

IC 35-44-3-12

Unlawful use of a police radio; exemptions; "police radio" defined

Sec. 12. (a) A person who knowingly or intentionally:

- (1) possesses a police radio;
 - (2) transmits over a frequency assigned for police emergency purposes; or
 - (3) possesses or uses a police radio:
 - (A) while committing a crime;
 - (B) to further the commission of a crime; or
 - (C) to avoid detection by a law enforcement agency;
- commits unlawful use of a police radio, a Class B misdemeanor.

(b) Subsection (a)(1) and (a)(2) do not apply to:

- (1) a governmental entity;
- (2) a regularly employed law enforcement officer;
- (3) a common carrier of persons for hire whose vehicles are used in emergency service;
- (4) a public service or utility company whose vehicles are used in emergency service;
- (5) a person who has written permission from the chief executive officer of a law enforcement agency to possess a police radio;

(6) a person who holds an amateur radio license issued by the Federal Communications Commission if the person is not transmitting over a frequency assigned for police emergency purposes;

- (7) a person who uses a police radio only in the person's dwelling or place of business;
- (8) a person:
 - (A) who is regularly engaged in newsgathering activities;
 - (B) who is employed by a newspaper qualified to receive legal advertisements under IC 5-3-1, a wire service, or a licensed commercial or public radio or television station; and
 - (C) whose name is furnished by his employer to the chief executive officer of a law enforcement agency in the county in which the employer's principal office is located;
- (9) a person engaged in the business of manufacturing or selling police radios; or
- (10) a person who possesses or uses a police radio during the normal course of the person's lawful business.

(c) As used in this section, "police radio" means a radio that is capable of sending or receiving signals transmitted on frequencies assigned by the Federal Communications Commission for police emergency purposes and that:

- (1) can be installed, maintained, or operated in a vehicle; or

(2) can be operated while it is being carried by an individual.

The term does not include a radio designed for use only in a dwelling.

As added by Acts 1977, P.L.342, SEC.1. Amended by P.L.162-1994, SEC.1.