

## IC 35-44.1-2-7 Unlawful use of a police radio

Sec. 7. (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 or a police radio mobile application:
  - (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 the person's 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.

(d) As used in this section, "police radio mobile application" means an application installed on a mobile device that allows a person to listen to the contents of traffic carried on police radio frequencies.

*As added by P.L.126-2012, SEC.54. Amended by P.L.66-2019, SEC.15.*