

Burns Ind. Code Ann. § 35-31.5-2-176

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Burns' Indiana Statutes Annotated > Title 35 Criminal Law and Procedure (Arts. 1 — 52) > Article 31.5 Definitions (Chs. 1 — 2) > Chapter 2 Definitions (§§ 35-31.5-2-1 — 35-31.5-2-358)

35-31.5-2-176. Interception.

“Interception”, for purposes of IC 35-33.5, means the intentional recording or acquisition of the contents of an electronic communication by a person other than a sender or receiver of that communication, without the consent of the sender or receiver, by means of any instrument, device, or equipment under this article. This term includes the intentional recording or acquisition of communication through the use of a computer or a fax (facsimile transmission) machine. The term does not include recording or acquiring the contents of a radio transmission that is not:

- (1) scrambled or encrypted;
- (2) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of the communication;
- (3) carried on a subcarrier or other signal subsidiary to a radio transmission;
- (4) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or
- (5) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

History

P.L.114-2012, § 67, eff. July 1, 2012.

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