

# SENATE BILL No. 44

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-11-13.

**Synopsis:** Administrative subpoena for certain investigations. Authorizes the state police department to issue an administrative subpoena to obtain certain records, if: (1) the subpoena relates to an investigation of an offense that involves the sexual exploitation of a minor; and (2) there is reasonable cause to believe that an Internet or electronic service account has been used in the sexual exploitation or attempted sexual exploitation of the minor.

**Effective:** July 1, 2024.

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January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# SENATE BILL No. 44

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 10-11-13 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]:  
4 **Chapter 13. Administrative Subpoenas**  
5 **Sec. 1. As used in this chapter, "ICAC task force" means the**  
6 **Indiana Internet crimes against children task force, a multi-agency**  
7 **task force that investigates and prosecutes persons who use the**  
8 **Internet to sexually exploit or entice children, and that is:**  
9 (1) **overseen by the department; and**  
10 (2) **recognized by the United States Department of Justice.**  
11 **Sec. 2. The superintendent, or a person designated by the**  
12 **superintendent, may issue and cause to be served an administrative**  
13 **subpoena that requires the production of records or other**  
14 **documentation as described in this chapter, if:**  
15 (1) **the subpoena relates to an investigation of an offense that**  
16 **involves the sexual exploitation of a minor; and**  
17 (2) **there is reasonable cause to believe that an Internet or**



1 electronic service account provided through an electronic  
2 communication service or remote computing service has been  
3 used in the sexual exploitation or attempted sexual  
4 exploitation of the minor.

5 **Sec. 3. A subpoena under this chapter must:**

- 6 (1) describe any objects or items to be produced; and  
7 (2) prescribe a reasonable return date by which those objects  
8 or items must be assembled and made available.

9 **Sec. 4. Except as provided in section 5 of this chapter, a**  
10 **subpoena issued under this chapter may require the production of**  
11 **any records or other documentation relevant to the investigation,**  
12 **including the following:**

- 13 (1) A name.  
14 (2) An address.  
15 (3) A local or long distance telephone connection record,  
16 satellite based Internet service provider connection record, or  
17 record of session time and duration.  
18 (4) The duration of the applicable service, including the start  
19 date for the service and the type of service used.  
20 (5) A telephone or instrument number or other number used  
21 to identify a subscriber, including a temporarily assigned  
22 network address.  
23 (6) The source of payment for the service, including a credit  
24 card or bank account number.

25 **Sec. 5. Unless the disclosure is required by a court order, a**  
26 **provider of an electronic communication service or remote**  
27 **computing service may not disclose the following information in**  
28 **response to a subpoena issued under this chapter:**

- 29 (1) An in-transit electronic communication.  
30 (2) An account membership related to an Internet group,  
31 newsgroup, mailing list, or specific area of interest.  
32 (3) An account password.  
33 (4) Any account content, including:  
34 (A) any form of electronic mail;  
35 (B) an address book, contact list, or buddy list;  
36 (C) a financial record;  
37 (D) Internet proxy content or Internet history; or  
38 (E) a file or other digital document stored in the account or  
39 as part of the use of the account.

40 **Sec. 6. A person authorized to serve process under the Indiana**  
41 **Rules of Trial Procedure may serve a subpoena issued under this**  
42 **chapter. The person shall serve the subpoena in accordance with**



1       **the Indiana Rules of Trial Procedure.**  
2       **Sec. 7. Before the return date specified on a subpoena issued**  
3       **under this chapter, the person receiving the subpoena may, in an**  
4       **appropriate court located in the county where the subpoena was**  
5       **issued, petition for an order to modify or quash the subpoena or to**  
6       **prohibit disclosure of applicable information by a court.**  
7       **Sec. 8. If a criminal case or proceeding does not result from the**  
8       **production of records or other documentation under this section**  
9       **within a reasonable period, the ICAC task force shall, as**  
10       **appropriate:**  
11       **(1) destroy the records or documentation; or**  
12       **(2) return the records or documentation to the person who**  
13       **produced the records or documentation.**

