



February 15, 2024

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## ENGROSSED SENATE BILL No. 182

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DIGEST OF SB 182 (Updated February 14, 2024 11:51 am - DI 140)

**Citations Affected:** IC 35-44.1.

**Synopsis:** Regulation of drones near correctional facilities. Provides that the crime of trafficking with an inmate includes the use of an unmanned aerial vehicle (drone) to deliver contraband, and that the crime of public safety remote aerial interference includes operation of a drone to intentionally obstruct or interfere with the duties of a correctional officer, including a county jail officer.

**Effective:** July 1, 2024.

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**Koch, Freeman, Bohacek, Baldwin,  
Glick, Buck, Crider, Rogers, Gaskill,  
Messmer, Randolph Lonnie M**

(HOUSE SPONSORS — STEUERWALD, BARTELS)

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January 9, 2024, read first time and referred to Committee on Corrections and Criminal Law.

January 16, 2024, reported favorably — Do Pass.

January 18, 2024, read second time, ordered engrossed. Engrossed.

January 22, 2024, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Courts and Criminal Code.

February 15, 2024, reported — Do Pass.

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ES 182—LS 6288/DI 150





February 15, 2024

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.

## ENGROSSED SENATE BILL No. 182

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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 35-44.1-3-5, AS AMENDED BY P.L.168-2014,  
2 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 5. (a) As used in this section, "juvenile facility"  
4 means the following:  
5 (1) A secure facility (as defined in IC 31-9-2-114) in which a  
6 child is detained under IC 31 or used for a child awaiting  
7 adjudication or adjudicated under IC 31 as a child in need of  
8 services or a delinquent child.  
9 (2) A shelter care facility (as defined in IC 31-9-2-117) in which  
10 a child is detained under IC 31 or used for a child awaiting  
11 adjudication or adjudicated under IC 31 as a child in need of  
12 services or a delinquent child.  
13 (b) A person who, without the prior authorization of the person in  
14 charge of a penal facility or juvenile facility, knowingly or  
15 intentionally:  
16 (1) delivers, or carries into the penal facility or juvenile facility  
17 with intent to deliver, an article to an inmate or child of the

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- 1 facility;
- 2 (2) carries, or receives with intent to carry out of the penal facility
- 3 or juvenile facility, an article from an inmate or child of the
- 4 facility; or
- 5 (3) delivers, or carries to a worksite with the intent to deliver,
- 6 alcoholic beverages to an inmate or child of a jail work crew or
- 7 community work crew;
- 8 **(including delivering, carrying, or receiving through the use of an**
- 9 **unmanned aerial vehicle)** commits trafficking with an inmate, a Class
- 10 A misdemeanor. However, the offense is a Level 5 felony under
- 11 subdivision (1) or (2) if the article is a controlled substance, a deadly
- 12 weapon, or a cellular telephone or other wireless or cellular
- 13 communications device.
- 14 (c) If:
- 15 (1) the person who committed the offense under subsection (b) is
- 16 an employee of:
- 17 (A) the department of correction; or
- 18 (B) a penal facility;
- 19 and the article is a cigarette or tobacco product (as defined in
- 20 IC 6-7-2-5), the court shall order the person to pay a fine of at
- 21 least five hundred dollars (\$500) and not more than five thousand
- 22 dollars (\$5,000) under IC 35-50-3-2, in addition to any term of
- 23 imprisonment imposed under IC 35-50-3-2; or
- 24 (2) a person is convicted of committing a Level 5 felony under
- 25 subsection (b)(1) or (b)(2) because the article was a cellular
- 26 telephone or other wireless or cellular communication device, the
- 27 court shall order the person to pay a fine of at least five hundred
- 28 dollars (\$500) and not more than ten thousand dollars (\$10,000)
- 29 under IC 35-50-2-6(a) in addition to any term of imprisonment
- 30 imposed on the person under IC 35-50-2-6(a).
- 31 (d) A person who:
- 32 (1) is not an inmate of a penal facility or a child of a juvenile
- 33 facility; and
- 34 (2) knowingly or intentionally possesses in, or carries or causes to
- 35 be brought into, the penal facility or juvenile facility a deadly
- 36 weapon without the prior authorization of the person in charge of
- 37 the penal facility or juvenile facility;
- 38 commits carrying a deadly weapon into a correctional facility, a Level
- 39 5 felony.
- 40 SECTION 2. IC 35-44.1-3-6, AS AMENDED BY P.L.158-2013,
- 41 SECTION 513, IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) As used in this section,



- 1 "contraband" means the following:
- 2 (1) Alcohol.
- 3 (2) A cigarette or tobacco product.
- 4 (3) A controlled substance.
- 5 (4) An item that may be used as a weapon.
- 6 (b) As used in this section, "inmate outside a facility" means a
- 7 person who is incarcerated in a penal facility or detained in a juvenile
- 8 facility on a full-time basis as the result of a conviction or a juvenile
- 9 adjudication but who has been or is being transported to another
- 10 location to participate in or prepare for a judicial proceeding. The term
- 11 does not include the following:
- 12 (1) An adult or juvenile pretrial detainee.
- 13 (2) A person serving an intermittent term of imprisonment or
- 14 detention.
- 15 (3) A person serving a term of imprisonment or detention as:
- 16 (A) a condition of probation;
- 17 (B) a condition of a community corrections program;
- 18 (C) part of a community transition program;
- 19 (D) part of a reentry court program;
- 20 (E) part of a work release program; or
- 21 (F) part of a community based program that is similar to a
- 22 program described in clauses (A) through (E).
- 23 (4) A person who has escaped from incarceration or walked away
- 24 from secure detention.
- 25 (5) A person on temporary leave (as described in IC 11-10-9) or
- 26 temporary release (as described in IC 11-10-10).
- 27 (c) A person who, with the intent of providing contraband to an
- 28 inmate outside a facility:
- 29 (1) delivers contraband to an inmate outside a facility; or
- 30 (2) places contraband in a location where an inmate outside a
- 31 facility could obtain the contraband;
- 32 **(including delivering or placing through the use of an unmanned**
- 33 **aerial vehicle)** commits trafficking with an inmate outside a facility,
- 34 a Class A misdemeanor. However, the offense is a Level 6 felony if the
- 35 contraband is an item described in subsection (a)(3), and a Level 5
- 36 felony if the contraband is an item described in subsection (a)(4).
- 37 SECTION 3. IC 35-44.1-4-10, AS ADDED BY P.L.107-2017,
- 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2024]: Sec. 10. A person who operates an unmanned aerial
- 40 vehicle in a manner that is intended to obstruct or interfere with:
- 41 (1) a law enforcement officer, **including a correctional officer**
- 42 **as defined in IC 5-10-10-1.5;**



1           (2) a firefighter;  
2           (3) an emergency medical person; or  
3           (4) a member of a search and rescue team or mission;  
4 while the individual described in subdivisions (1) through (4) is  
5 performing or attempting to perform the individual's official duties,  
6 commits public safety remote aerial interference, a Class A  
7 misdemeanor. However, the offense is a Level 6 felony if the person  
8 has a prior unrelated conviction under this section.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 182, 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 182 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 8, Nays 0

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 182 as printed January 17, 2024.)

MCNAMARA

Committee Vote: Yeas 12, Nays 0

