



February 17, 2016

ENGROSSED HOUSE BILL No. 1013

DIGEST OF HB 1013 (Updated February 16, 2016 10:31 am - DI 84)

Citations Affected: IC 34-30; IC 35-33.

Synopsis: Geolocation information and unmanned aerial vehicles. Provides that, upon the request of a law enforcement agency, a provider of electronic communications services used by an electronic device is required to provide geolocation information concerning the electronic device to the law enforcement agency: (1) to allow the law enforcement agency to respond to a call for emergency services; or (2) in an emergency situation that involves the risk of death or serious bodily injury to an individual. Specifies that a law enforcement agency may make a request for geolocation information 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. Provides that, if a law enforcement agency makes a request for geolocation information 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
(Continued next page)

Effective: Upon passage.

Koch, Arnold L, DeLaney, Speedy

(SENATE SPONSORS — HEAD, STEELE)

January 5, 2016, read first time and referred to Committee on Courts and Criminal Code.

January 14, 2016, amended, reported — Do Pass.

January 19, 2016, read second time, ordered engrossed.

January 20, 2016, engrossed.

January 21, 2016, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 3, 2016, read first time and referred to Committee on Homeland Security & Transportation.

February 16, 2016, reported favorably — Do Pass.

EH 1013—LS 6031/DI 69



Digest Continued

a finding of probable cause that would otherwise be required to obtain the geolocation information not later than 72 hours after making the request for the geolocation information. Requires a provider of electronic communications services used by electronic devices to submit the provider's emergency contact information to the state police department. Requires the state police department to: (1) maintain the emergency contact information submitted to the state police department by providers of electronic communication services; and (2) make the information immediately available to a state or local law enforcement agency. Allows the use of an unmanned aerial vehicle by a law enforcement officer or governmental entity without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle is required to obtain aerial photographs or video images of a motor vehicle accident site on a public street or public highway.



February 17, 2016

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.

ENGROSSED HOUSE BILL No. 1013

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

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

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

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

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

16 (1) is required due to:
17 (A) the existence of exigent circumstances necessitating a

EH 1013—LS 6031/DI 69



- 1 warrantless search;
 2 (B) the substantial likelihood of a terrorist attack;
 3 (C) the need to conduct a search and rescue or recovery
 4 operation;
 5 (D) the need to conduct efforts:
 6 (i) in response to; or
 7 (ii) to mitigate;
 8 the results of a natural disaster or any other disaster; or
 9 (E) the need to perform a geographical, an environmental, or
 10 any other survey for a purpose that is not a criminal justice
 11 purpose; or
 12 **(2) is required to obtain aerial photographs or video images**
 13 **of a motor vehicle accident site on a public street or public**
 14 **highway; or**
 15 ~~(2)~~ (3) will be conducted with the consent of any affected property
 16 owner.

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

23 **(1) includes geolocation information generated by a:**

- 24 **(A) cellular telephone;**
 25 **(B) wireless fidelity (wi-fi) equipped computer;**
 26 **(C) GPS navigation or tracking unit; or**
 27 **(D) similar electronic device; and**

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

30 **(b) Upon the request of a law enforcement agency, a provider of**
 31 **electronic communications services used by an electronic device**
 32 **shall provide geolocation information concerning the electronic**
 33 **device or the owner or user of the electronic device to the law**
 34 **enforcement agency:**

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

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

- 38 **(A) death; or**
 39 **(B) serious bodily injury;**

40 **to the owner or user or another individual.**

41 **A law enforcement agency may make a request for geolocation**
 42 **information under this subsection without first obtaining a search**



1 warrant or another judicial order that would otherwise be
2 required to obtain the geolocation information, if obtaining the
3 search warrant or other judicial order would cause an
4 unreasonable delay in responding to a call for emergency services
5 or an emergency situation. If a law enforcement agency makes a
6 request for geolocation information under this subsection without
7 first obtaining a search warrant or another judicial order, the law
8 enforcement agency shall seek to obtain the search warrant or
9 other judicial order issued by a court based upon a finding of
10 probable cause that would otherwise be required to obtain the
11 geolocation information not later than seventy-two (72) hours after
12 making the request for the geolocation information.

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

17 (d) A provider of electronic communications services or an
18 officer, an employee, or an agent of a provider of electronic
19 communications services that provides geolocation information to
20 a law enforcement agency while responding to a request for the
21 geolocation information made under this section is not liable for
22 civil damages arising from the provision of the geolocation
23 information if the provision of the information is done in
24 compliance with this section.

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

34 (1) before January 1, 2017, and before January 1 of each year
35 thereafter; and

36 (2) as soon as possible any time a change occurs to the
37 emergency contact information most recently submitted to the
38 state police department.

39 (f) The state police department shall:

40 (1) maintain the emergency contact information submitted to
41 the state police department under subsection (e); and

42 (2) make the information immediately available to a state or



1 **local law enforcement agency.**
2 **(g) The superintendent of the state police department shall**
3 **adopt rules under IC 4-22-2 necessary to implement this section.**
4 **The initial rules adopted by the superintendent under this**
5 **subsection must be adopted before January 1, 2017.**
6 **SECTION 4. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1013, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"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:

(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

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

Page 2, line 17, delete "information." and insert "**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."

Page 3, delete lines 3 through 8, begin a new line block indented and insert:

**"(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."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1013 as introduced.)

WASHBURNE

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill No. 1013, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1013 as printed January 15, 2016.)

YODER, Chairperson

Committee Vote: Yeas 10, Nays 0

