

## **IC 35-45-2**

### **Chapter 2. Intimidation and Other Offenses Relating to Communications**

#### **IC 35-45-2-1**

##### **Intimidation**

35-45-2-1 Sec. 1. (a) A person who communicates a threat to another person, with the intent:

- (1) that the other person engage in conduct against the other person's will;
- (2) that the other person be placed in fear of retaliation for a prior lawful act; or
- (3) of causing:

- (A) a dwelling, a building, or another structure; or
- (B) a vehicle; to be evacuated; commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Class D felony if:

- (A) the threat is to commit a forcible felony;
- (B) the person to whom the threat is communicated:

- (i) is a law enforcement officer;
- (ii) is a judge or bailiff of any court;
- (iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
- (iv) is an employee of a school corporation;
- (v) is a community policing volunteer;
- (vi) is an employee of a court;
- (vii) is an employee of a probation department; or
- (viii) is an employee of a community corrections program.

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

- (1) unlawfully injure the person threatened or another person, or damage property;
- (2) unlawfully subject a person to physical confinement or restraint;
- (3) commit a crime;
- (4) unlawfully withhold official action, or cause such withholding;
- (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
- (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
- (7) falsely harm the credit or business reputation of the person threatened; or
- (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

As added by Acts 1976, P.L.148, SEC.5. Amended by Acts 1977, P.L.340, SEC.71; Acts 1981, P.L.300, SEC.3; P.L.183-1984, SEC.6; P.L.325-1985, SEC.1; P.L.242-1993, SEC.3; P.L.164-1993, SEC.12; P.L.1-1994, SEC.169; P.L.241-2001, SEC.3; P.L.175-2003, SEC.3; P.L.3-2006, SEC.2.

#### **IC 35-45-2-2**

##### **Harassment; "obscene message" defined**

35-45-2-2 Sec. 2. (a) A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication:

- (1) makes a telephone call, whether or not a conversation ensues;
- (2) communicates with a person by telegraph, mail, or other form of written communication;
- (3) transmits an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or
- (4) uses a computer network (as defined in IC 35-43-2-3(a)) or other form of electronic communication to:

- (A) communicate with a person; or
- (B) transmit an obscene message or indecent or profane words to a person;

commits harassment, a Class B misdemeanor.

(b) A message is obscene if:

(1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;

(2) the message refers to sexual conduct in a patently offensive way; and

(3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.

As added by Acts 1976, P.L.148, SEC.5. Amended by Acts 1977, P.L.340, SEC.72; Acts 1977, P.L.343, SEC.1; Acts 1978, P.L.82, SEC.4; P.L.216-1996, SEC.22.

### **IC 35-45-2-3**

#### **Unlawful use of a communications medium; definitions**

35-45-2-3 Sec. 3. (a) A person who knowingly or intentionally:

(1) refuses to yield a party line upon request by another person who states that he wishes to make an emergency call from a telephone on that party line;

(2) refuses to yield a Citizens Radio Service channel upon request by another person who states that he wishes to make an emergency call on that channel; or

(3) obtains the use of a party line or Citizens Radio Service channel by falsely stating that he wishes to make an emergency call; commits unlawful use of a communications medium, a Class B misdemeanor.

(b) "Party line" means a common telephone line for two (2) or more subscribers.

(c) "Emergency call" means a telephone call or radio message in which the caller or sender reasonably believes that a human being or property is in jeopardy and that prompt summoning of aid is essential.

As added by Acts 1976, P.L.148, SEC.5. Amended by Acts 1977, P.L.340, SEC.73; Acts 1977, P.L.343, SEC.2.

### **IC 35-45-2-4**

#### **Unlawful disclosure**

35-45-2-4 Sec. 4. (a) This section does not apply to an employee who discloses information under IC 35-33.5.

(b) An employee of a telegraph company who knowingly or intentionally discloses the contents of a message sent or received, to a person other than a sender or receiver or authorized agent of either, commits unlawful disclosure, a Class A infraction.

(c) An employee of a telephone company who knowingly or intentionally discloses the contents of a conversation over a line of the company commits unlawful disclosure, a Class A infraction.

As added by Acts 1977, P.L.26, SEC.23. Amended by P.L.161-1990, SEC.4.

### **IC 35-45-2-5**

#### **Interference with the reporting of a crime**

35-45-2-5 Sec. 5. A person who, with the intent to commit, conceal, or aid in the commission of a crime, knowingly or intentionally interferes with or prevents an individual from:

(1) using a 911 emergency telephone system;

(2) obtaining medical assistance; or

(3) making a report to a law enforcement officer;

commits interference with the reporting of a crime, a Class A misdemeanor.

As added by P.L.71-2002, SEC.1.