

Indiana's Firearm Search and Seizure Order: A Vital Tool for Safety

A firearm search and seizure order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

A firearm search and seizure order, also called a “Red Flag” order, is a court order that temporarily restricts a person’s access to guns. It is designed to help law enforcement officers intervene quickly in dangerous situations.

FAQs

How do I request a firearm search and seizure order?

If you are concerned that someone you know is at risk of harming themselves or others, your first step should be to contact a member of a police department and discuss your concerns with them. Police officers can then investigate your concerns and request a firearm search and seizure order from the court.

Who can request a firearm search and seizure order in Indiana?

Under Indiana law, only law enforcement officers may file a petition for a firearm search and seizure order.

What happens after the request for a firearm search and seizure order has been filed?

In requesting a firearm search and seizure order, a law enforcement officer must make a sworn statement to a court that a person presents an imminent risk of injury to themselves or others, and that the person possesses a firearm. If the judge determines that a person is dangerous and possesses firearms, they will order a police officer to search for and take possession of that person’s firearms.

The court must then hold a hearing within 14 days to decide whether to hold the firearms or to return them to the person.

I'm afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

Concern for the safety of the person, or of the public, may demand that action be taken before the scheduled hearing date, to protect against the threat of immediate danger.

At the request of law enforcement, a judge may issue a temporary firearm search and seizure order that restricts a person's access to firearms before the person has been notified of the petition, and before a full hearing is held.

How long does an emergency firearm search and seizure order last?

The initial seizure period only lasts until the court hearing, at which the court will decide whether the firearms should be held by law enforcement or whether they should be returned to the person. At the hearing, the person has the opportunity to contest the order.

Because the initial seizure period lasts for a limited time—up to 14 days—search and seizure orders balance the urgent need for public safety with the due process rights of all involved.

How long does a final firearm search and seizure order last?

If, after the hearing, the court doesn't return the guns to the person, the guns will be held for at least six months. After six months, the person can request that they be returned. If the person does not make that request, their guns are held indefinitely.

Will a firearm search and seizure order go on someone's criminal record?

No. A firearm search and seizure order is a civil court order. Its sole purpose is to remove firearms from a person who is at high risk of causing harm to themselves or to others. The court's decision to issue the order does not cause the person to have a criminal record.

What if I am not able to request a firearm search and seizure order myself? Is there anything I can do?

Even if you don't fall into any of the categories mentioned above, you can still take action in moments of crisis. If you are worried about someone who is showing warning signs of being at risk of self-harm or harming someone else, you can contact a law enforcement officer and ask that they seek a firearm search and seizure order.

If you or someone you know is in crisis, **text or call 988** for 24/7 connection to free, confidential support. If you have immediate safety concerns, **call 911**.