

HOUSE BILL No. 1015

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1; IC 5-14-3.

Synopsis: Law enforcement officer misconduct data base. Requires the law enforcement training board, in consultation with the office of technology, to establish a law enforcement misconduct data base (data base) that gives the public access to information on disciplinary actions against law enforcement officers. Provides that the data base collects and publishes information from law enforcement agencies of the state, political subdivisions, and public or private postsecondary educational institutions. Provides that the data base is limited to disciplinary actions in which law enforcement officers were: (1) finally determined to have engaged in misconduct; and (2) suspended without pay, demoted, or discharged.

Effective: July 1, 2021.

Jackson

January 4, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1015

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.58-2019,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. For the purposes of this chapter, and unless the
4 context clearly denotes otherwise, the following definitions apply
5 throughout this chapter:

6 (1) "Law enforcement officer" means an appointed officer or
7 employee hired by and on the payroll of the state, any of the
8 state's political subdivisions, or a public or private postsecondary
9 educational institution whose board of trustees has established a
10 police department under IC 21-17-5-2 or IC 21-39-4-2 who is
11 granted lawful authority to enforce all or some of the penal laws
12 of the state of Indiana and who possesses, with respect to those
13 laws, the power to effect arrests for offenses committed in the
14 officer's or employee's presence. However, **except as otherwise**
15 **provided in this chapter**, the following are expressly excluded
16 from the term "law enforcement officer" for the purposes of this
17 chapter:



- 1 (A) A constable.
- 2 (B) A special officer whose powers and duties are described
- 3 in IC 36-8-3-7 or a special deputy whose powers and duties are
- 4 described in IC 36-8-10-10.6.
- 5 (C) A county police reserve officer who receives compensation
- 6 for lake patrol duties under IC 36-8-3-20(f)(3).
- 7 (D) A conservation reserve officer who receives compensation
- 8 for lake patrol duties under IC 14-9-8-27.
- 9 (E) An employee of the gaming commission whose powers
- 10 and duties are described in IC 4-32.3-9.
- 11 (F) A correctional police officer described in IC 11-8-9.
- 12 (2) "Board" means the law enforcement training board created by
- 13 this chapter.
- 14 (3) "Executive training program" means the police chief executive
- 15 training program developed by the board under section 9 of this
- 16 chapter.
- 17 (4) "Law enforcement training council" means one (1) of the
- 18 confederations of law enforcement agencies recognized by the
- 19 board and organized for the sole purpose of sharing training,
- 20 instructors, and related resources.
- 21 (5) "Training regarding the lawful use of force" includes
- 22 classroom and skills training in the proper application of hand to
- 23 hand defensive tactics, use of firearms, and other methods of:
- 24 (A) overcoming unlawful resistance; or
- 25 (B) countering other action that threatens the safety of the
- 26 public or a law enforcement officer.
- 27 (6) "Hiring or appointing authority" means:
- 28 (A) the chief executive officer, board, or other entity of a
- 29 police department or agency with authority to appoint and hire
- 30 law enforcement officers; or
- 31 (B) the governor, mayor, board, or other entity with the
- 32 authority to appoint a chief executive officer of a police
- 33 department or agency.
- 34 (7) "Crisis intervention team" refers to a local coalition with a
- 35 goal of improving the manner in which law enforcement and the
- 36 community respond to crisis situations in which an individual is
- 37 experiencing a mental health or addictive disorder crisis.
- 38 **(8) "Disciplinary authority" means a police chief, sheriff,**
- 39 **superintendent, administrator, merit board, board of trustees,**
- 40 **or other entity that has the responsibility of enforcing the**
- 41 **disciplinary policies of the law enforcement agency.**
- 42 (9) "Final action" means an official determination of



1 misconduct by a disciplinary authority that:

2 (A) is final and conclusive; and

3 (B) cannot be appealed to another disciplinary authority.

4 (10) "Office of technology" means the office of technology
5 established by IC 4-13.1-2-1.

6 (11) "Law enforcement agency" means a state agency, a
7 political subdivision, or a public or private postsecondary
8 educational institution that employs and has on its payroll a
9 law enforcement officer, including individuals described in
10 subdivision (1)(A) through (1)(F).

11 (12) "Misconduct" means actions of a law enforcement officer
12 that:

13 (A) violate the disciplinary policies of the law enforcement
14 agency; and

15 (B) result in the law enforcement officer's:

16 (i) suspension without pay;

17 (ii) demotion; or

18 (iii) discharge;

19 by a disciplinary authority.

20 SECTION 2. IC 5-2-1-21 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2021]: Sec. 21. (a) As used in this section, "law enforcement
23 officer" includes those individuals otherwise excluded under
24 section 2(1)(A) through 2(1)(F) of this chapter.

25 (b) In consultation with the office of technology, the board shall
26 establish the law enforcement misconduct data base.

27 (c) The data base shall:

28 (1) receive and store information regarding disciplinary
29 actions against law enforcement officers in which:

30 (A) final action was taken; and

31 (B) the law enforcement officers were suspended without
32 pay, demoted, or discharged; and

33 (2) publish the information set forth in subsection (d) on the
34 data base in a manner that is accessible to the public.

35 (d) The data base shall publish the following information on the
36 data base:

37 (1) The name, job title, job description, and dates of
38 employment of the law enforcement officer.

39 (2) The law enforcement agency that employs or employed the
40 law enforcement officer.

41 (3) The factual basis underlying the official determination of
42 misconduct by the disciplinary authority. The name of a crime



1 victim may not be published unless:

2 (A) the crime victim has provided written authorization to
3 the law enforcement agency for release of the victim's
4 name; and

5 (B) the law enforcement agency transmits a copy of the
6 written authorization to the board.

7 (4) The discipline that was imposed for the misconduct.

8 (e) The board shall administer the data base.

9 (f) The office of technology shall provide, at its own expense, all
10 necessary equipment, infrastructure, and technical support
11 necessary to establish, maintain, and operate the data base.
12 However, the office of technology may establish the data base on
13 equipment or in facilities already owned or used by the office of
14 technology.

15 (g) The office of technology and the board:

16 (1) may enter into a memorandum of understanding; and

17 (2) shall adopt guidelines;

18 concerning the operation of the data base.

19 (h) The guidelines for the operation of the data base adopted by
20 the office of technology must include the manner in which
21 information must be transmitted by a law enforcement agency for
22 inclusion in the data base.

23 (i) The guidelines for the operation of the data base adopted by
24 the board must do all of the following:

25 (1) Describe the information underlying the final action of the
26 disciplinary authority that must be transmitted for inclusion
27 in the data base. The guidelines must require omission of a
28 crime victim's name from the information, unless the crime
29 victim has provided a written authorization or release.

30 (2) Require the law enforcement agency to transmit:

31 (A) the information in subdivision (1); and

32 (B) the crime victim's written authorization or release, if
33 any;

34 to the data base not later than thirty (30) days after the final
35 action by the disciplinary authority.

36 (j) Initiation of judicial review of the disciplinary authority's
37 final action does not stay or affect the law enforcement agency's
38 duty to submit the information to the data base.

39 (k) Information relating to law enforcement misconduct
40 maintained in the data base is a public record for purposes of
41 IC 5-14-3.

42 SECTION 3. IC 5-14-3-2.2, AS ADDED BY P.L.217-2016,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 2.2. (a) The following records of a private
3 university police department are public records and subject to this
4 chapter:

5 (1) A record created or received after July 1, 2016, by a private
6 university police department, to the extent the record:

7 (A) is created solely for a law enforcement purpose; and

8 (B) relates to arrests or incarcerations for criminal offenses.

9 (2) A record that is created in compliance with 20 U.S.C. 1092
10 and 34 CFR 668, to the extent that public access is required under
11 federal law.

12 **(3) The information for publication on the law enforcement
13 misconduct data base under IC 5-2-1-21 in accordance with
14 the guidelines of the law enforcement training board.**

15 The name of a crime victim must be redacted, unless release of the
16 name is authorized by the crime victim.

17 (b) If a request for a private university police department record is
18 denied under section 3 of this chapter, a civil action may be filed under
19 section 9 of this chapter and the court may assess a civil penalty under
20 section 9.5 of this chapter.

21 SECTION 4. IC 5-14-3-4.3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.3. Nothing contained
23 in section 4(b)(8) of this chapter requires a law enforcement agency to
24 release to the public the job title or job description of law enforcement
25 officers. **However, a law enforcement agency shall release the job
26 title and job description of a law enforcement officer to the law
27 enforcement misconduct data base under IC 5-2-1-21.**

