

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1013

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-30-2-146.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 146.5. IC 35-33-5-15(d) (Concerning the provision of geolocation information to a law enforcement agency by a provider of electronic communications services).**

SECTION 2. IC 35-33-5-9, AS ADDED BY P.L.170-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (b), a law enforcement officer must obtain a search warrant in order to use an unmanned aerial vehicle.

(b) A law enforcement officer or governmental entity may use an unmanned aerial vehicle without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle:

- (1) is required due to:
 - (A) the existence of exigent circumstances necessitating a warrantless search;
 - (B) the substantial likelihood of a terrorist attack;
 - (C) the need to conduct a search and rescue or recovery operation;
 - (D) the need to conduct efforts:

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(i) in response to; or

(ii) to mitigate;

the results of a natural disaster or any other disaster; or

(E) the need to perform a geographical, an environmental, or any other survey for a purpose that is not a criminal justice purpose; or

(2) is required to obtain aerial photographs or video images of a motor vehicle accident site on a public street or public highway; or

~~(2)~~ **(3) will be conducted with the consent of any affected property owner.**

SECTION 3. IC 35-33-5-15 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) As used in this section, "geolocation information" means data generated by an electronic device that can be used to determine the location of the electronic device or the owner or user of the electronic device. The term:**

(1) includes geolocation information generated by a:

(A) cellular telephone;

(B) wireless fidelity (wi-fi) equipped computer;

(C) GPS navigation or tracking unit; or

(D) similar electronic device; and

(2) does not include the contents of a communication sent or received by an electronic device.

(b) Upon the request of a law enforcement agency, a provider of electronic communications services used by an electronic device shall provide geolocation information in its possession concerning the electronic device or the owner or user of the electronic device to the law enforcement agency:

(1) to allow a law enforcement agency to respond to a call for emergency services; or

(2) in an emergency situation that involves the risk of:

(A) death; or

(B) serious bodily injury;

to the owner or user or another individual.

A law enforcement agency may make a request for geolocation information under this subsection without first obtaining a search warrant or another judicial order that would otherwise be required to obtain the geolocation information, if obtaining the search warrant or other judicial order would cause an unreasonable delay in responding to a call for emergency services or an emergency situation. If a law enforcement agency makes a



request for geolocation information under this subsection without first obtaining a search warrant or another judicial order, the law enforcement agency shall seek to obtain the search warrant or other judicial order issued by a court based upon a finding of probable cause that would otherwise be required to obtain the geolocation information not later than seventy-two (72) hours after making the request for the geolocation information.

(c) Notwithstanding any other law, a provider of electronic communications services may establish protocols to respond to a law enforcement agency request for geolocation information made under this section.

(d) A provider of electronic communications services or an officer, an employee, or an agent of a provider of electronic communications services that provides geolocation information to a law enforcement agency while responding to a request for geolocation information made under this section is not liable for civil damages arising from:

- (1) the provision of the geolocation information if the provision of the information is done in compliance with this section; or
- (2) any loss, damage, or other injury to person or property resulting from a disruption or loss of communications services during an emergency situation.

(e) A provider of electronic communications services used by an electronic device that is qualified or registered to do business in Indiana and a person that resells or otherwise makes available the electronic communications services of the provider in Indiana shall submit emergency contact information to the state police department to facilitate a request for geolocation information made by a law enforcement agency under this section. The emergency contact information must be submitted to the state police department:

- (1) before January 1, 2017, and before January 1 of each year thereafter; and
- (2) as soon as possible any time a change occurs to the emergency contact information most recently submitted to the state police department.

(f) The state police department shall:

- (1) maintain the emergency contact information submitted to the state police department under subsection (e); and
- (2) make the information immediately available to a state or local law enforcement agency.



(g) The superintendent of the state police department may adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 4. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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