

**GENERAL ORDINANCE NO. 2006 - 85-6**

**AN ORDINANCE MAKING THE POSSESSION OF RADIO FREQUENCY INDICATORS ILLEGAL IN THE COUNTY OF WABASH**

**WHEREAS**, there exists a device known as a radio frequency (RF) indicator; and

**WHEREAS**, the primary purpose of such a device is to detect the presence of "bugs" or transmitting or surveillance devices; and

**WHEREAS**, the legitimate uses of such devices withing the County of Wabash, Indiana are of a very limited nature; and

**WHEREAS**, RF indicator devices are most frequently used by criminal elements to detect the presence of an undercover policeman or informant so as to avoid detection in the commission of a crime; and

**WHEREAS**, the use of RF indicator devices to avoid detection during the commission of a crime endangers undercover police officers, informants, and others attempting to (1) prevent and apprehend crimes and those committing them; and (2) protect and preserve the safety and property of the Citizens of Wabash County, Indiana;

**THEREFORE**, under the authority of Indiana 36-1-3-1 through 36-1-5-9, including amendments, as follows:

**SECTION 1**

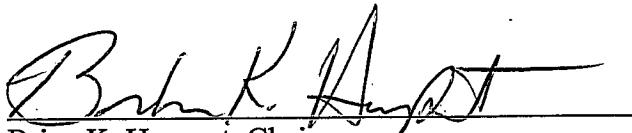
- a. It shall be unlawful for any person to possess or use a radio frequency (RF) indicator device with the County limits, unless said person shall first register said RF indicator device with the Wabash County Sheriff.
- b. It shall be unlawful for any person to use an RF indicator device in order to determine the presence of a radio frequency to:
  - 1) Assist that person or any other person in the commission of a crime;
  - 2) Detect whether a law enforcement person or someone working under the direction of a law enforcement person is "bugging" a conversation, encounter or transaction
  - 3) Detect whether that person or someone working under the direction of that person is under surveillance by law enforcement personnel
- c. Any RF indicator device found to be used in violation of this ordinance shall be subject to seizure by law enforcement officials and forfeiture by its owner.
- d. Any person found violating the provisions of this ordinance shall be subject to a fine not to exceed \$2,500.00.


**SECTION 2.** All prior ordinances or parts thereof inconsistent with any provision of this ordinance are hereby repealed.


This ordinance will take effect upon its passage by the Wabash County Commissioners and its publication in accordance with State statute.

PASSED by the Board of Commissioners of Wabash County, Indiana, on this 3rd day of July, 2006.

THE BOARD OF COMMISSIONERS  
OF WABASH COUNTY

  
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Brian K. Haupert, Chairman

  
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Lester Templin

  
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Darle Dawes

This ordinance was prepared by Thomas J Mattern, Wabash County Attorney, 282 Grant Street, Wabash, Indiana 46992