearm?**

A: Private businesses and property owners may restrict you from carrying a weapon on their property. Be mindful of signage when entering a private business. While it is generally not against the law to ignore a “no firearms” sign at a private business, you may commit criminal trespass for entering a business after you have been denied entry or have been asked to leave.



## Questions & Answers

### **Q: Can I carry a gun in another state?**

A: As of July 1, 2022, 32 states recognize Indiana's License to Carry a Handgun. The passage of Constitutional Carry will not affect these reciprocity agreements. Some states may require an individual to obtain an Indiana License to Carry a Handgun for non-residents to carry open or concealed. All Indiana Licenses to Carry a Handgun valid on July 1, 2022, will continue to be valid until their original expiration date (either 5 years or lifetime), and licenses will continue to be available to future applicants. To apply for an Indiana License to Carry a Handgun, visit the Indiana State Police website at [www.IN.gov/ISP](http://www.IN.gov/ISP).

### **Q: Can my employer restrict me from bringing a gun to work?**

A: Your employer may prohibit weapons in the workplace, even for those otherwise allowed to possess a weapon. However, Indiana law protects employees who keep firearms securely locked out of sight inside their vehicle while parked at the workplace with some exceptions. Ind. Code § 34-28-7-2(a)(2). In addition, Indiana law prohibits an employer from requiring an employee to disclose information about whether they own, possess, or use a firearm unless the firearm concerns the duties of their employment. Ind. Code § 34-28-8-6.

## Questions & Answers

### **Q: Can I carry a gun in church in Indiana?**

A: If it is otherwise legal for you to possess the firearm, there is no law against carrying a gun in church in Indiana. However, there is an Indiana law that prohibits guns on school property. School property includes any property on the same grounds or in the same building as a school or licensed daycare. However, that law was amended in 2019 to allow the possession of a gun on school property while attending a religious ceremony or worship service in a house of worship – or while a person is carrying out their duties as an employee or volunteer at a house of worship. Ind. Code § 35-47-9-1(a)(6). Like other private businesses, houses of worship can prohibit a person from carrying a firearm on their property.

### **Q: Can I carry a gun in a state park?**

A: Yes, you may possess a handgun in a state park in Indiana after July 1, 2022. 312 IAC 8-2-3. You may also possess a firearm in a state park if lawful hunting activities are allowed there and you meet all legal requirements to hunt in that location. However, be wary of property (including lakes and reservoirs) owned by the Army Corps of Engineers within a state park because you may not possess a firearm on that property. See [corpslakes.ercd.dren.mil/visitors/states.cfm?state=IN](http://corpslakes.ercd.dren.mil/visitors/states.cfm?state=IN).



## Questions & Answers

### **Q: Am I required to receive training to carry a firearm in Indiana?**

A: While not required by Indiana law, obtaining training is considered a best practice in the firearms community. As a gun owner, you are responsible for any firearm in your possession, and you may be held criminally or civilly liable for the inappropriate use of a firearm.

### **Q: What are Red Flag Laws, and can the police just take my weapons?**

A: Under Ind. Code § 35-47-14, also known as the Red Flag Law, a police officer may take custody of a citizen's firearms by means of a court order or immediately if there is probable cause to believe the person is "dangerous" as defined by the law. If seized without a warrant, a court must determine whether probable cause for the seizure existed. If there was probable cause, the court must then make a good faith effort to conduct a hearing within 14 days of the seizure to determine if the state can prove by clear and convincing evidence that the person is dangerous. This decision will determine whether the firearms should remain in police possession. If your firearms have been seized under the Red Flag Law and you have been determined to be "dangerous," you have the right to petition the court for their return under Ind. Code § 35-47-14-8 after at least 180 days from the first hearing.

## Questions & Answers

### **Q: If a police officer sees me carrying a gun, may the officer detain me to investigate whether my possession of the gun is legal?**

A: While it is generally a good practice to cooperate with law enforcement officers, you are protected against "unreasonable searches and seizures" by the Fourth Amendment of the U.S. Constitution and Article 1, Section II of the Indiana Constitution. In Indiana, a police officer must have a reasonable suspicion of criminal activity before the officer may detain a person and investigate them. The Indiana Supreme Court has ruled the mere possession of a gun – without any basis to believe the possession is illegal or that other criminal activity is afoot – does not create a reasonable suspicion that justifies a detention and investigation. See *Pinner v. State*, 74 N.E.3d 226 (Ind. 2017).

If approached by law enforcement conducting official business, it is best to inform them in a calm, non-threatening manner that you have a firearm on your person or in your vehicle. However, this is not a legal requirement in Indiana – unlike in several other states.



### **Q: Do I have to register my guns in Indiana?**

A: Indiana does not require the registration of firearms. Registration is not required for private transfers or sales, but federal law does require specific forms to be completed when purchasing a firearm from a dealer. Federal law also requires registration of certain types of firearms, including machine guns, short-barreled rifles and short-barreled shotguns. 26 U.S.C. Chapter 53. Indiana legalized short-barreled shotguns in 2015.

Indiana prohibits the sale or transfer of a handgun to anyone under 18, except if the gun comes from the individual's parent or guardian. It is illegal to transfer a handgun to someone you know cannot legally purchase it from the dealer themselves, for reasons other than their age. It is also illegal to transfer a gun to a person you know intends to commit a crime with it. "Straw purchases" are also illegal. These occur when someone purchases a handgun with the intent to transfer it to someone who could not legally buy it themselves. Ind. Code § 35-47-2-7.

### **Q: Can local cities and counties ban me from carrying or owning a weapon?**

A: Local governments may NOT regulate the ownership, possession, carrying, or registration of firearms, ammunition, or firearm accessories. However, there are certain exceptions. For example, a local government can prohibit guns in a building that contains a courtroom. Ind. Code § 35-47-11.1-4(5). This type of regulation is generally left solely to the Indiana General Assembly. For other instances that permit a local unit of government to regulate in the area of firearms, see Indiana Code § 35-47-11.1-4.



### Self Defense Laws:

#### **Q: Do you have a duty to retreat if threatened?**

A: The policy of the State, as enshrined in Ind. Code § 35-41-3-2, declares that an individual has a right to protect his or her home from unlawful intrusion, and to defend themselves and third parties from physical harm and crime. Therefore, you have the right to protect yourself or a third person with the use of deadly force without the duty to retreat if you believe that the force is necessary to prevent or terminate the other person's unlawful entry into your dwelling or occupied motor vehicle. Moreover, you may use deadly force without the duty to retreat if you reasonably believe that such force is necessary to prevent a deadly attack or serious bodily injury to yourself or another person. Under Indiana law, you may also use deadly force to prevent the commission of a forcible felony – one that involves the use of physical force or violence against any individual resulting in great bodily harm or permanent disability. These laws are sometimes known as Stand Your Ground Laws or the Castle Doctrine.

#### **Q: Do I have to go through a background check if I want to buy a gun?**

A: Federal law requires citizens who want to buy a firearm from a Federal Firearms License dealer to get a background check. Federal Firearms Licensers contact the FBI's National Instant Background Check System, which verifies whether a citizen can possess a firearm under federal law. While background checks are required when purchasing a gun from a federally licensed dealer, Indiana does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. Be wary of the limitations on the transfer of firearms to prohibited persons and the law against "straw purchases."

#### **Q: Am I liable if my gun is stolen and used in a crime?**

A: Although it is always a good practice to store your guns responsibly and take precautions to prevent them from being stolen, Indiana law provides immunity from civil liability if your gun or ammunition is taken from you illegally and used to hurt someone. Ind. Code § 34-30-20-1. Just to be safe, report any firearm or ammunition theft immediately.





**Q: Could I be sued if I use my gun to defend myself, my home, or a third person?**

A: While it is very easy to file a lawsuit against anyone, Indiana law provides complete civil immunity to a person who uses force (including deadly force) if that force is justified under Indiana’s self-defense statute. Ind. Code § 35-41-3-2. If a court determines a person who files a lawsuit was committing a forcible felony or attempting to cause unlawful serious bodily injury or death at the time justified force was used against them in self-defense, the case will be dismissed. The original attacker will be required to cover additional costs, including attorneys’ fees. This law also applies to the family or estate of a person who is killed through the justified use of force. Ind. Code § 34-30-31-1.

**Q: I have a conviction for a non-violent felony. Can I possess a gun in Indiana?**

A: While Indiana law prohibits “serious violent felons” from possessing firearms under Ind. Code § 35-47-4-5, federal law prohibits a person with any felony conviction – defined as a crime for which the maximum possible penalty exceeds one year – from possessing a firearm. This includes possession in their home, on their person or in their vehicle. 18 U.S.C. 922(g). However, be aware many low-level felonies can

be expunged under Indiana law and expungement of most felony convictions does restore a person’s right to possess a firearm. Ind. Code § 35-38-9.

**Q: I only have a misdemeanor conviction on my record, but I have been denied a gun purchase. Why?**

A: Some misdemeanors, including convictions for a “crime of domestic violence” (including but not limited to the specific crime of Domestic Battery) disqualify a person from legally possessing a firearm under Indiana and/or federal law, according to Ind. Code § 35-47-4-7(a) and 18 USC 922(g). Be aware that expungement of a conviction for a crime of domestic violence does not restore gun rights; however, there is a separate restoration process after a conviction for such a crime. Ind. Code § 35-47-4-7(b).

### **Mental Health Resources**

If you or someone you know has thoughts of harming themselves or others, please contact 911 or go to a local emergency room immediately.

### **Office of the Attorney General**

The Office of the Attorney General welcomes your feedback on this document. Please visit [www.in.gov/AttorneyGeneral](http://www.in.gov/AttorneyGeneral) for additional information.

