

ARTICLE 3. FIREARMS LICENSING

Rule 1. Issuance

240 IAC 3-1-1 Issuance; improper persons; restricted licenses

Authority: IC 10-11-2-10

Affected: IC 35-47-2-3; IC 35-47-2-4

Sec. 1. ISSUANCE. (1) The Superintendent of the Indiana State Police Department will not issue a firearm license which would place a licensee in contradiction of Federal Firearm Law.

(2) A person is an improper person if:

(A) He has a history of minor criminal activity which would give rise to a reasonable belief that the applicant has a propensity for violent or emotionally unstable conduct.

(B) He is found, upon a standard of reasonable belief, not to be emotionally stable.

(C) He has been charged and convicted of any violent crime as defined by 35-23-4.1-1 [*Repealed by P.L. 311-1983, SECTION 49. See, IC 35-47-2-3 concerning criteria for accepting an application for a license.*]

(D) He makes a false statement of material fact on his application.

(3) A person will have a sufficient reason for the issuance of an unlimited firearm license if he states a legal purpose for desiring such license.

(4) On the statement of a reason meeting the criteria of I (3) [*subsection (3) of this section*] the burden of denying a license due to improper or insufficient reason shall be upon the Superintendent.

(5) The Superintendent may issue a restricted license when the license is issued for a person's employment. (*State Police Department; Firearms Rule I; filed Dec 15, 1977; Rules and Regs. 1978, p. 808; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935; readopted filed Jul 2, 2007, 3:01 p.m.: 20070711-IR-240070255RFA; readopted filed Dec 2, 2013, 10:29 a.m.: 20140101-IR-240130458RFA*)

Rule 2. Suspension—Temporary

240 IAC 3-2-1 Temporary suspension; notice; hearing

Authority: IC 10-11-2-10

Affected: IC 35-47-2-3; IC 35-47-2-4

Sec. 1. SUSPENSION—TEMPORARY. (1) The Superintendent will temporarily suspend a firearm license upon the written request of a local police department, sheriff's department, prosecutor or full time police officer, without prior hearing.

(2) The request for suspension must state reasonable grounds for such suspension.

(3) Upon suspension, the licensee will be given notice of right to immediate hearing and grounds for the suspension.

(4) An authority requesting suspension must appear and prove the grounds for permanent revocation of the license.

(5) Failure of the requesting authority to appear at the hearing may cause reinstatement of license to licensee. (*State Police Department; Firearms Rule II; filed Dec 15, 1977; Rules and Regs. 1978, p. 808; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935; readopted filed Jul 2, 2007, 3:01 p.m.: 20070711-IR-240070255RFA; readopted filed Dec 2, 2013, 10:29 a.m.: 20140101-IR-240130458RFA*)

Rule 3. Revocation

240 IAC 3-3-1 Revocation of license; hearing

Authority: IC 10-11-2-10

Affected: IC 4-21.5; IC 35-47-2-3; IC 35-47-2-4

Sec. 1. REVOCATION. (1) The Superintendent will permanently revoke a license only if he has proof of the allegation which served as the grounds for temporary suspension.

(2) A revocation will be made only after an adequate hearing, as defined by the Indiana Administrative Adjudication Act—IC

1971 4-22-1 [Repealed by P.L.18-1986, SECTION 2. See IC 4-21.5.]. (State Police Department; Firearms Rule III; filed Dec 15, 1977; Rules and Regs. 1978, p. 808; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935; readopted filed Jul 2, 2007, 3:01 p.m.: 20070711-IR-240070255RFA; readopted filed Dec 2, 2013, 10:29 a.m.: 20140101-IR-240130458RFA)

Rule 4. General

240 IAC 3-4-1 Application for license; hearing; default; disapproval

Authority: IC 10-11-2-10

Affected: IC 35-47-2-3; IC 35-47-2-4

Sec. 1. GENERAL. (1) An applicant need not list traffic arrests or traffic convictions on his application except:

(A) Driving Under the Influence of Alcohol, Drugs or Narcotics;

(B) Reckless Driving;

(C) Fleeing a Police Officer; and

(D) Any charges related to injury or death.

(2) An applicant or licensee who requests an administrative hearing must appear unless the applicant or licensee makes a timely request and a continuance is granted. Failure to appear is a default.

(3) An agency disapproving an application for which a hearing is scheduled must have a representative present at the hearing if so requested to appear.

(4) Any agency disapproving an application must state specific reasons. In case of criminal record denial, the agency must supply charges, dates, and dispositions. (State Police Department; Firearms Rule IV; filed Dec 15, 1977; Rules and Regs. 1978, p. 809; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935; readopted filed Jul 2, 2007, 3:01 p.m.: 20070711-IR-240070255RFA; readopted filed Dec 2, 2013, 10:29 a.m.: 20140101-IR-240130458RFA)

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