

Crisis Connection

Indiana Code 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.