A 39-year-old man who walked into an auto parts store with a loaded handgun, but called police before shooting anyone. A 39-year-old man who, while intoxicated (at three times the legal limit), believed he was shooting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards. A 60-year-old man who grabbed a .38 revolver and fled his home after his family discovered he was molesting his grandchild. The man was arrested with the gun in his vehicle. A 38-year-old man who grabbed a gun case and threatened suicide. When his ex-girlfriend tried to call for help, he grabbed her by her hair, threw her on the ground, and pushed her head into a wall. Police seized two handguns, two rifles, and a shotgun. A 33-year-old man who locked his wife in a car with him, threatening her with a loaded firearm. When the Police Department arrived on the scene and searched the car, they found a meth pipe along with two loaded firearms that did not belong to him. He later surrendered a Glock 9mm and a .380 handgun. A 35-year-old man who told his fiancé by text message that he wanted to shoot her in the head, then visited his fiancé’s ex-boyfriend and threatened to kill him while holding a knife behind his back. The man surrendered a handgun and an AR-15, the semi-automatic rifle frequently used by mass shooters. A 23-year-old ex-Marine who had developed a paranoia that all males wanted to harm him. He had walked into an auto parts store with a loaded handgun and called police before shooting anyone. A 39-year-old man who, while intoxicated (at three times the legal limit), believed he was shooting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards. 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**Risk Warrant (Warrantless) Process**

**WARRANTLESS REMOVAL OF FIREARMS**
A law enforcement officer conducts a warrantless removal of an individual’s firearms upon establishing the individual is dangerous to self or others.

**FILE AN AFFIDAVIT AND SEARCH WARRANT RETURN**
Law enforcement officer files an affidavit with the court describing the basis for the law enforcement officer’s belief that the respondent is dangerous.

Law enforcement files a search warrant return with the court setting forth the quantity and type of each firearm removed from the respondent.

**ASSESS THE AFFIDAVIT**
The court reviews the affidavit to determine whether there is probable cause to believe that the respondent is dangerous.

**BURDEN OF PROOF IS NOT MET**
The court issues a written order stating that the individual is not dangerous and the law enforcement agency in custody of the individual’s firearms must return the firearms.

**BURDEN OF PROOF IS MET**
The court issues a written order finding the individual is dangerous, ordering law enforcement to retain any removed firearms, ordering the respondent’s license to carry a handgun, if applicable, suspended, and prohibiting the respondent from renting, receiving transfer of, owning, or possessing a firearm.

(The court also determines whether to refer the respondent to further proceedings to consider whether to involuntarily detain or commit the respondent.)

**UPDATE BACKGROUND CHECK SYSTEM**
The clerk transmits the order of the court to the IN Office of Judicial Administration for transmission to the National Instant Criminal Background Check System (NICS).

**PROCEED WITH FINAL HEARING**
Within 14 days of the filing of the initial affidavit, the court conducts a hearing to determine whether there is clear and convincing evidence to prove the respondent is dangerous.

**TERMINATE OR RENEW ORDER**
A respondent may, beginning 180 days after the court’s order to retain firearms, petition the court for a finding the respondent is no longer dangerous.

**UPDATE BACKGROUND CHECK SYSTEM**
If the order is terminated, the clerk transmits the order as soon as practicable to the IN Office of Judicial Administration for transmission to the NICS.

**RETURN FIREARMS**
Within 5 days of the termination of an order, law enforcement returns any removed firearms to the respondent.

Authorized petitioners in Indiana include:
- Law enforcement

*Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.*