



Indiana “Constitutional Carry” General Overview & Discussion

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What is the “Constitutional Carry”?

- In the United States, the phrase "constitutional carry," also called permitless carry, means that someone can carry a concealed handgun without a license or permit. The term was derived from the Second Amendment to the U.S. Constitution, which gives citizens the right to bear arms.
- The scope and applicability of constitutional carry may vary by state.
- The phrase does not typically refer to the unrestricted carrying of a long gun, a knife, or other weapons.
- The phrase "constitutional carry" reflects the view that the Second Amendment to the U.S. Constitution does not abide restrictions on gun rights, including the right to carry or bear arms.

“Constitutional Carry” – History & Background

- The U.S. Supreme Court had never extensively interpreted the Second Amendment until the landmark case *District of Columbia v. Heller* in 2008.
- Prior to this, a tapestry of different and sometimes conflicting laws about carrying firearms developed across the nation. In deciding the case, the Court found that self-defense was a "...central component of the 2nd Amendment" and D.C.'s handgun ban was invalidated.
- The SCOTUS further stated that some state or local gun controls are allowed.
- The *Heller* case was extended by the Supreme Court in the 2010 decision *McDonald v. Chicago*, which held that the 2nd and 14th Amendments to the U.S. Constitution were "fully incorporated" and thus the right to "...keep and bear arms applies to the states and not 'in a watered-down version' but 'fully applicable'...", and limits state and local governments in enacting laws that restrict this individual and fundamental right to "...keep and bear arms," for self-defense.

Indiana “Constitutional Carry” Overview

- On March 21, 2022, Indiana Governor Eric Holcomb signed HEA 1296 into law (effective July 1, 2022), making Indiana the 24th state to institute constitutional carry. HEA 1296 legalizes both open and concealed carry without a permit for residents and non-residents 18+.
- As of July 1 2022, the permit requirements that cost users money disappeared, although the state will replenish money lost to law enforcement agencies who collected fees through the permit process. That money, estimated to be between \$2.5 and \$3.5 million, will be reimbursed through the Indiana Criminal Justice Institute.

Indiana “Constitutional Carry” Overview continued

- Anyone who legally could carry a handgun with a permit previously now could do so without one moving forward, due to House Bill 1296. That means most Hoosiers 18 years and older can carry a handgun in public without ever having received a background check, unless they had done so to purchase a handgun.
- Permits still will be available to those who want one, such as those traveling to another state that has reciprocity with Indiana. In order to travel with a firearm, you will need LTC (license to carry) and it has to be recognized in the destination state.
- In order to carry a handgun, an individual must be:
 - Able to lawfully possess a handgun per federal law (e.g. not a felon or an individual with a conviction of domestic abuse) and any state requirements.
 - Be in a place where the person has a legal right to be
- Carrying without a LTC in most states has a criminal penalties.

“Constitutional Carry” Terms & Definitions

- **Constitutional carry:** Constitutional carry means that the state’s law does not prohibit citizens who can legally possess a firearm from carrying handguns, (openly and/or in a concealed manner) thus no state permit is required. Sometimes, constitutional carry may be conditional such as in those states that have no laws prohibiting the open carry of a handgun but which require a permit to carry the handgun concealed.
- **Permitless carry:** Permitless carry includes constitutional carry states as well as states where an individual must meet certain qualifications, e.g., no DUIs in the last 10 years, in order to legally carry (Tennessee). Some states are fully unrestricted, meaning no permit is required for open or concealed carry. Others allow the open carry of a firearm/or handgun without a permit but require a permit for concealment.

“Constitutional Carry” Considerations

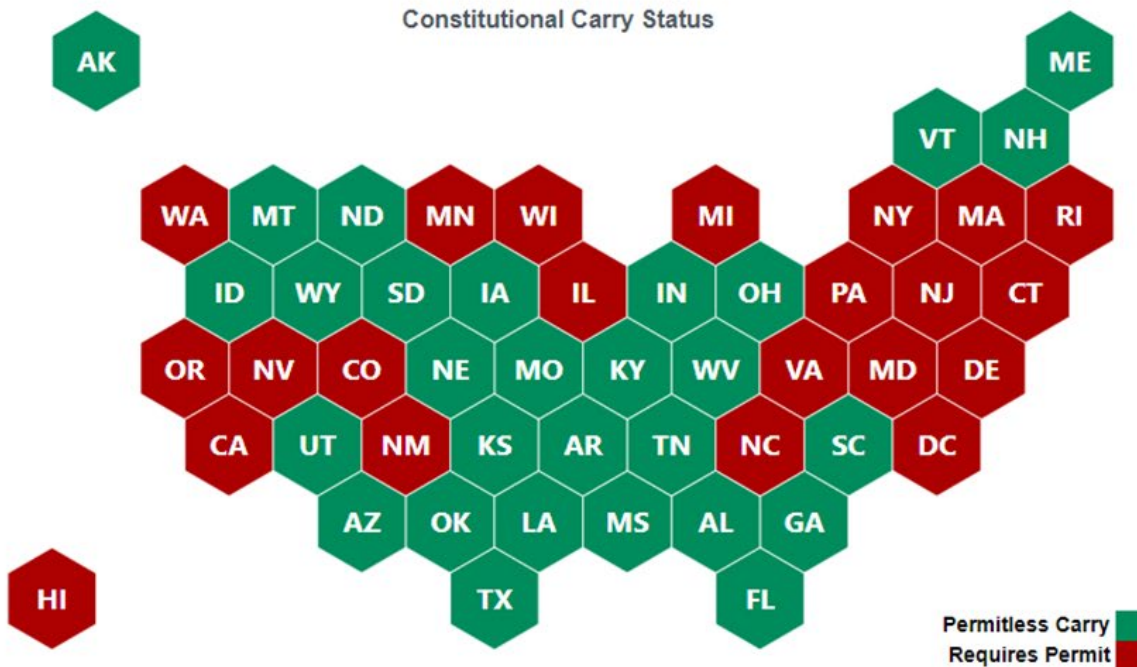
- If your state is a constitutional carry state, you typically don't have to worry about whether your state is a shall-issue or may-issue state. Constitutional carry refers to the legal carrying of a handgun without a license or permit.
- Stated differently, in a constitutional carry state, if you can legally possess a handgun, you can legally carry that handgun without the need for a license or permit. Keep in mind, even though constitutional carry states allow for permitless carry, age, location, and residency restrictions may still apply.
- Even without the permit, the new legislation doesn't mean a gun owner can carry a handgun anywhere. **You are still responsible to adhere to Indiana gun laws!**
- Private business and venue owners have the right to set their own laws. You also can't be a “prohibited person.” That would include convicted domestic batterers, criminal stalkers, murderers, rapists, kidnappers, undocumented residents, fugitives from justice, military dishonorably discharged persons and mentally unfit, among others

Which States Allow Constitutional Carry?

As of May 2024, there are currently 29 constitutional carry states.

<https://worldpopulationreview.com/state-rankings/constitutional-carry-states>

Constitutional Carry States 2024



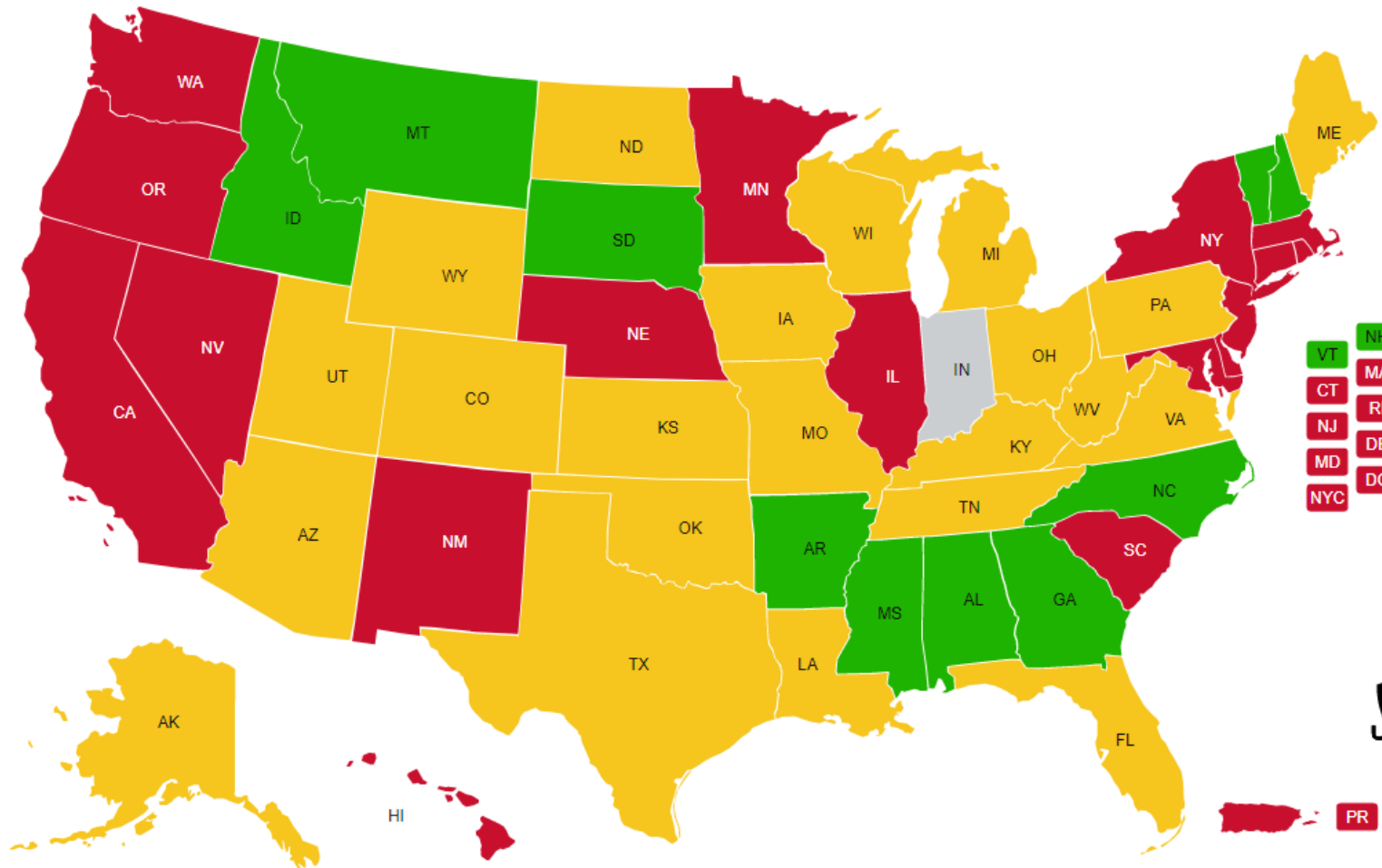


Indiana

Concealed Carry Reciprocity Map & Gun Laws

View Updates: 2022-03-22

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Carry allowed with my Indiana permit? No Yes [Yes, With Restrictions](#) Yes, Selected State(s)

Brief Summary of Indiana Gun Laws

- Indiana is a shall-issue state with Licenses being issued by the Indiana State Police.
- There is no “License” required to purchase a firearm, and firearms do not need to be registered. Only Indiana residents or residents of neighboring states who are at least 18 years old can buy long guns. To buy a handgun, you must be at least 21 years old and a resident of Indiana.
- Open carry and concealed carry are legal in Indiana for residents with an Indiana License to Carry a Handgun (LTC) and for non-residents with any valid state license to carry. The Indiana LTC is valid for open, concealed and locked-case carry. The minimum age is 18 years old, and there is no requirement for firearms training. Applicants must be Indiana residents or have a regular place of business or employment in Indiana. Some areas are off-limits, including school property, school buses and riverboat casinos. In terms of reciprocity, Indiana honors permits from all states and jurisdictions.
- On March 21, 2022, Gov. Eric Holcomb signed HB 1296 into law, permitting constitutional carry in Indiana. Individuals 18 years old or older not prohibited from carrying or possessing a handgun will no longer be required to obtain a license to carry a handgun. The law will go into effect on July 1, 2022