

# Firearm Seizure and Retention in Indiana

When a person with access to firearms is making threats or behaving in a manner that creates a risk of harm to self or others, consider invoking the Jake Laird Law, which is a civil court process that temporarily restricts a person from possessing or purchasing firearms.

The Jake Laird Law may be an appropriate intervention in the following circumstances:

- Threats of self harm/suicide
- Threats of harm to others, including domestic/family violence
- Threats of mass harm, including school shootings

This law creates a pathway to remove firearms from dangerous situations, empowering those who recognize warning signs to intervene when someone is in crisis before a tragedy occurs.

A law enforcement officer may request a warrant to search for and seize firearms if there is evidence that the individual is “dangerous,” which means either:

- The individual “**presents an imminent risk of personal injury to himself or others,**” or
- It is “**probable that the individual will present a risk of personal injury**” to self or others in the near future and the individual either:
  - Has a mental illness that may be controlled by medication but has not demonstrated a pattern of voluntarily and consistently taking the medication while not under supervision, or
  - There is documented evidence that gives rise to a **reasonable belief that the individual has a propensity for violent or suicidal conduct.**

A law enforcement officer may also seize a firearm from an individual believed to be dangerous without a warrant pursuant to other legal authority and then submit an affidavit to the court describing the basis for the belief that they pose a risk of harm to self or others if they have access to firearms. If the court finds that probable cause exists to believe that the individual is dangerous (as defined above), it will order the law enforcement agency to retain the firearm.

Following seizure of a firearm, the court will hold a hearing within 14 days and provide notice to the individual whose firearms were seized. Following the hearing, if the court finds clear and convincing evidence that the individual is dangerous, the court will issue an order preventing the individual from possessing firearms and authorizing the retention of any seized firearms.

After 180 days, the individual may petition the court for return of their firearms.