

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1358

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 35-33-5-9, AS AMENDED BY P.L.57-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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:

**(1) on or over private property; or
(2) to conduct a search, perform surveillance, obtain a photograph, or obtain video of private property or of individuals, items, or structures located on private property; without the consent of the owner of the affected private property. However, a warrant is not required for a use of an unmanned aerial vehicle if a warrant would not be required for a search not using 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;

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- (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;
- (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) will be conducted with the consent of any affected property owner.



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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