



January 14, 2016

HOUSE BILL No. 1022

DIGEST OF HB 1022 (Updated January 12, 2016 1:00 pm - DI 87)

Citations Affected: IC 5-14; IC 21-17; IC 34-30.

Synopsis: Private university police departments. Provides that certain records of a private university police department relating to arrests or incarcerations for criminal offenses are public records. Allows a private university police department to withhold investigatory records. Provides that an educational institution, a governing board of an educational institution, and an individual employed by the educational institution as a police officer have the same immunities of the state or state police officers with regard to activities related to law enforcement.

Effective: July 1, 2016.

Bauer, Cox, Harman

January 5, 2016, read first time and referred to Committee on Government and Regulatory Reform.
January 13, 2016, reported — Do Pass.

HB 1022—LS 6210/DI 87



January 14, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1022

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-14-3-2, AS AMENDED BY P.L.248-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 2. (a) The definitions set forth in this section apply
4 throughout this chapter.

5 (b) "Copy" includes transcribing by handwriting, photocopying,
6 xerography, duplicating machine, duplicating electronically stored data
7 onto a disk, tape, drum, or any other medium of electronic data storage,
8 and reproducing by any other means.

9 (c) "Criminal intelligence information" means data that has been
10 evaluated to determine that the data is relevant to:

11 (1) the identification of; and
12 (2) the criminal activity engaged in by;
13 an individual who or organization that is reasonably suspected of
14 involvement in criminal activity.

15 (d) "Direct cost" means one hundred five percent (105%) of the sum
16 of the cost of:

17 (1) the initial development of a program, if any;

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- 1 (2) the labor required to retrieve electronically stored data; and
 2 (3) any medium used for electronic output;
 3 for providing a duplicate of electronically stored data onto a disk, tape,
 4 drum, or other medium of electronic data retrieval under section 8(g)
 5 of this chapter, or for reprogramming a computer system under section
 6 6(c) of this chapter.
- 7 (e) "Electronic map" means copyrighted data provided by a public
 8 agency from an electronic geographic information system.
- 9 (f) "Enhanced access" means the inspection of a public record by a
 10 person other than a governmental entity and that:
 11 (1) is by means of an electronic device other than an electronic
 12 device provided by a public agency in the office of the public
 13 agency; or
 14 (2) requires the compilation or creation of a list or report that does
 15 not result in the permanent electronic storage of the information.
- 16 (g) "Facsimile machine" means a machine that electronically
 17 transmits exact images through connection with a telephone network.
- 18 (h) "Inspect" includes the right to do the following:
 19 (1) Manually transcribe and make notes, abstracts, or memoranda.
 20 (2) In the case of tape recordings or other aural public records, to
 21 listen and manually transcribe or duplicate, or make notes,
 22 abstracts, or other memoranda from them.
 23 (3) In the case of public records available:
 24 (A) by enhanced access under section 3.5 of this chapter; or
 25 (B) to a governmental entity under section 3(c)(2) of this
 26 chapter;
 27 to examine and copy the public records by use of an electronic
 28 device.
 29 (4) In the case of electronically stored data, to manually transcribe
 30 and make notes, abstracts, or memoranda or to duplicate the data
 31 onto a disk, tape, drum, or any other medium of electronic
 32 storage.
- 33 (i) "Investigatory record" means information compiled in the course
 34 of the investigation of a crime.
- 35 (j) "Offender" means a person confined in a penal institution as the
 36 result of the conviction for a crime.
- 37 (k) "Patient" has the meaning set out in IC 16-18-2-272(d).
- 38 (l) "Person" means an individual, a corporation, a limited liability
 39 company, a partnership, an unincorporated association, or a
 40 governmental entity.
- 41 **(m) "Private university police department" means the police**
 42 **officers appointed by the governing board of a private university**



1 **under IC 21-17-5.**

2 ~~(m)~~ (n) "Provider" has the meaning set out in IC 16-18-2-295(b) and
 3 includes employees of the state department of health or local boards of
 4 health who create patient records at the request of another provider or
 5 who are social workers and create records concerning the family
 6 background of children who may need assistance.

7 ~~(n)~~ (o) "Public agency", except as provided in section 2.1 of this
 8 chapter, means the following:

9 (1) Any board, commission, department, division, bureau,
 10 committee, agency, office, instrumentality, or authority, by
 11 whatever name designated, exercising any part of the executive,
 12 administrative, judicial, or legislative power of the state.

13 (2) Any:

14 (A) county, township, school corporation, city, or town, or any
 15 board, commission, department, division, bureau, committee,
 16 office, instrumentality, or authority of any county, township,
 17 school corporation, city, or town;

18 (B) political subdivision (as defined by IC 36-1-2-13); or

19 (C) other entity, or any office thereof, by whatever name
 20 designated, exercising in a limited geographical area the
 21 executive, administrative, judicial, or legislative power of the
 22 state or a delegated local governmental power.

23 (3) Any entity or office that is subject to:

24 (A) budget review by either the department of local
 25 government finance or the governing body of a county, city,
 26 town, township, or school corporation; or

27 (B) an audit by the state board of accounts that is required by
 28 statute, rule, or regulation.

29 (4) Any building corporation of a political subdivision that issues
 30 bonds for the purpose of constructing public facilities.

31 (5) Any advisory commission, committee, or body created by
 32 statute, ordinance, or executive order to advise the governing
 33 body of a public agency, except medical staffs or the committees
 34 of any such staff.

35 (6) Any law enforcement agency, which means an agency or a
 36 department of any level of government that engages in the
 37 investigation, apprehension, arrest, or prosecution of alleged
 38 criminal offenders, such as the state police department, the police
 39 or sheriff's department of a political subdivision, prosecuting
 40 attorneys, members of the excise police division of the alcohol
 41 and tobacco commission, conservation officers of the department
 42 of natural resources, gaming agents of the Indiana gaming



- 1 commission, gaming control officers of the Indiana gaming
 2 commission, and the security division of the state lottery
 3 commission.
 4 (7) Any license branch staffed by employees of the bureau of
 5 motor vehicles commission under IC 9-16.
 6 (8) The state lottery commission established by IC 4-30-3-1,
 7 including any department, division, or office of the commission.
 8 (9) The Indiana gaming commission established under IC 4-33,
 9 including any department, division, or office of the commission.
 10 (10) The Indiana horse racing commission established by IC 4-31,
 11 including any department, division, or office of the commission.
 12 **(11) A private university police department. The term does**
 13 **not include the governing board of a private university or any**
 14 **other department, division, board, entity, or office of a private**
 15 **university.**
 16 ~~(p)~~ **(p)** "Public record" means any writing, paper, report, study, map,
 17 photograph, book, card, tape recording, or other material that is
 18 created, received, retained, maintained, or filed by or with a public
 19 agency and which is generated on paper, paper substitutes,
 20 photographic media, chemically based media, magnetic or machine
 21 readable media, electronically stored data, or any other material,
 22 regardless of form or characteristics.
 23 ~~(q)~~ **(q)** "Standard-sized documents" includes all documents that can
 24 be mechanically reproduced (without mechanical reduction) on paper
 25 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 26 and one-half (8 1/2) inches by fourteen (14) inches.
 27 ~~(r)~~ **(r)** "Trade secret" has the meaning set forth in IC 24-2-3-2.
 28 ~~(s)~~ **(s)** "Work product of an attorney" means information compiled
 29 by an attorney in reasonable anticipation of litigation. The term
 30 includes the attorney's:
 31 (1) notes and statements taken during interviews of prospective
 32 witnesses; and
 33 (2) legal research or records, correspondence, reports, or
 34 memoranda to the extent that each contains the attorney's
 35 opinions, theories, or conclusions.
 36 This definition does not restrict the application of any exception under
 37 section 4 of this chapter.
 38 SECTION 2. IC 5-14-3-2.2 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2016]: **Sec. 2.2. (a) The following records of a private university**
 41 **police department are public records and subject to this chapter:**
 42 (1) A record created or received after July 1, 2016, by a



1 **private university police department, to the extent the record:**

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

3 **(B) relates to arrests or incarcerations for criminal**
 4 **offenses.**

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

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

12 SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.181-2015,
 13 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2016]: Sec. 4. (a) The following public records are excepted
 15 from section 3 of this chapter and may not be disclosed by a public
 16 agency, unless access to the records is specifically required by a state
 17 or federal statute or is ordered by a court under the rules of discovery:

18 (1) Those declared confidential by state statute.

19 (2) Those declared confidential by rule adopted by a public
 20 agency under specific authority to classify public records as
 21 confidential granted to the public agency by statute.

22 (3) Those required to be kept confidential by federal law.

23 (4) Records containing trade secrets.

24 (5) Confidential financial information obtained, upon request,
 25 from a person. However, this does not include information that is
 26 filed with or received by a public agency pursuant to state statute.

27 (6) Information concerning research, including actual research
 28 documents, conducted under the auspices of a state educational
 29 institution, including information:

30 (A) concerning any negotiations made with respect to the
 31 research; and

32 (B) received from another party involved in the research.

33 (7) Grade transcripts and license examination scores obtained as
 34 part of a licensure process.

35 (8) Those declared confidential by or under rules adopted by the
 36 supreme court of Indiana.

37 (9) Patient medical records and charts created by a provider,
 38 unless the patient gives written consent under IC 16-39 or as
 39 provided under IC 16-41-8.

40 (10) Application information declared confidential by the board
 41 of the Indiana economic development corporation under
 42 IC 5-28-16.



- 1 (11) A photograph, a video recording, or an audio recording of an
 2 autopsy, except as provided in IC 36-2-14-10.
- 3 (12) A Social Security number contained in the records of a
 4 public agency.
- 5 (13) The following information that is part of a foreclosure action
 6 subject to IC 32-30-10.5:
- 7 (A) Contact information for a debtor, as described in
 8 IC 32-30-10.5-8(d)(1)(B).
- 9 (B) Any document submitted to the court as part of the debtor's
 10 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 11 (14) The following information obtained from a call made to a
 12 fraud hotline established under IC 36-1-8-8.5:
- 13 (A) The identity of any individual who makes a call to the
 14 fraud hotline.
- 15 (B) A report, transcript, audio recording, or other information
 16 concerning a call to the fraud hotline.
- 17 However, records described in this subdivision may be disclosed
 18 to a law enforcement agency, a **private university police**
 19 **department**, the attorney general, the inspector general, the state
 20 examiner, or a prosecuting attorney.
- 21 (b) Except as otherwise provided by subsection (a), the following
 22 public records shall be excepted from section 3 of this chapter at the
 23 discretion of a public agency:
- 24 (1) Investigatory records of law enforcement agencies **or private**
 25 **university police departments**. Law enforcement agencies **or**
 26 **private university police departments** may share investigatory
 27 records with a person who advocates on behalf of a crime victim,
 28 including a victim advocate (as defined in IC 35-37-6-3.5) or a
 29 victim service provider (as defined in IC 35-37-6-5), for the
 30 purposes of providing services to a victim or describing services
 31 that may be available to a victim, without the law enforcement
 32 agency **or private university police department** losing its
 33 discretion to keep those records confidential from other records
 34 requesters. However, certain law enforcement records must be
 35 made available for inspection and copying as provided in section
 36 5 of this chapter.
- 37 (2) The work product of an attorney representing, pursuant to
 38 state employment or an appointment by a public agency:
- 39 (A) a public agency;
 40 (B) the state; or
 41 (C) an individual.
- 42 (3) Test questions, scoring keys, and other examination data used



- 1 in administering a licensing examination, examination for
2 employment, or academic examination before the examination is
3 given or if it is to be given again.
- 4 (4) Scores of tests if the person is identified by name and has not
5 consented to the release of the person's scores.
- 6 (5) The following:
- 7 (A) Records relating to negotiations between the Indiana
8 economic development corporation, the ports of Indiana, the
9 Indiana state department of agriculture, the Indiana finance
10 authority, an economic development commission, a local
11 economic development organization (as defined in
12 IC 5-28-11-2(3)), or a governing body of a political
13 subdivision with industrial, research, or commercial prospects,
14 if the records are created while negotiations are in progress.
- 15 (B) Notwithstanding clause (A), the terms of the final offer of
16 public financial resources communicated by the Indiana
17 economic development corporation, the ports of Indiana, the
18 Indiana finance authority, an economic development
19 commission, or a governing body of a political subdivision to
20 an industrial, a research, or a commercial prospect shall be
21 available for inspection and copying under section 3 of this
22 chapter after negotiations with that prospect have terminated.
- 23 (C) When disclosing a final offer under clause (B), the Indiana
24 economic development corporation shall certify that the
25 information being disclosed accurately and completely
26 represents the terms of the final offer.
- 27 (D) Notwithstanding clause (A), an incentive agreement with
28 an incentive recipient shall be available for inspection and
29 copying under section 3 of this chapter after the date the
30 incentive recipient and the Indiana economic development
31 corporation execute the incentive agreement regardless of
32 whether negotiations are in progress with the recipient after
33 that date regarding a modification or extension of the incentive
34 agreement.
- 35 (6) Records that are intra-agency or interagency advisory or
36 deliberative material, including material developed by a private
37 contractor under a contract with a public agency, that are
38 expressions of opinion or are of a speculative nature, and that are
39 communicated for the purpose of decision making.
- 40 (7) Diaries, journals, or other personal notes serving as the
41 functional equivalent of a diary or journal.
- 42 (8) Personnel files of public employees and files of applicants for



1 public employment, except for:

2 (A) the name, compensation, job title, business address,
3 business telephone number, job description, education and
4 training background, previous work experience, or dates of
5 first and last employment of present or former officers or
6 employees of the agency;

7 (B) information relating to the status of any formal charges
8 against the employee; and

9 (C) the factual basis for a disciplinary action in which final
10 action has been taken and that resulted in the employee being
11 suspended, demoted, or discharged.

12 However, all personnel file information shall be made available
13 to the affected employee or the employee's representative. This
14 subdivision does not apply to disclosure of personnel information
15 generally on all employees or for groups of employees without the
16 request being particularized by employee name.

17 (9) Minutes or records of hospital medical staff meetings.

18 (10) Administrative or technical information that would
19 jeopardize a record keeping or security system.

20 (11) Computer programs, computer codes, computer filing
21 systems, and other software that are owned by the public agency
22 or entrusted to it and portions of electronic maps entrusted to a
23 public agency by a utility.

24 (12) Records specifically prepared for discussion or developed
25 during discussion in an executive session under IC 5-14-1.5-6.1.
26 However, this subdivision does not apply to that information
27 required to be available for inspection and copying under
28 subdivision (8).

29 (13) The work product of the legislative services agency under
30 personnel rules approved by the legislative council.

31 (14) The work product of individual members and the partisan
32 staffs of the general assembly.

33 (15) The identity of a donor of a gift made to a public agency if:

34 (A) the donor requires nondisclosure of the donor's identity as
35 a condition of making the gift; or

36 (B) after the gift is made, the donor or a member of the donor's
37 family requests nondisclosure.

38 (16) Library or archival records:

39 (A) which can be used to identify any library patron; or

40 (B) deposited with or acquired by a library upon a condition
41 that the records be disclosed only:

42 (i) to qualified researchers;



1 (ii) after the passing of a period of years that is specified in
 2 the documents under which the deposit or acquisition is
 3 made; or

4 (iii) after the death of persons specified at the time of the
 5 acquisition or deposit.

6 However, nothing in this subdivision shall limit or affect contracts
 7 entered into by the Indiana state library pursuant to IC 4-1-6-8.

8 (17) The identity of any person who contacts the bureau of motor
 9 vehicles concerning the ability of a driver to operate a motor
 10 vehicle safely and the medical records and evaluations made by
 11 the bureau of motor vehicles staff or members of the driver
 12 licensing medical advisory board regarding the ability of a driver
 13 to operate a motor vehicle safely. However, upon written request
 14 to the commissioner of the bureau of motor vehicles, the driver
 15 must be given copies of the driver's medical records and
 16 evaluations.

17 (18) School safety and security measures, plans, and systems,
 18 including emergency preparedness plans developed under 511
 19 IAC 6.1-2-2.5.

20 (19) A record or a part of a record, the public disclosure of which
 21 would have a reasonable likelihood of threatening public safety
 22 by exposing a vulnerability to terrorist attack. A record described
 23 under this subdivision includes:

24 (A) a record assembled, prepared, or maintained to prevent,
 25 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 26 or an act of agricultural terrorism under IC 35-47-12-2;

27 (B) vulnerability assessments;

28 (C) risk planning documents;

29 (D) needs assessments;

30 (E) threat assessments;

31 (F) intelligence assessments;

32 (G) domestic preparedness strategies;

33 (H) the location of community drinking water wells and
 34 surface water intakes;

35 (I) the emergency contact information of emergency
 36 responders and volunteers;

37 (J) infrastructure records that disclose the configuration of
 38 critical systems such as communication, electrical, ventilation,
 39 water, and wastewater systems;

40 (K) detailed drawings or specifications of structural elements,
 41 floor plans, and operating, utility, or security systems, whether
 42 in paper or electronic form, of any building or facility located



1 on an airport (as defined in IC 8-21-1-1) that is owned,
 2 occupied, leased, or maintained by a public agency. A record
 3 described in this clause may not be released for public
 4 inspection by any public agency without the prior approval of
 5 the public agency that owns, occupies, leases, or maintains the
 6 airport. The public agency that owns, occupies, leases, or
 7 maintains the airport:

8 (i) is responsible for determining whether the public
 9 disclosure of a record or a part of a record has a reasonable
 10 likelihood of threatening public safety by exposing a
 11 vulnerability to terrorist attack; and

12 (ii) must identify a record described under item (i) and
 13 clearly mark the record as "confidential and not subject to
 14 public disclosure under IC 5-14-3-4(b)(19)(J) without
 15 approval of (insert name of submitting public agency)"; and
 16 (L) the home address, home telephone number, and emergency
 17 contact information for any:

18 (i) emergency management worker (as defined in
 19 IC 10-14-3-3);

20 (ii) public safety officer (as defined in IC 35-47-4.5-3);

21 (iii) emergency medical responder (as defined in
 22 IC 16-18-2-109.8); or

23 (iv) advanced emergency medical technician (as defined in
 24 IC 16-18-2-6.5).

25 This subdivision does not apply to a record or portion of a record
 26 pertaining to a location or structure owned or protected by a
 27 public agency in the event that an act of terrorism under
 28 IC 35-47-12-1 or an act of agricultural terrorism under
 29 IC 35-47-12-2 has occurred at that location or structure, unless
 30 release of the record or portion of the record would have a
 31 reasonable likelihood of threatening public safety by exposing a
 32 vulnerability of other locations or structures to terrorist attack.

33 (20) The following personal information concerning a customer
 34 of a municipally owned utility (as defined in IC 8-1-2-1):

35 (A) Telephone number.

36 (B) Address.

37 (C) Social Security number.

38 (21) The following personal information about a complainant
 39 contained in records of a law enforcement agency:

40 (A) Telephone number.

41 (B) The complainant's address. However, if the complainant's
 42 address is the location of the suspected crime, infraction,



- 1 accident, or complaint reported, the address shall be made
 2 available for public inspection and copying.
- 3 (22) Notwithstanding subdivision (8)(A), the name,
 4 compensation, job title, business address, business telephone
 5 number, job description, education and training background,
 6 previous work experience, or dates of first employment of a law
 7 enforcement officer who is operating in an undercover capacity.
- 8 (23) Records requested by an offender that:
- 9 (A) contain personal information relating to:
- 10 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 11 (ii) a law enforcement officer (as defined in
 12 IC 35-31.5-2-185);
 13 (iii) a judge (as defined in IC 33-38-12-3);
 14 (iv) the victim of a crime; or
 15 (v) a family member of a correctional officer, law
 16 enforcement officer (as defined in IC 35-31.5-2-185), judge
 17 (as defined in IC 33-38-12-3), or victim of a crime; or
- 18 (B) concern or could affect the security of a jail or correctional
 19 facility.
- 20 (24) Information concerning an individual less than eighteen (18)
 21 years of age who participates in a conference, meeting, program,
 22 or activity conducted or supervised by a state educational
 23 institution, including the following information regarding the
 24 individual or the individual's parent or guardian:
- 25 (A) Name.
 26 (B) Address.
 27 (C) Telephone number.
 28 (D) Electronic mail account address.
- 29 (25) Criminal intelligence information.
- 30 (26) The following information contained in a report of unclaimed
 31 property under IC 32-34-1-26 or in a claim for unclaimed
 32 property under IC 32-34-1-36:
- 33 (A) date of birth;
 34 (B) driver's license number;
 35 (C) taxpayer identification number;
 36 (D) employer identification number; or
 37 (E) account number.
- 38 (c) Nothing contained in subsection (b) shall limit or affect the right
 39 of a person to inspect and copy a public record required or directed to
 40 be made by any statute or by any rule of a public agency.
- 41 (d) Notwithstanding any other law, a public record that is classified
 42 as confidential, other than a record concerning an adoption or patient



1 medical records, shall be made available for inspection and copying
2 seventy-five (75) years after the creation of that record.

3 (e) Only the content of a public record may form the basis for the
4 adoption by any public agency of a rule or procedure creating an
5 exception from disclosure under this section.

6 (f) Except as provided by law, a public agency may not adopt a rule
7 or procedure that creates an exception from disclosure under this
8 section based upon whether a public record is stored or accessed using
9 paper, electronic media, magnetic media, optical media, or other
10 information storage technology.

11 (g) Except as provided by law, a public agency may not adopt a rule
12 or procedure nor impose any costs or liabilities that impede or restrict
13 the reproduction or dissemination of any public record.

14 (h) Notwithstanding subsection (d) and section 7 of this chapter:

15 (1) public records subject to IC 5-15 may be destroyed only in
16 accordance with record retention schedules under IC 5-15; or

17 (2) public records not subject to IC 5-15 may be destroyed in the
18 ordinary course of business.

19 SECTION 4. IC 5-14-3-5, AS AMENDED BY P.L.1-2012,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2016]: Sec. 5. (a) If a person is arrested or summoned for an
22 offense, the following information shall be made available for
23 inspection and copying:

24 (1) Information that identifies the person including the person's
25 name, age, and address.

26 (2) Information concerning any charges on which the arrest or
27 summons is based.

28 (3) Information relating to the circumstances of the arrest or the
29 issuance of the summons, such as the:

30 (A) time and location of the arrest or the issuance of the
31 summons;

32 (B) investigating or arresting officer (other than an undercover
33 officer or agent); and

34 (C) investigating or arresting law enforcement agency.

35 (b) If a person is received in a jail or lock-up, the following
36 information shall be made available for inspection and copying:

37 (1) Information that identifies the person including the person's
38 name, age, and address.

39 (2) Information concerning the reason for the person being placed
40 in the jail or lock-up, including the name of the person on whose
41 order the person is being held.

42 (3) The time and date that the person was received and the time



1 and date of the person's discharge or transfer.

2 (4) The amount of the person's bail or bond, if it has been fixed.

3 (c) **This subsection does not apply to a private university police**
 4 **department, which is governed instead by subsection (d).** An agency
 5 shall maintain a daily log or record that lists suspected crimes,
 6 accidents, or complaints, and the following information shall be made
 7 available for inspection and copying:

8 (1) The time, substance, and location of all complaints or requests
 9 for assistance received by the agency.

10 (2) The time and nature of the agency's response to all complaints
 11 or requests for assistance.

12 (3) If the incident involves an alleged crime or infraction:

13 (A) the time, date, and location of occurrence;

14 (B) the name and age of any victim, unless the victim is a
 15 victim of a crime under IC 35-42-4 or IC 35-42-3.5;

16 (C) the factual circumstances surrounding the incident; and

17 (D) a general description of any injuries, property, or weapons
 18 involved.

19 The information required in this subsection shall be made available for
 20 inspection and copying in compliance with this chapter. The record
 21 containing the information must be created not later than twenty-four
 22 (24) hours after the suspected crime, accident, or complaint has been
 23 reported to the agency.

24 (d) **A private university police department shall make available**
 25 **for inspection and copying:**

26 (1) **information created or received after July 1, 2016, that is**
 27 **described in subsections (a) and (b); and**

28 (2) **information (including the daily log):**

29 (A) **created in compliance with; and**

30 (B) **to the extent that public access is required under;**

31 **20 U.S.C. 1092 and 34 CFR 668.**

32 ~~(e)~~ (e) This chapter does not affect IC 5-2-4, IC 10-13-3, or
 33 IC 5-11-1-9.

34 SECTION 5. IC 21-17-5-4, AS ADDED BY P.L.2-2007, SECTION
 35 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2016]: Sec. 4. (a) Police officers appointed under this chapter have
 37 the following powers:

38 (1) General police powers, including the power to arrest, without
 39 process, all persons who commit any offense within the view of
 40 the officer.

41 (2) The same common law and statutory powers, privileges, and
 42 immunities, **including the immunities listed in IC 34-13-3-3,** as



1 **state police officers**, sheriffs, and constables. However, the
 2 police officers are empowered to serve civil process only to the
 3 extent authorized by the employing governing board.

4 (3) The duty to enforce and to assist the officials of the
 5 educational institutions in the enforcement of the rules and
 6 regulations of the educational institution.

7 (4) The duty to assist and cooperate with other law enforcement
 8 agencies and law enforcement officers.

9 (b) The governing board of an educational institution employing a
 10 police officer may expressly forbid the officer from exercising any
 11 powers otherwise granted to the police officer by law.

12 **(c) If an educational institution, governing board of an**
 13 **educational institution, or individual employed by the educational**
 14 **institution as a police officer acts in accordance with this chapter**
 15 **or engages in activities related to law enforcement:**

16 **(1) the educational institution and the governing board of an**
 17 **educational institution have the same common law and**
 18 **statutory immunities granted to the state; and**

19 **(2) an individual employed by the educational institution as a**
 20 **police officer has the same common law and statutory**
 21 **immunities granted to a state police officer;**

22 **including the immunities listed in IC 34-13-3-3.**

23 **(d) A record of an educational institution's police department is**
 24 **a public record subject to IC 5-14-3, if the record meets the**
 25 **requirements of IC 5-14-3-2.2.**

26 SECTION 6. IC 34-30-2-86.2 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2016]: **Sec. 86.2. IC 21-17-5-4 (Concerning**
 29 **an educational institution, an educational institution governing**
 30 **board, and an individual employed by an educational institution as**
 31 **a police officer regarding activities related to enforcement of the**
 32 **law and rules and regulations of the educational institution).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1022 as introduced.)

MAHAN

Committee Vote: Yeas 13, Nays 0

