

## How do I restore my right to possess a firearm?

In Indiana, a conviction for a domestic battery offense (whether misdemeanor or felony) results in loss of the right to possess a firearm. Also under Indiana law any felony conviction takes away your right to carry a firearm. (Although in some circumstances Indiana law will allow a felon to possess a firearm in his own home, federal law (mentioned below) makes it illegal for any felon to possess a firearm).

Federal law recognizes state convictions and prohibits the right of any person convicted of any felony or of a domestic violence offense to possess a firearm, even in one's own home.

There are only a few limited ways to get your rights restored.

**A full governor's pardon** -- A petition may be filed with the Indiana Parole Board seeking a full pardon of one's offense. If the governor grants a pardon, and if more than fifteen (15) years have elapsed since the offense, the right to possess a firearm is restored.

Governor's pardons are rare and require the person file a petition for pardon in writing to the parole board. The person requesting a pardon must submit evidence to the parole board demonstrating that the person has been successfully rehabilitated and deserves a pardon. There is also a hearing conducted by the parole board which gives the parole board members the opportunity to ask questions of the person seeking pardon. The pardon packet is available by following this link:

[http://www.in.gov/idoc/files/online\\_pardon\\_packet.pdf](http://www.in.gov/idoc/files/online_pardon_packet.pdf)

**A conditional pardon I.C. 11-9-2-1** -- The Governor can grant a conditional pardon if the Superintendent of the Indiana State Police conducts an investigation and finds that circumstances have changed since the pardoned conviction was entered to such an extent that the pardoned person is likely to handle firearms in compliance with the law.

**Filing a petition to restore one's right to carry a firearm after a domestic violence conviction I.C. 35-47-4-7** -- This provision applies only to domestic battery convictions. If it has been at least five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence may petition the court that entered the conviction for restoration of the person's right to possess a firearm.

The court will consider several factors including:

- (1) Whether the person has a protective order or no contact order filed against them that prohibits the person from possessing a firearm;
- (2) Whether the person has successfully completed a substance abuse program;
- (3) Whether the person has successfully completed a parenting class;
- (4) Whether the person still presents a threat to the victim of the crime;
- (5) Whether the person has failed to satisfy any condition of the court;
- (6) Whether the person has committed any new offenses;
- (7) Whether there is any other reason why the person should not possess a firearm,

**Post-conviction relief setting aside the original felony conviction** -- Under certain circumstances, a person can file a petition with the court asking that the original conviction be set aside. These circumstances allowing post-conviction relief are limited to special circumstances such as a wrongful conviction or because the person was not given a fair trial.