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States' Unmanned Aerial Vehicle Laws: *Indiana*



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IN ST § 35-42-4-12.5

IN ST § 35-45-4-5

IN ST § 35-45-10-6

IN ST § 35-46-1-15.1

Current through November 8, 2022

IN ST § 35-42-4-12.5 Sex Offender Operation of Unmanned Aerial Vehicle

- (a) This section applies only to a sex offender (as defined in IC 11-8-8-4.5).
- (b) A sex offender who:
 - (1) knowingly or intentionally operates an unmanned aerial vehicle for the purpose of:
 - (A) following;
 - (B) contacting; or
 - (C) capturing images or recordings of; one (1) or more other individuals; and
 - (2) is subject to a:
 - (A) condition of probation;
 - (B) condition of parole;
 - (C) condition or rule of a community corrections program; or
 - (D) rule of a community transition program; that prohibits the sex offender from following, contacting, or capturing images or recordings of one (1) or more other individuals, regardless of whether the means of engaging in any of those activities is specified in the condition or rule, commits a sex offender unmanned aerial vehicle offense, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

IN ST § 35-45-4-5 Voyeurism; Public Voyeurism

- (a) The following definitions apply throughout this section:
 - (1) "Camera" means a camera, a video camera, a device that captures a digital image, or any other type of video recording device.
 - (2) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.



- (3) "Private area" means the naked or undergarment clad genitals, pubic area, or buttocks of an individual.
- (b) A person:
- (1) who knowingly or intentionally:
 - (A) peeps; or
 - (B) goes upon the land of another with the intent to peep; into an occupied dwelling of another person; or
 - (2) who knowingly or intentionally peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:
 - (A) restrooms;
 - (B) baths;
 - (C) showers; and
 - (D) dressing rooms; without the consent of the other person, commits voyeurism, a Class B misdemeanor.
- (c) However, the offense under subsection (b) is a Level 6 felony if:
- (1) it is knowingly or intentionally committed by means of a camera; or
 - (2) the person who commits the offense has a prior unrelated conviction under this section.
- (d) A person who:
- (1) without the consent of the individual; and
 - (2) with intent to peep at the private area of an individual; peeps at the private area of an individual and records an image by means of a camera commits public voyeurism, a Class A misdemeanor.
- (e) The offense under subsection (d) is a Level 6 felony if the person has a prior unrelated conviction under this section or if the person:
- (1) publishes the image;
 - (2) makes the image available on the Internet; or
 - (3) transmits or disseminates the image to another person.
- (f) It is a defense to a prosecution under subsection (d) that the individual deliberately exposed the individual's private area.
- (g) A person who, with the intent to peep, operates an unmanned aerial vehicle in a manner that is intended to cause the unmanned aerial vehicle to enter the space above or surrounding another person's occupied dwelling for the purpose of capturing images, photographs, video recordings, or audio recordings of the other person while the other person is:
- (1) within the other person's occupied dwelling; or
 - (2) on the land or premises:
 - (A) on which the other person's occupied dwelling is located; and
 - (B) in a location that is not visible from an area:
 - (i) open to the general public; or
 - (ii) where a member of the general public has the right to be; commits remote aerial voyeurism, a Class A misdemeanor.
- (h) The offense under subsection (g) is a Level 6 felony if the person has a prior unrelated conviction under this section or if the person:
- (1) publishes the images, photographs, or recordings captured;



- (2) makes the images, photographs, or recordings captured available on the Internet; or
- (3) transmits or disseminates the images, photographs, or recordings captured to another person.

IN ST § 35-45-10-6 Remote Aerial Harassment

A person who operates an unmanned aerial vehicle in a manner that is intended to subject another person to harassment commits remote aerial harassment, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

IN ST § 35-46-1-15.1 Invasion of Privacy

- (a) A person who knowingly or intentionally violates:
 - (1) a protective order to prevent domestic or family violence or harassment issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
 - (2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
 - (3) a workplace violence restraining order issued under IC 34-26-6;
 - (4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
 - (5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
 - (6) a no contact order issued as a condition of probation;
 - (7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
 - (8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
 - (9) an order issued in another state that is substantially similar to an order described in subdivisions (1) through (8);
 - (10) an order that is substantially similar to an order described in subdivisions (1) through (8) and is issued by an Indian:
 - (A) tribe;
 - (B) band;
 - (C) pueblo;
 - (D) nation; or



- (E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;
- (11) an order issued under IC 35-33-8-3.2; or
- (12) an order issued under IC 35-38-1-30; commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction for an offense under this subsection.
- (b) It is not a defense to a prosecution under subsection (a) that the accused person used or operated an unmanned aerial vehicle in committing the violation.
- (c) A sex offender under IC 11-8-8-4.5 who:
- (1) establishes a new residence within a one (1) mile radius of the residence of the victim of the offender's sex offense;
 - (2) intends to reside (as defined in IC 35-42-4-11(b)) at the residence; and
 - (3) at the time the sex offender established the residence, knew or reasonably should have known that the residence was located within a one (1) mile radius of the residence of the victim of the offender's sex offense; commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony if the sex offender has a prior unrelated conviction under this subsection.
- (d) The victim of the sex offender's sex offense may not be prosecuted under subsection (c) if the victim's liability is based on aiding, inducing, or causing the offender to commit the offense described in subsection (c).
- (e) Subsection (c) does not apply to a sex offender who has obtained a waiver of residency under IC 35-38-2-2.5 or IC 35-38-1-33.

