

MEMORANDUM

To: Indiana Schools

From: Marsha Bugalla, General Counsel

Date: May 31, 2019

Re: House Enrolled Act 1651 - Dangerous Individuals and Firearms

Background:

The legislation amends Indiana's "Red Flag" law to protect suicidal individuals. This legislation was enacted to further clarify the process for judicial proceedings evaluating possible dangerous individuals and their ability to possess firearms.

Guidance:

A person can be deemed dangerous by a circuit or superior court with a showing that an individual presents an "imminent risk of personal injury to the individual or to another individual; or 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: 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 is the subject of documented evidence that would give rise to a reasonable belief that the individual has a propensity for violent suicidal conduct." (IC 35-47-14-1).

This legislation prohibits persons designated as dangerous pursuant to IC 47-14-6 from renting, purchasing, receiving transfer of, owning, or possessing a firearm. If a person, designated dangerous possesses a firearm, it would be a Class A misdemeanor. The law also creates a new Level 5 felony offense for an individual 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 circuit or superior court following a hearing under IC 35-47-14-6. There is also a process by which a responsible third party could take possession of firearms of the person designated as dangerous during the period of time in which they are deemed dangerous. (IC 35-47-14-1.5). The legislation further clarifies the process by which the police are required to obtain a warrant(s) to seize the firearms of persons deemed dangerous.

If you have any questions, please contact Kelly Bauder at 317-232-6646 or via e-mail at kbauder@doe.in.gov.

This bill was authored by Representative Donna Schaibley and full bill text can be found [here](#). Information regarding how to contact your legislators can be found [here](#).