

## **§2250. Relinquishment of dangerous weapon**

**1. Relinquishment by respondent.** A respondent who is required to relinquish a dangerous weapon in the respondent's possession, custody or control under an extreme risk protection order issued pursuant to this chapter, upon service of the order, shall immediately relinquish the dangerous weapon to the law enforcement officer serving the order. A respondent notified by the court at a hearing is required to immediately cooperate with a law enforcement officer to come into compliance with the provisions of the order.

[IB 2025, c. 1, §6 (NEW).]

**2. Warrant authorizing search and seizure.** If a law enforcement agency demonstrates that there is probable cause to believe that the respondent will not relinquish a dangerous weapon, a court may issue a search warrant authorizing a law enforcement agency to seize any dangerous weapon at any location at the time of the issuance of the extreme risk protection order. A court may also issue a search warrant if a law enforcement agency demonstrates that there is probable cause to believe that any dangerous weapon has not been relinquished by the respondent.

[IB 2025, c. 1, §6 (NEW).]

**3. Treatment of seized dangerous weapon.** A law enforcement agency that takes possession of a dangerous weapon shall store the dangerous weapon at the law enforcement agency's facility or a tribal, regional or state public safety facility.

[IB 2025, c. 1, §6 (NEW).]

**4. Lawful sale of dangerous weapons not affected.** This section may not be construed to prohibit the lawful sale of a dangerous weapon by the lawful owner.

[IB 2025, c. 1, §6 (NEW).]

**5. Release of dangerous weapon within 3 days.** A law enforcement agency may release to the respondent a dangerous weapon relinquished pursuant to an extreme risk protection order issued pursuant to this chapter upon expiration of the extreme risk protection order in effect at the time of the request by the respondent and completion of a background check using the Federal Bureau of Investigation, National Instant Criminal Background Check System in a manner consistent with federal law. The dangerous weapon must be returned within 3 business days of the request.

[IB 2025, c. 1, §6 (NEW).]

**6. When return prohibited.** Notwithstanding any provision of this chapter to the contrary:

A. A dangerous weapon may not be returned to the respondent if the respondent's possession of the dangerous weapon is prohibited by state or federal law; and [IB 2025, c. 1, §6 (NEW).]

B. A dangerous weapon may not be returned pursuant to this section if the dangerous weapon is evidence in a pending criminal matter. [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

## **SECTION HISTORY**

IB 2025, c. 1, §6 (NEW).

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