

IC 35-47-5

Chapter 5. Prohibited Instruments of Violence

IC 35-47-5-0.1

Repealed

(Repealed by P.L.63-2012, SEC.76.)

IC 35-47-5-1

Repealed

(Repealed by P.L.123-2002, SEC.51.)

IC 35-47-5-2

Knife with a detachable blade

Sec. 2. It is a Class B misdemeanor for a person to manufacture, possess, display, offer, sell, lend, give away, or purchase any knife with a detachable blade that may be ejected from the handle as a projectile by means of gas, a spring, or any other device contained in the handle of the knife.

As added by P.L.311-1983, SEC.32. Amended by P.L.70-2000, SEC.2; P.L.289-2013, SEC.21.

IC 35-47-5-2.5 Version a

Possession of a knife on school property

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 2.5. (a) As used in this section, "knife" means an instrument that:

- (1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and
- (2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:

- (1) school property (as defined in IC 35-31.5-2-285);
- (2) a school bus (as defined in IC 20-27-2-8); or
- (3) a special purpose bus (as defined in IC 20-27-2-10);

commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.

(d) This section does not apply to a person who possesses a knife:

- (1) if:
 - (A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and
 - (B) the person uses the knife for a purpose authorized by the school corporation; or
- (2) if the knife is secured in a motor vehicle.

As added by P.L.72-2006, SEC.9. Amended by P.L.114-2012,

SEC.140.

IC 35-47-5-2.5 Version b

Possession of a knife on school property

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 2.5. (a) As used in this section, "knife" means an instrument that:

(1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and

(2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:

(1) school property (as defined in IC 35-31.5-2-285);

(2) a school bus (as defined in IC 20-27-2-8); or

(3) a special purpose bus (as defined in IC 20-27-2-10);

commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Level 6 felony if the offense results in bodily injury to another person.

(d) This section does not apply to a person who possesses a knife:

(1) if:

(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and

(B) the person uses the knife for a purpose authorized by the school corporation; or

(2) if the knife is secured in a motor vehicle.

As added by P.L.72-2006, SEC.9. Amended by P.L.114-2012, SEC.140; P.L.158-2013, SEC.592.

IC 35-47-5-3

Repealed

(Repealed by P.L.269-1995, SEC.10.)

IC 35-47-5-4

Repealed

(Repealed by P.L.1-1990, SEC.350.)

IC 35-47-5-4.1 Version a

Sawed-off shotgun

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 4.1. (a) A person who:

(1) manufactures;

(2) causes to be manufactured;

(3) imports into Indiana;

(4) keeps for sale;

(5) offers or exposes for sale; or
(6) gives, lends, or possesses;
any sawed-off shotgun commits dealing in a sawed-off shotgun, a Class D felony.

(b) The presence of a weapon referred to in subsection (a) in a motor vehicle (as defined under IC 9-13-2-105(a)) except for school buses and a vehicle operated in the transportation of passengers by a common carrier (as defined in IC 8-2.1-17-4) creates an inference that the weapon is in the possession of the persons occupying the motor vehicle. However, the inference does not apply to all the persons occupying the motor vehicle if the weapon is found upon, or under the control of, one (1) of the occupants. In addition, the inference does not apply to a duly licensed driver of a motor vehicle for hire who finds the weapon in the licensed driver's motor vehicle in the proper pursuit of the licensed driver's trade.

(c) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells a sawed-off shotgun to a law enforcement agency.

As added by P.L.1-1990, SEC.351. Amended by P.L.2-1991, SEC.107.

IC 35-47-5-4.1 Version b

Sawed-off shotgun

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 4.1. (a) A person who:

- (1) manufactures;
- (2) causes to be manufactured;
- (3) imports into Indiana;
- (4) keeps for sale;
- (5) offers or exposes for sale; or
- (6) gives, lends, or possesses;

any sawed-off shotgun commits dealing in a sawed-off shotgun, a Level 6 felony.

(b) The presence of a weapon referred to in subsection (a) in a motor vehicle (as defined under IC 9-13-2-105(a)) except for school buses and a vehicle operated in the transportation of passengers by a common carrier (as defined in IC 8-2.1-17-4) creates an inference that the weapon is in the possession of the persons occupying the motor vehicle. However, the inference does not apply to all the persons occupying the motor vehicle if the weapon is found upon, or under the control of, one (1) of the occupants. In addition, the inference does not apply to a duly licensed driver of a motor vehicle for hire who finds the weapon in the licensed driver's motor vehicle in the proper pursuit of the licensed driver's trade.

(c) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells a sawed-off shotgun to a law enforcement agency.

As added by P.L.1-1990, SEC.351. Amended by P.L.2-1991, SEC.107; P.L.158-2013, SEC.593.

IC 35-47-5-5

Application of chapter

Sec. 5. This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

As added by P.L.311-1983, SEC.32.

IC 35-47-5-6

Repealed

(Repealed by P.L.60-2011, SEC.2.)

IC 35-47-5-7

Repealed

(Repealed by P.L.175-1984, SEC.5.)

IC 35-47-5-8 Version a

Machine gun

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 8. A person who owns or possesses a machine gun commits a Class C felony.

As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.3; P.L.123-2002, SEC.43.

IC 35-47-5-8 Version b

Machine gun

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 8. A person who knowingly or intentionally owns or possesses a machine gun commits a Level 5 felony.

As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.3; P.L.123-2002, SEC.43; P.L.158-2013, SEC.594.

IC 35-47-5-9 Version a

Operating loaded machine gun

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 9. A person who operates a loaded machine gun commits a Class B felony.

As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.4; P.L.123-2002, SEC.44.

IC 35-47-5-9 Version b

Operating loaded machine gun

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 9. A person who knowingly or intentionally operates a loaded

machine gun commits a Level 4 felony.

As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.4; P.L.123-2002, SEC.44; P.L.158-2013, SEC.595.

IC 35-47-5-10

Applicability of statutes relating to machine guns

Sec. 10. The provisions of section 8 or 9 of this chapter shall not be construed to apply to any of the following:

- (1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.
- (2) Machine guns kept for display as relics and which are rendered harmless and not usable.
- (3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.
- (4) Persons lawfully engaged in the display, testing, or use of fireworks.
- (5) Agencies of state government.
- (6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machine guns, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting within the scope of such business.
- (7) Persons possessing, or having applied to possess, machine guns under applicable United States statutes. Such machine guns must be transferred as provided in this article.
- (8) Persons lawfully engaged in the manufacture, transportation, distribution, use or possession of any material, substance, or device for the sole purpose of industrial, agricultural, mining, construction, educational, or any other lawful use.

As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.5; P.L.123-2002, SEC.45.

IC 35-47-5-11 Version a

"Armor-piercing handgun ammunition" defined; related offenses

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 11. (a) As used in this section, "armor-piercing handgun ammunition" means a cartridge that:

- (1) can be fired in a handgun; and
 - (2) will, upon firing, expel a projectile that has a metal core and an outer coating of plastic.
- (b) A person who knowingly or intentionally:
- (1) manufactures;
 - (2) possesses;
 - (3) transfers possession of; or
 - (4) offers to transfer possession of;

armor-piercing handgun ammunition commits a Class C felony.

(c) This section does not apply to nylon coated ammunition, plastic shot capsules, or ammunition designed to be used in rifles or

shotguns.

(d) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells armor-piercing handgun ammunition to a law enforcement agency.

As added by P.L.332-1983, SEC.1. Amended by P.L.327-1987, SEC.2.

IC 35-47-5-11 Version b

"Armor-piercing handgun ammunition"; related offenses

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 11. (a) As used in this section, "armor-piercing handgun ammunition" means a cartridge that:

- (1) can be fired in a handgun; and
- (2) will, upon firing, expel a projectile that has a metal core and an outer coating of plastic.

(b) A person who knowingly or intentionally:

- (1) manufactures;
- (2) possesses;
- (3) transfers possession of; or
- (4) offers to transfer possession of;

armor-piercing handgun ammunition commits a Level 5 felony.

(c) This section does not apply to nylon coated ammunition, plastic shot capsules, or ammunition designed to be used in rifles or shotguns.

(d) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells armor-piercing handgun ammunition to a law enforcement agency.

As added by P.L.332-1983, SEC.1. Amended by P.L.327-1987, SEC.2; P.L.158-2013, SEC.596.

IC 35-47-5-12

"Chinese throwing star" defined; related offenses

Sec. 12. (a) A person who:

- (1) manufactures;
- (2) causes to be manufactured;
- (3) imports into Indiana;
- (4) keeps for sale;
- (5) offers or exposes for sale; or
- (6) gives, lends, or possesses;

a Chinese throwing star commits a Class C misdemeanor.

(b) As used in this section, "Chinese throwing star" means a throwing-knife, throwing-iron, or other knife-like weapon with blades set at different angles.

As added by P.L.318-1985, SEC.2.

IC 35-47-5-13 Version a

Unlawful use of body armor

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 13. (a) As used in this section, "body armor" means bullet resistant metal or other material worn by a person to provide protection from weapons or bodily injury.

(b) A person who knowingly or intentionally uses body armor while committing a felony commits unlawful use of body armor, a Class D felony.

As added by P.L.227-1996, SEC.1.

IC 35-47-5-13 Version b

Unlawful use of body armor

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 13. (a) As used in this section, "body armor" means bullet resistant metal or other material worn by a person to provide protection from weapons or bodily injury.

(b) A person who knowingly or intentionally uses body armor while committing a felony commits unlawful use of body armor, a Level 6 felony.

As added by P.L.227-1996, SEC.1. Amended by P.L.158-2013, SEC.597.