

Claire Hurd

From: Shawn D. Smith
Sent: Friday, February 23, 2018 10:17 AM
To: Claire Hurd
Subject: FW:

From: Donald Lee
Sent: Thursday, February 22, 2018 8:31 AM
To: Clayton Lopez <clopez@cityofkeywest-fl.gov>
Cc: Shawn D. Smith <sdsmith@cityofkeywest-fl.gov>
Subject:

Commissioner per your request. Thank you.

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- Title 35. Criminal Law and Procedure
- § 35-47-14-3

Indiana Code Title 35. Criminal Law and Procedure § 35-47-14-3

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Sec. 3 . (a) If a law enforcement officer seizes a firearm from an individual whom the law enforcement officer believes to be dangerous without obtaining a warrant, the law enforcement officer shall submit to the circuit or superior court having jurisdiction over the individual believed to be dangerous a written statement under oath or affirmation describing the basis for the law enforcement officer's belief that the individual is dangerous.

(b) The court shall review the written statement submitted under subsection (a). If the court finds that probable cause exists to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to retain the firearm. If the court finds that there is no probable cause to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual.

(c) This section does not authorize a law enforcement officer to perform a warrantless search or seizure if a warrant would otherwise be required.

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