

IC 5-2-4

Chapter 4. Criminal Intelligence Information

IC 5-2-4-1

Definitions

Sec. 1. As used in this chapter, unless the context otherwise requires:

(1) "Criminal history information" means information collected by criminal justice agencies or individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release.

(2) "Criminal intelligence information" means information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity, including terrorist activity. "Criminal intelligence information" does not include criminal investigative information, which is information on identifiable individuals compiled in the course of the investigation of specific criminal acts.

(3) "Criminal justice agency" means any agency or department of any level of government which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders, or location of parents with child support obligations under 42 U.S.C. 653. The term includes:

(A) a nongovernmental entity that performs as its principal function the:

(i) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders; or

(ii) location of parents with child support obligations under 42 U.S.C. 653;

under a contract with an agency or department of any level of government;

(B) the department of homeland security; and

(C) the Indiana intelligence fusion center established by IC 10-11-9-2.

As added by Acts 1977, P.L.50, SEC.1. Amended by P.L.45-1993, SEC.1; P.L.56-1998, SEC.1; P.L.101-2006, SEC.2; P.L.1-2007, SEC.22; P.L.27-2010, SEC.1.

IC 5-2-4-2

Files restricted

Sec. 2. Criminal intelligence information shall not be placed in a criminal history file, nor shall a criminal history file indicate or suggest that a criminal intelligence file exists on the individual to whom the information relates. Criminal history information may, however, be included in criminal intelligence files.

As added by Acts 1977, P.L.50, SEC.1.

IC 5-2-4-3

Criminal activity; relevancy; restriction

Sec. 3. Criminal intelligence information concerning a particular individual shall be collected and maintained by a state or local criminal justice agency only if grounds exist connecting the individual with known or suspected criminal activity and if the information is relevant to that activity.

As added by Acts 1977, P.L.50, SEC.1.

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Retention; destruction

Sec. 4. Criminal intelligence information shall be reviewed by the chief executive officer of the criminal justice agency at regular intervals to determine whether the grounds for retaining the information still exist and if not, it shall be destroyed.

As added by Acts 1977, P.L.50, SEC.1.

IC 5-2-4-5

Political, religious, or social views; associations or activities restricted

Sec. 5. No criminal justice agency shall collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, corporation, limited liability company, business, or partnership unless such information directly relates to an investigation of past or threatened criminal acts or activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal acts or activities.

As added by Acts 1977, P.L.50, SEC.1. Amended by P.L.8-1993, SEC.52.

IC 5-2-4-6

Confidentiality; authorized disclosure

Sec. 6. Criminal intelligence information is hereby declared confidential and may be disseminated only in accordance with section 7 of this chapter, and only if the agency making the dissemination is satisfied that the need to know and intended uses of the information are reasonable and that the confidentiality of the information will be maintained.

As added by Acts 1977, P.L.50, SEC.1. Amended by P.L.186-2007, SEC.1.

IC 5-2-4-7

Unlawful disclosure; disclosure to certain persons permitted to avoid imminent danger to life or property

Sec. 7. (a) Except as provided in subsection (b), a person who knowingly releases criminal intelligence information to an agency or person other than a criminal justice agency commits a Class A misdemeanor.

(b) When necessary to avoid imminent danger to life or property,

a criminal justice agency may disseminate an assessment of criminal intelligence information to:

- (1) a government official; or
- (2) another individual:
 - (A) whose life or property is in imminent danger;
 - (B) who is responsible for protecting the life or property of another person; or
 - (C) who may be in a position to reduce or mitigate the imminent danger to life or property.

As added by Acts 1977, P.L.50, SEC.1. Amended by Acts 1978, P.L.2, SEC.503; P.L.186-2007, SEC.2.