



January 15, 2025

SENATE BILL No. 26

DIGEST OF SB 26 (Updated January 14, 2025 11:37 am - DI 140)

Citations Affected: IC 34-24; IC 35-31.5; IC 35-45.

Synopsis: Radio frequency jamming devices. Provides that a radio frequency jamming device may be seized. Provides that a person who knowingly or intentionally owns, operates, uses, manufactures, possesses, buys, sells, or provides to another person a radio frequency jamming device commits unlawful radio frequency jamming, a Level 6 felony. Provides sentence enhancements.

Effective: July 1, 2025.

Tomes, Freeman, Byrne

January 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.
January 14, 2025, reported favorably — Do Pass.

SB 26—LS 6176/DI 151



January 15, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 26

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 34-24-1-1, AS AMENDED BY P.L.185-2023,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 1. (a) The following may be seized:
4 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
5 or are intended for use by the person or persons in possession of
6 them to transport or in any manner to facilitate the transportation
7 of the following:
8 (A) A controlled substance for the purpose of committing,
9 attempting to commit, or conspiring to commit any of the
10 following:
11 (i) Dealing in or manufacturing cocaine or a narcotic drug
12 (IC 35-48-4-1).
13 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
14 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
15 (iv) Dealing in a schedule I, II, or III controlled substance
16 (IC 35-48-4-2).
17 (v) Dealing in a schedule IV controlled substance (IC

SB 26—LS 6176/DI 151



- 1 35-48-4-3).
- 2 (vi) Dealing in a schedule V controlled substance (IC
- 3 35-48-4-4).
- 4 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 5 (viii) Possession of cocaine or a narcotic drug (IC
- 6 35-48-4-6).
- 7 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 8 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 9 (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC
- 10 35-48-4-10).
- 11 (xii) An offense under IC 35-48-4 involving a synthetic drug
- 12 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
- 13 substance (as defined in IC 35-31.5-2-321.5 (before its
- 14 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
- 15 repeal on July 1, 2019), a controlled substance analog (as
- 16 defined in IC 35-48-1-9.3), or a substance represented to be
- 17 a controlled substance (as described in IC 35-48-4-4.6).
- 18 (B) Any stolen (IC 35-43-4-2 or IC 35-43-4-2.2) or converted
- 19 property (IC 35-43-4-3) if the retail or repurchase value of that
- 20 property is one hundred dollars (\$100) or more.
- 21 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 22 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 23 mass destruction (as defined in IC 35-31.5-2-354) used to
- 24 commit, used in an attempt to commit, or used in a conspiracy
- 25 to commit a felony terrorist offense (as defined in
- 26 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
- 27 furtherance of an act of terrorism (as defined by
- 28 IC 35-31.5-2-329).
- 29 (2) All money, negotiable instruments, securities, weapons,
- 30 communications devices, or any property used to commit, used in
- 31 an attempt to commit, or used in a conspiracy to commit a felony
- 32 terrorist offense (as defined in IC 35-50-2-18) or an offense under
- 33 IC 35-47 as part of or in furtherance of an act of terrorism or
- 34 commonly used as consideration for a violation of IC 35-48-4
- 35 (other than items subject to forfeiture under IC 16-42-20-5 or
- 36 IC 16-6-8.5-5.1, before its repeal):
- 37 (A) furnished or intended to be furnished by any person in
- 38 exchange for an act that is in violation of a criminal statute;
- 39 (B) used to facilitate any violation of a criminal statute; or
- 40 (C) traceable as proceeds of the violation of a criminal statute.
- 41 (3) Any portion of real or personal property purchased with
- 42 money that is traceable as a proceed of a violation of a criminal



- 1 statute.
- 2 (4) A vehicle that is used by a person to:
- 3 (A) commit, attempt to commit, or conspire to commit;
- 4 (B) facilitate the commission of; or
- 5 (C) escape from the commission of;
- 6 murder (IC 35-42-1-1), dealing in a controlled substance resulting
- 7 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
- 8 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
- 9 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
- 10 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 11 (5) Real property owned by a person who uses it to commit any of
- 12 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
- 13 felony:
- 14 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
- 15 35-48-4-1).
- 16 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 17 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 18 (D) Dealing in a schedule I, II, or III controlled substance (IC
- 19 35-48-4-2).
- 20 (E) Dealing in a schedule IV controlled substance (IC
- 21 35-48-4-3).
- 22 (F) Dealing in marijuana, hash oil, hashish, or salvia (IC
- 23 35-48-4-10).
- 24 (G) Dealing in a synthetic drug (as defined in
- 25 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
- 26 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
- 27 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
- 28 2019).
- 29 (H) Dealing in a controlled substance resulting in death (IC
- 30 35-42-1-1.5).
- 31 (6) Equipment and recordings used by a person to commit fraud
- 32 under IC 35-43-5.
- 33 (7) Recordings sold, rented, transported, or possessed by a person
- 34 in violation of IC 24-4-10.
- 35 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
- 36 defined by IC 35-45-6-1) that is the object of a corrupt business
- 37 influence violation (IC 35-45-6-2).
- 38 (9) Unlawful telecommunications devices (as defined in
- 39 IC 35-45-13-6) and plans, instructions, or publications used to
- 40 commit an offense under IC 35-45-13.
- 41 (10) Any equipment, including computer equipment and cellular
- 42 telephones, used for or intended for use in preparing,



- 1 photographing, recording, videotaping, digitizing, printing,
2 copying, or disseminating matter in violation of IC 35-42-4.
- 3 (11) Destructive devices used, possessed, transported, or sold in
4 violation of IC 35-47.5.
- 5 (12) Tobacco products that are sold in violation of IC 24-3-5,
6 tobacco products that a person attempts to sell in violation of
7 IC 24-3-5, and other personal property owned and used by a
8 person to facilitate a violation of IC 24-3-5.
- 9 (13) Property used by a person to commit counterfeiting or
10 forgery in violation of IC 35-43-5-2.
- 11 (14) After December 31, 2005, if a person is convicted of an
12 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
13 following real or personal property:
- 14 (A) Property used or intended to be used to commit, facilitate,
15 or promote the commission of the offense.
- 16 (B) Property constituting, derived from, or traceable to the
17 gross proceeds that the person obtained directly or indirectly
18 as a result of the offense.
- 19 (15) Except as provided in subsection (e), a vehicle used by a
20 person who operates the vehicle:
- 21 (A) while intoxicated, in violation of IC 9-30-5-1 through
22 IC 9-30-5-5, if in the previous five (5) years the person has two
23 (2) or more prior unrelated convictions for operating a motor
24 vehicle while intoxicated in violation of IC 9-30-5-1 through
25 IC 9-30-5-5; or
- 26 (B) on a highway while the person's driving privileges are
27 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
28 if in the previous five (5) years the person has two (2) or more
29 prior unrelated convictions for operating a vehicle while
30 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 31 If a court orders the seizure of a vehicle under this subdivision,
32 the court shall transmit an order to the bureau of motor vehicles
33 recommending that the bureau not permit a vehicle to be
34 registered in the name of the person whose vehicle was seized
35 until the person possesses a current driving license (as defined in
36 IC 9-13-2-41).
- 37 (16) The following real or personal property:
- 38 (A) Property used or intended to be used to commit, facilitate,
39 or promote the commission of an offense specified in
40 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
41 IC 30-2-13-38(f).
- 42 (B) Property constituting, derived from, or traceable to the



- 1 gross proceeds that a person obtains directly or indirectly as a
 2 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 3 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 4 (17) Real or personal property, including a vehicle, that is used by
 5 a person to:
- 6 (A) commit, attempt to commit, or conspire to commit;
 7 (B) facilitate the commission of; or
 8 (C) escape from the commission of;
 9 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 10 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 11 **(18) A radio frequency jamming device (as defined in**
 12 **IC 35-31.5-2-265.5) that is used by a person to commit**
 13 **unlawful radio frequency jamming under IC 35-45-2-6.**
- 14 (b) A vehicle used by any person as a common or contract carrier in
 15 the transaction of business as a common or contract carrier is not
 16 subject to seizure under this section, unless it can be proven by a
 17 preponderance of the evidence that the owner of the vehicle knowingly
 18 permitted the vehicle to be used to engage in conduct that subjects it to
 19 seizure under subsection (a).
- 20 (c) Equipment under subsection (a)(10) may not be seized unless it
 21 can be proven by a preponderance of the evidence that the owner of the
 22 equipment knowingly permitted the equipment to be used to engage in
 23 conduct that subjects it to seizure under subsection (a)(10).
- 24 (d) Money, negotiable instruments, securities, weapons,
 25 communications devices, or any property commonly used as
 26 consideration for a violation of IC 35-48-4 found near or on a person
 27 who is committing, attempting to commit, or conspiring to commit any
 28 of the following offenses shall be admitted into evidence in an action
 29 under this chapter as prima facie evidence that the money, negotiable
 30 instrument, security, or other thing of value is property that has been
 31 used or was to have been used to facilitate the violation of a criminal
 32 statute or is the proceeds of the violation of a criminal statute:
- 33 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 34 death).
 35 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 36 narcotic drug).
 37 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 38 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 39 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 40 substance).
 41 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 42 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)



- 1 as a Level 4 felony.
- 2 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
- 3 Level 3, Level 4, or Level 5 felony.
- 4 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
- 5 3, Level 4, or Level 5 felony.
- 6 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
- 7 salvia) as a Level 5 felony.
- 8 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
- 9 in a synthetic drug or synthetic drug lookalike substance) as a
- 10 Level 5 felony or Level 6 felony (or as a Class C felony or Class
- 11 D felony under IC 35-48-4-10 before its amendment in 2013).
- 12 (e) A vehicle operated by a person who is not:
- 13 (1) an owner of the vehicle; or
- 14 (2) the spouse of the person who owns the vehicle;
- 15 is not subject to seizure under subsection (a)(15) unless it can be
- 16 proven by a preponderance of the evidence that the owner of the
- 17 vehicle knowingly permitted the vehicle to be used to engage in
- 18 conduct that subjects it to seizure under subsection (a)(15).
- 19 SECTION 2. IC 35-31.5-2-21.5 IS ADDED TO THE INDIANA
- 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2025]: **Sec. 21.5. "Artificial electromagnetic**
- 22 **pulse", for purposes of IC 35-45-2-6, has the meaning set forth in**
- 23 **IC 35-45-2-6(a).**
- 24 SECTION 3. IC 35-31.5-2-265.5 IS ADDED TO THE INDIANA
- 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 26 [EFFECTIVE JULY 1, 2025]: **Sec. 265.5. "Radio frequency jamming**
- 27 **device", for purposes of IC 35-45-2-6, has the meaning set forth in**
- 28 **IC 35-45-2-6(b).**
- 29 SECTION 4. IC 35-45-2-6 IS ADDED TO THE INDIANA CODE
- 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 31 1, 2025]: **Sec. 6. (a) "Artificial electromagnetic pulse" means an**
- 32 **artificially created electromagnetic disturbance that interferes with**
- 33 **a wireless communication and damages electronic equipment.**
- 34 **(b) "Radio frequency jamming device" means a device designed**
- 35 **to block, interfere with, or overpower wireless communication.**
- 36 **(c) A person who knowingly or intentionally owns, operates,**
- 37 **uses, manufactures, possesses, buys, sells, or provides to another**
- 38 **person a radio frequency jamming device commits unlawful radio**
- 39 **frequency jamming, a Level 6 felony.**
- 40 **(d) However, the offense is a Level 5 felony if:**
- 41 **(1) a radio frequency jamming device is used to disrupt a**
- 42 **component of a critical infrastructure facility (as defined in**



- 1 **IC 35-46-10-1);**
- 2 **(2) a radio frequency jamming device is used to disrupt the**
- 3 **communications of a public safety agency (as defined in**
- 4 **IC 10-10.5-1-5); or**
- 5 **(3) the offense was committed using an artificial**
- 6 **electromagnetic pulse.**
- 7 **(e) Criminal fines for a person convicted of an offense described**
- 8 **in subsection (d) shall be assessable in an amount of not more than**
- 9 **fifty thousand dollars (\$50,000).**
- 10 **(f) Subsection (c) does not apply to a governmental entity.**



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 26, 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 SB 26 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 6, Nays 2

