

# HOUSE BILL No. 1140

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-21; IC 35-31.5-2-3.5; IC 35-47.

**Synopsis:** Prohibition of acoustic hailing devices. Provides that a law enforcement officer may not operate an acoustic hailing device that emits at least 150 decibels of sound pressure level on any person within 100 feet of the law enforcement officer while acting in the course of the law enforcement officer's official duties. Provides that a law enforcement officer may operate an acoustic hailing device if the device meets the National Institute of Occupational Safety and Health's recommended exposure limit for occupational noise exposure. Provides that a person who knowingly or intentionally operates an acoustic hailing device that emits at least 150 decibels of sound pressure level on any other person within 100 feet of the person commits a Level 6 felony. Provides that the offense is a Level 5 felony if the person committed the offense with the intent to maintain or disperse a crowd or the offense results in serious bodily injury to the other person. Defines "acoustic hailing device".

**Effective:** July 1, 2021.

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January 7, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1140



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 5-2-21 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2021]:

4 **Chapter 21. Prohibition of Acoustic Hailing Devices**

5 **Sec. 1. As used in this chapter, "acoustic hailing device" has the**  
6 **meaning set forth in IC 35-47-1-1.5.**

7 **Sec. 2. As used in this chapter, "law enforcement officer" has**  
8 **the meaning set forth in IC 5-2-1-2.**

9 **Sec. 3. (a) A law enforcement officer may not operate an**  
10 **acoustic hailing device that emits at least one hundred fifty (150)**  
11 **decibels of sound pressure level on any person within one hundred**  
12 **(100) feet of the law enforcement officer while acting in the course**  
13 **of the law enforcement officer's official duties.**

14 **(b) Except as provided in subsection (a), a law enforcement**  
15 **officer may operate an acoustic hailing device if the device meets**  
16 **the National Institute of Occupational Safety and Health's**  
17 **recommended exposure limit for occupational noise exposure.**



1 SECTION 2. IC 35-31.5-2-3.5 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. "Acoustic hailing device", for**  
4 **purposes of IC 35-47, has the meaning set forth in IC 35-47-1-1.5.**

5 SECTION 3. IC 35-47-1-1.5 IS ADDED TO THE INDIANA CODE  
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2021]: **Sec. 1.5. "Acoustic hailing device" means an acoustic**  
8 **device that is capable of emitting high powered sound waves for**  
9 **communicating at a distance. The term includes long range**  
10 **acoustic devices.**

11 SECTION 4. IC 35-47-5-14 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2021]: **Sec. 14. (a) A person who knowingly or intentionally**  
14 **operates an acoustic hailing device that emits at least one hundred**  
15 **fifty (150) decibels of sound pressure level on any other person**  
16 **within one hundred (100) feet of the person commits a Level 6**  
17 **felony.**

18 **(b) The offense is a Level 5 felony if the person committed the**  
19 **offense under subsection (a) with the intent to maintain or disperse**  
20 **a crowd or the offense results in serious bodily injury to the other**  
21 **person.**

