



INDIANA

RISK WARRANT

A GUIDE TO THE PROCESS



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INDIANA

Risk Warrant Process

Authorized petitioners/complainants in Indiana include:

- Law enforcement
- Circuit or Superior Court

FILE A SEARCH WARRANT AFFIDAVIT

Law enforcement files an affidavit describing why they believe the respondent is dangerous and in possession of a firearm.

COURT ASSESS SEARCH WARRANT AFFIDAVIT

Court determines whether there is probable cause to believe the respondent is dangerous and in possession of a firearm.

SERVE THE SEARCH WARRANT AND SEIZE FIREARMS

If a search warrant is issued, law enforcement searches for and removes any firearms in the respondent's possession and files a search warrant return with the court describing the quantity and type of each firearm seized from the respondent.

COURT SCHEDULES HEARING AND PROVIDES NOTICE

The court will provide the respondent with notice of the upcoming hearing to determine whether to return or retain firearms.

PROCEED WITH FINAL HEARING

Within 14 days after the search warrant return is filed, the court conducts a hearing to determine whether there is clear and convincing evidence to prove the respondent is dangerous.

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.)

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 returns the firearms.

UPDATE BACKGROUND CHECK SYSTEM

The court 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).

TERMINATE OR RENEW ORDER

A respondent may, beginning 180 days after the courts' 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.