

INDIANA LAWS TO PREVENT GUN VIOLENCE

In the wake of last week's tragic mass shooting at a high school in Parkland, Florida, there is a renewed interest in policies to prevent gun violence, especially in schools.

While people of all political stripes are calling for changes in national law, it's important to remember that Indiana already has strong state laws and policies in place.

Indiana Secured School Grant Fund

Senate Enrolled Act 1 from 2013 established the Secured School Grant Fund that annually distributes grants to school corporations, charter schools and nonpublic schools for school safety. The 2017 state budget appropriated \$18 million to the grant fund (\$9 million per year).

Schools can use Secured School grants for any of the following purposes:

- Purchase safety equipment and technology
- Pay to employ or contract with a school resource officer
- Conduct a threat assessment of the school property

Since 2013, over 300 school districts and schools have received about \$30 million in Secured School grants.

Indiana's "Red Flag" law (IC 35-47-14)

Indiana is one of only five states with a "Red Flag" law that allows law enforcement officers to confiscate the firearms of dangerous individuals.

If a court finds that a person's seized firearms should be retained by law enforcement under the procedures described below, the person's gun license is also automatically suspended.

Under Indiana's law, enacted in 2005, a court can issue a warrant to seize the firearms of an individual under the following circumstances:

- The person presents an imminent risk of personal injury to himself/herself or another person.
- The person has a mental illness that may be controlled by medication but has a history of not consistently taking the medication, and the person may present a risk of personal injury in the future.
- There is documented evidence that would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct, and the person may present a risk of personal injury in the future.

If an officer seizes a person's firearms under this law without a warrant, a court must determine if there was probable cause for the seizure. If probable cause is not found, the firearms must be returned.

Indiana's law includes procedures to ensure that law enforcement can't wrongly abuse the ability to seize firearms:

- As soon as possible after notice of the seizure is given to a court, the court must hold a hearing to determine if the seizure was justified.

- The state has the burden of proof for a seizure, and must prove by clear and convincing evidence that the person is dangerous. If the state meets this burden, the law enforcement agency retains the firearms. If the state doesn't meet the burden, the court must order the person's firearms returned to them.
 - If the person from whom the firearms were seized is not the owner, the court may order the firearms returned to the owner.
- After the court orders the law enforcement agency to retain the firearms, the owner may petition for the firearms to be returned every 180 days. If the court finds the person is no longer dangerous, the firearms must be returned.
 - The person can also petition for the law enforcement agency to sell the firearms and give the proceeds to the owner.
- After five years, the court can order the law enforcement agency to dispose of the firearms.

School safety specialists

Indiana is one of only two states that require every school district to employ a certified school safety specialist. The Indiana Department of Education provides annual training to these safety specialists to help them perform their duties.

Indiana State Police training on active-shooter situations

The Indiana State Police have developed a nationally recognized public training program on active-shooter preparedness. In the past four years, 45,000 Hoosiers have received this training.