



January 25, 2024

HOUSE BILL No. 1104

DIGEST OF HB 1104 (Updated January 24, 2024 4:51 pm - DI 134)

Citations Affected: IC 10-21; IC 20-34; IC 36-8.

Synopsis: School safety. Provides that a school safety plan developed by a school corporation or charter school must establish an armed intruder drill protocol. Requires safe school committees to develop a policy that considers the effect of armed intruder drills on the safety and mental health of students, faculty, and staff. Prohibits an armed intruder drill that includes sensory components or activities from: (1) requiring student participation; or (2) taking place during regular school hours if a majority of the student body is present on school property. Allows a school corporation or charter school that: (1) employs a school resource officer; or (2) enters into a contract or a memorandum of understanding with a local law enforcement agency, private entity, or nonprofit corporation to employ a school resource officer; to participate in the 1977 fund. Provides that a school resource officer hired or rehired after June 30, 2024, who is a member of the 1977 fund shall remain in the 1977 fund. Provides that a school resource officer may become a member of the 1977 fund by meeting certain age and training requirements. Makes corresponding changes.

Effective: July 1, 2024.

Davis, McNamara, Criswell, Pfaff

January 8, 2024, read first time and referred to Committee on Education.
January 18, 2024, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
January 25, 2024, amended, reported — Do Pass.

HB 1104—LS 6812/DI 143



January 25, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1104

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

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

- 1 SECTION 1. IC 10-21-1-10, AS ADDED BY P.L.150-2023,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 10. (a) A school corporation shall develop a
4 school safety plan in accordance with subsection (c) for review as
5 described in section 11 of this chapter.
6 (b) Each charter school shall develop a school safety plan in
7 accordance with subsection (c) for review as described in section 11 of
8 this chapter. A charter school in operation on July 1, 2023, shall
9 comply with this subsection on or before July 1, 2024.
10 (c) The school safety plan:
11 (1) must be developed by a school safety specialist and the
12 school's safe school committee, including a school resource
13 officer if one (1) is employed by the school corporation or charter
14 school, in consultation with the:
15 (A) law enforcement agency; and
16 (B) fire department;
17 that have jurisdiction over the particular school building;

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- 1 (2) must:
- 2 (A) protect against outside and internal threats to the physical
- 3 safety of students, faculty, staff, and the public, including
- 4 unsafe conditions, crime prevention, school violence, bullying
- 5 and cyberbullying, criminal organization activity, child abuse
- 6 and child sexual abuse, mental health and behavioral health,
- 7 suicide awareness and prevention, **violence prevention and**
- 8 **training, situational awareness**, and other issues that prevent
- 9 the maintenance of a safe school;
- 10 (B) prevent unauthorized access to school property and
- 11 interior areas or rooms, including the management of
- 12 authorized visitors on school property, before, during, and
- 13 after regular school hours;
- 14 (C) secure schools against natural and manmade disasters,
- 15 including all emergency preparedness drill requirements set
- 16 forth in IC 20-34-3-20;
- 17 **(D) establish an armed intruder drill protocol that:**
- 18 **(i) provides accommodations for students who have**
- 19 **mobility restrictions, sensory needs, or auditory or visual**
- 20 **limitations;**
- 21 **(ii) emphasizes the practical nature of the drill;**
- 22 **(iii) provides access to mental health services on school**
- 23 **grounds following the conclusion of a drill;**
- 24 **(iv) provides advance notice of a drill to parents or legal**
- 25 **guardians of students who attend the school; and**
- 26 **(v) provides alternative exercises for students who are**
- 27 **unable to participate in a drill;**
- 28 ~~(D)~~ (E) include a site vulnerability assessment for each school
- 29 building;
- 30 ~~(E)~~ (F) not later than July 1, 2025, include the establishment
- 31 of a multi-disciplinary threat assessment team;
- 32 ~~(F)~~ (G) include measures to expedite notification of first
- 33 responders and access to school property for first responders;
- 34 and
- 35 ~~(G)~~ (H) include any additional requirements required by the
- 36 Indiana state board of education;
- 37 (3) must be provided to a member of the board if a member
- 38 requests the school safety plan;
- 39 (4) must be available for inspection by the department of
- 40 education's division of school building physical security and
- 41 safety (as established by IC 20-19-3-14);
- 42 (5) must be provided to the law enforcement agency and the fire



1 department that have jurisdiction over the school corporation or
 2 charter school;
 3 (6) must include an attestation that:
 4 (A) a copy of the floor plans for each building located on the
 5 school's property were provided to the law enforcement agency
 6 and the fire department that have jurisdiction over the school
 7 corporation or charter school that clearly indicates each
 8 entrance and exit, the interior rooms and hallways, and the
 9 location of any hazardous materials located in the building; or
 10 (B) the school corporation or charter school has conducted
 11 critical incidence digital mapping for each school building
 12 within the school corporation or the buildings that are operated
 13 by a charter school, including providing the critical incidence
 14 digital mapping information to:
 15 (i) the law enforcement agency and fire department that
 16 have jurisdiction over the mapped school buildings; and
 17 (ii) the statewide 911 system described in IC 36-8-16.7-22
 18 through the public safety answer point, or "PSAP",
 19 described in IC 36-8-16.7-20 that has jurisdiction over the
 20 mapped school buildings; and
 21 (7) must be filed with the county school safety commission under
 22 section 12 of this chapter having jurisdiction over the school
 23 corporation or charter school.
 24 (d) For purposes of IC 5-14-3, the entities specified in subsection (c)
 25 that receive information under this section shall keep the information
 26 compiled and retained under this section confidential and shall
 27 withhold the information from public disclosure.
 28 SECTION 2. IC 10-21-1-14, AS ADDED BY P.L.150-2023,
 29 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2024]: Sec. 14. (a) Each school operated by a school
 31 corporation shall establish a safe school committee. The committee
 32 may be a subcommittee of the committee that develops the strategic
 33 and continuous school improvement and achievement plan under
 34 IC 20-31-5. Each committee may include at least one (1) member who
 35 is a member of the support staff of the school or school corporation
 36 career and technical education school.
 37 (b) Each school operated by a charter school shall establish a safe
 38 school committee. A charter school in operation on July 1, 2023, shall
 39 comply with this subsection not later than July 1, 2024.
 40 (c) The safe school committee shall actively participate in and assist
 41 with the development of the school safety plan.
 42 (d) The department of education, the school corporation's or charter



1 school's school safety specialist or specialists, and a school resource
 2 officer, if one (1) is employed by the school corporation or charter
 3 school, shall provide materials and guidelines to assist a safe school
 4 committee in developing a policy for a particular school that addresses
 5 the following issues:

- 6 (1) Implementation of the school safety plan.
 7 (2) Addressing outside and internal threats to the physical safety
 8 of students, faculty, staff, and the public, including unsafe
 9 conditions, crime prevention, school violence, bullying and
 10 cyberbullying, criminal organization activity, child abuse and
 11 child sexual abuse, mental health and behavioral health, suicide
 12 awareness and prevention, **violence prevention and training,**
 13 **situational awareness,** and other issues that prevent the
 14 maintenance of a safe school.
 15 (3) Addressing the professional development needs for faculty
 16 and staff to implement methods that decrease problems identified
 17 under subdivision (2).
 18 (4) Identifying and implementing methods to encourage:
 19 (A) involvement by the community, families, and students;
 20 (B) development of relationships between students and school
 21 faculty and staff; and
 22 (C) use of problem solving teams.

23 **(5) Consideration of the effect of armed intruder drills on the**
 24 **safety and mental health of students, faculty, and staff.**

25 (e) The guidelines developed under subsection (d) must include age
 26 appropriate, **research trauma informed, evidence** based information
 27 **(as defined in 34 U.S.C. 10554(4))** that assists school corporations or
 28 charter schools and safe school committees in:

- 29 (1) developing and implementing bullying and cyberbullying
 30 prevention programs;
 31 (2) establishing investigation and reporting procedures related to
 32 bullying and cyberbullying; and
 33 (3) adopting discipline rules that comply with IC 20-33-8-13.5.

34 (f) In addition to developing guidelines under subsection (d), the
 35 department of education shall establish categories of types of bullying
 36 incidents to allow school corporations to use the categories in making
 37 reports under IC 20-20-8-8 and IC 20-34-6-1.

38 (g) The materials and guidelines provided under subsection (d) must
 39 include the model educational materials and model response policies
 40 and reporting procedures on child abuse and child sexual abuse
 41 developed or identified under IC 20-19-3-11.

42 SECTION 3. IC 20-34-3-20, AS AMENDED BY P.L.150-2023,



1 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 20. (a) The governing body of a school
3 corporation and an organizer of a charter school shall require each
4 school in the governing body's jurisdiction or organizer's responsibility
5 to conduct periodic emergency preparedness drills during the school
6 year in compliance with rules adopted under IC 4-22-2 by the state
7 board.

8 (b) Each school and attendance center shall conduct at least:

9 (1) one (1) tornado preparedness drill; and

10 (2) one (1) manmade occurrence disaster drill;

11 during each semester.

12 (c) At least one (1) manmade occurrence disaster drill required
13 under subsection (b) must be an ~~active shooter~~ **armed intruder** drill
14 and must be conducted **in conformity with the requirements of**
15 **section 27 of this chapter and** within ninety (90) calendar days after
16 the beginning of the school year.

17 (d) Each:

18 (1) state accredited nonpublic school; and

19 (2) charter school;

20 must conduct at least one (1) ~~active shooter~~ **armed intruder drill in**
21 **conformity with the requirements of section 27 of this chapter**
22 during each school year.

23 (e) Notwithstanding rules established by the state fire marshal under
24 IC 12-17-12-19, a drill conducted under subsection (b) may be
25 conducted instead of a periodic or monthly fire evacuation drill
26 requirement established by the state fire marshal. However, a drill
27 conducted under subsection (b) may not be made:

28 (1) instead of more than two (2) periodic or monthly fire
29 evacuation drills in a particular school semester; and

30 (2) in two (2) consecutive months.

31 (f) The governing body of a school corporation or an organizer of a
32 charter school may direct schools to conduct emergency preparedness
33 drills in addition to those required under subsection (b).

34 (g) The governing body of a school corporation or organizer of a
35 charter school shall require each principal to file a certified statement
36 that all drills have been conducted as required under this section.

37 SECTION 4. IC 20-34-3-27 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2024]: Sec. 27. (a) **As used in this section, "sensory components**
40 **or activities" refers to aspects of an armed intruder drill intended**
41 **to simulate a real armed intruder scenario that include:**

42 (1) **simulations of gunfire;**



- 1 **(2) simulations of gunshot wounds or other injuries;**
 2 **(3) the use of a prop firearm;**
 3 **(4) the use of a pellet gun; or**
 4 **(5) participation in the drill by law enforcement personnel**
 5 **with drawn firearms.**
 6 **(b) An armed intruder drill conducted under section 20 of this**
 7 **chapter that includes sensory components or activities may not:**
 8 **(1) require student participation; or**
 9 **(2) take place during regular school hours if a majority of the**
 10 **student body is present on school property.**
 11 SECTION 5. IC 36-8-8-1, AS AMENDED BY P.L.102-2023,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 1. This chapter applies to:
 14 (1) full-time police officers hired or rehired after April 30, 1977,
 15 in all municipalities, or who converted their benefits under
 16 IC 19-1-17.8-7 (repealed September 1, 1981);
 17 (2) full-time fully paid firefighters hired or rehired after April 30,
 18 1977, or who converted their benefits under IC 19-1-36.5-7
 19 (repealed September 1, 1981);
 20 (3) a police matron hired or rehired after April 30, 1977, and
 21 before July 1, 1996, who is a member of a police department in a
 22 second or third class city on March 31, 1996;
 23 (4) a park ranger who:
 24 (A) completed at least the number of weeks of training at the
 25 Indiana law enforcement academy or a comparable law
 26 enforcement academy in another state that were required at the
 27 time the park ranger attended the Indiana law enforcement
 28 academy or the law enforcement academy in another state;
 29 (B) graduated from the Indiana law enforcement academy or
 30 a comparable law enforcement academy in another state; and
 31 (C) is employed by the parks department of a city having a
 32 population of more than one hundred ten thousand (110,000)
 33 and less than one hundred fifty thousand (150,000);
 34 (5) a full-time fully paid firefighter who is covered by this chapter
 35 before the effective date of consolidation and becomes a member
 36 of the fire department of a consolidated city under IC 36-3-1-6.1,
 37 provided that the firefighter's service as a member of the fire
 38 department of a consolidated city is considered active service
 39 under this chapter;
 40 (6) except as otherwise provided, a full-time fully paid firefighter
 41 who is hired or rehired after the effective date of the consolidation
 42 by a consolidated fire department established under



- 1 IC 36-3-1-6.1;
- 2 (7) a full-time police officer who is covered by this chapter before
- 3 the effective date of consolidation and becomes a member of the
- 4 consolidated law enforcement department as part of the
- 5 consolidation under IC 36-3-1-5.1, provided that the officer's
- 6 service as a member of the consolidated law enforcement
- 7 department is considered active service under this chapter;
- 8 (8) except as otherwise provided, a full-time police officer who is
- 9 hired or rehired after the effective date of the consolidation by a
- 10 consolidated law enforcement department established under
- 11 IC 36-3-1-5.1;
- 12 (9) a veteran described in IC 36-8-4.7; ~~and~~
- 13 (10) a full-time police officer or full-time fully paid firefighter
- 14 who is employed by an airport authority; ~~and~~
- 15 **(11) a full-time school resource officer;**
- 16 except as provided by section 7 of this chapter.
- 17 SECTION 6. IC 36-8-8-2, AS AMENDED BY P.L.102-2023,
- 18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2024]: Sec. 2. As used in this chapter, "employer" means:
- 20 (1) a municipality that established a 1925 or 1953 fund or that
- 21 participates in the 1977 fund under section 3 or 18 of this chapter;
- 22 (2) a unit that established a 1937 fund or that participates in the
- 23 1977 fund under section 3 or 18 of this chapter;
- 24 (3) a consolidated city that consolidated the fire departments of
- 25 units that:
- 26 (A) established a 1937 fund; or
- 27 (B) participated in the 1977 fund;
- 28 before the units' consolidation into the fire department of a
- 29 consolidated city established by IC 36-3-1-6.1;
- 30 (4) a consolidated city that establishes a consolidated law
- 31 enforcement department under IC 36-3-1-5.1; ~~or~~
- 32 (5) an airport authority that participates in the 1977 fund under
- 33 section 3 of this chapter; ~~or~~
- 34 **(6) a school corporation or charter school that participates in**
- 35 **the 1977 fund under section 3 of this chapter.**
- 36 SECTION 7. IC 36-8-8-2.1, AS AMENDED BY P.L.102-2023,
- 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2024]: Sec. 2.1. (a) As used in this chapter, "local board"
- 39 means the following:
- 40 (1) For a unit that established a 1925 fund for its police officers,
- 41 the local board described in IC 36-8-6-2.
- 42 (2) For a unit that established a 1937 fund for its firefighters, the



1 local board described in IC 36-8-7-3.

2 (3) For a consolidated city that established a 1953 fund for its
3 police officers, the local board described in IC 36-8-7.5-2.

4 (4) For a unit, other than a consolidated city, that did not establish
5 a 1925 fund for its police officers or a 1937 fund for its
6 firefighters, the local board described in subsection (b) or (c).

7 (5) For an airport authority, the board of an airport authority.

8 **(6) For a school resource officer, the local board described in**
9 **subdivisions (1) through (4) that manages the fund established**
10 **in the unit or the consolidated city in which the:**

11 **(A) territory of the school corporation; or**

12 **(B) charter school;**

13 **is located. However, if more than one (1) local board is applicable**
14 **under this subdivision, the governing body of the school**
15 **corporation or the equivalent authority for the charter school that**
16 **employs or contracts to employ the school resource officer may**
17 **choose the applicable local board with respect to the school**
18 **resource officer.**

19 (b) If a unit did not establish a 1925 fund for its police officers, a
20 local board shall be composed in the same manner described in
21 IC 36-8-6-2(b). However, if there is not a retired member of the
22 department, no one shall be appointed to that position until such time
23 as there is a retired member.

24 (c) If a unit did not establish a 1937 fund for its firefighters, a local
25 board shall be composed in the same manner described in
26 IC 36-8-7-3(b). However, if there is not a retired member of the
27 department, no one shall be appointed to that position until such time
28 as there is a retired member.

29 SECTION 8. IC 36-8-8-2.2 IS ADDED TO THE INDIANA CODE
30 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
31 **1, 2024]: Sec. 2.2. As used in this chapter, "school resource officer"**
32 **has the meaning set forth in IC 20-26-18.2-1.**

33 SECTION 9. IC 36-8-8-3, AS AMENDED BY P.L.102-2023,
34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2024]: Sec. 3. (a) If a town establishes a board of metropolitan
36 police commissioners, or if a town becomes a city, the municipality
37 shall participate in the 1977 fund and shall enroll all full-time police
38 officers and firefighters in the 1977 fund. However, if a police officer
39 or former marshal is a member of the public employees' retirement
40 fund, the police officer or former marshal may continue as a member
41 of that fund instead of the 1977 fund. Notwithstanding the age
42 requirements under section 7(a) of this chapter, a police officer or



1 former marshal employed by a municipality at the time the
 2 municipality enters the 1977 fund under this section shall be a member
 3 of the 1977 fund unless the police officer or former marshal elects to
 4 continue as a member of the public employees' retirement fund. A
 5 person may become a member of the 1977 fund under this subsection
 6 without meeting the age limitation under section 7(a) of this chapter
 7 only if the person satisfies:

8 (1) any aptitude, physical agility, or physical and mental standards
 9 established by a local board under IC 36-8-3.2; and

10 (2) the minimum standards that are:

11 (A) adopted by the system board under section 19 of this
 12 chapter; and

13 (B) in effect on the date the person becomes a member of the
 14 1977 fund.

15 Credit for prior service of a person who becomes a member of the 1977
 16 fund under this subsection shall be determined under section 18 or 18.1
 17 of this chapter. No service credit beyond that allowed under section 18
 18 or 18.1 of this chapter may be recognized under the 1977 fund.

19 (b) If a unit did not establish a 1937 fund for its firefighters, the unit
 20 may participate in the public employees' retirement fund or it may
 21 participate in the 1977 fund. If a unit established a 1937 fund for its
 22 firefighters, the unit is and shall remain a participant in the 1977 fund.

23 (c) A unit that:

24 (1) has not established a pension fund for its firefighters; or

25 (2) is participating in the public employees' retirement fund under
 26 subsection (b);

27 may participate in the 1977 fund upon approval by the fiscal body,
 28 notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund
 29 under this subsection must comply with section 21 of this chapter.
 30 However, if a police officer or firefighter is a member of the public
 31 employees' retirement fund, the police officer or firefighter may
 32 continue as a member of that fund instead of the 1977 fund.

33 (d) If a unit that participates in the 1977 fund provides longevity
 34 increases, the amount of the longevity increase provided in a year must
 35 be greater than or equal to the amount of the longevity increase
 36 provided in the previous year.

37 (e) An airport authority may participate in the 1977 fund. An airport
 38 authority that participates in the 1977 fund under this subsection must
 39 comply with section 21 of this chapter. However, if a police officer or
 40 firefighter is a member of the public employees' retirement fund, the
 41 police officer or firefighter may continue as a member of that fund
 42 instead of the 1977 fund.



1 **(f) A school corporation or charter school that:**
 2 **(1) employs a school resource officer; or**
 3 **(2) enters into a contract or memorandum of understanding**
 4 **with a:**
 5 **(A) local law enforcement agency;**
 6 **(B) private entity; or**
 7 **(C) nonprofit corporation;**
 8 **to employ a school resource officer;**
 9 **may participate in the 1977 fund. A school corporation or charter**
 10 **school that participates in the 1977 fund under this subsection or**
 11 **subsection (g) must comply with section 21.5 of this chapter.**
 12 **However, if a school resource officer is a member of the public**
 13 **employees' retirement fund, the school resource officer may**
 14 **continue as a member of that fund instead of the 1977 fund.**
 15 **(g) A school resource officer hired or rehired after June 30,**
 16 **2024, who is a member of the 1977 fund shall remain in the 1977**
 17 **fund.**
 18 SECTION 10. IC 36-8-8-18, AS AMENDED BY P.L.170-2023,
 19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2024]: Sec. 18. (a) Except as provided in subsection (b), if a
 21 unit, ~~or~~ an airport authority, **a school corporation, or a charter school**
 22 becomes a participant in the 1977 fund, credit for prior service by
 23 police officers (including prior service as a full-time, fully paid town
 24 marshal, full-time, fully paid deputy town marshal, full-time, fully paid
 25 conservancy district marshal, or full-time, fully paid deputy
 26 conservancy district marshal by a police officer employed by a
 27 metropolitan board of police commissioners), ~~or~~ by firefighters, **or by**
 28 **school resource officers** before the date of participation may be given
 29 by the system board only if:
 30 (1) the amount necessary to fund the police officer's, ~~or~~
 31 firefighter's, **or school resource officer's** prior service liability is
 32 contributed to the 1977 fund under an agreement that specifies
 33 how much the unit, ~~or the~~ airport authority, **school corporation,**
 34 **or charter school** is to contribute, if any, and how much the
 35 police officer, ~~or~~ firefighter, **or school resource officer** is to
 36 contribute, if any; and
 37 (2) the amount that the police officers, ~~or~~ firefighters, **or school**
 38 **resource officers** would have contributed if they had been
 39 members of the 1977 fund during their prior service is paid to the
 40 1977 fund under an agreement that specifies how much the unit,
 41 ~~or the~~ airport authority, **school corporation, or charter school** is
 42 to contribute, if any, and how much the police officer, ~~or~~



1 firefighter, **or school resource officer** is to contribute, if any.
 2 If the requirements of subdivisions (1) and (2) are not met, a fund
 3 member is entitled to credit only for years of service after the date of
 4 participation. Contributions under subdivisions (1) and (2) must be
 5 paid in a lump sum or in installments over a period of not more than
 6 thirty (30) years, the amount and period to be determined by the system
 7 board. The periods determined by the system board under subdivisions
 8 (1) and (2) for any installment payments may differ between the unit,
 9 **or the airport authority, the school corporation, or the charter school**
 10 and the police officers, **or firefighters, or school resource officers** and
 11 between subdivisions (1) and (2).

12 (b) If a unit becomes a participant in the 1977 fund under section
 13 3(c) of this chapter, if an airport authority becomes a participant in the
 14 1977 fund under section 3(e) of this chapter, **if a school corporation**
 15 **or charter school becomes a member of the 1977 fund under**
 16 **section 3(f) of this chapter**, or if a firefighter becomes a member of
 17 the 1977 fund under section 7(g) of this chapter, credit for prior service
 18 before the date of participation or membership shall be given by the
 19 system board as follows:

20 (1) For a member who will accrue twenty (20) years of service
 21 credit in the 1977 fund by the time the member reaches the
 22 earliest retirement age under the fund at the time of the member's
 23 date of participation in the 1977 fund and who participated in
 24 PERF as a police officer, a firefighter, **or an emergency medical**
 25 **technician, or a school resource officer**, the member will be
 26 given credit in the 1977 fund for one-third (1/3) of the member's
 27 years of participation in PERF as a police officer, a firefighter, **or**
 28 **an emergency medical technician, or a school resource officer.**

29 (2) For a member who will accrue twenty (20) years of service
 30 credit in the 1977 fund by the time the member reaches the
 31 earliest retirement age under the fund at the time of the member's
 32 date of participation in the 1977 fund and who did not participate
 33 in a pension plan as a police officer, a firefighter, **or an emergency**
 34 **medical technician, or a school resource officer**, the member
 35 will be given credit in the 1977 fund for one-third (1/3) of the
 36 member's years of prior service with the unit as a police officer,
 37 a firefighter, **or an emergency medical technician, or a school**
 38 **resource officer** only if:

39 (A) The amount necessary to fund the member's prior service
 40 liability is contributed to the 1977 fund under an agreement
 41 that specifies how much the unit, **or the airport authority,**
 42 **school corporation, or charter school** is to contribute, if any,



1 and how much the member is to contribute, if any.
 2 Contributions must be paid in a lump sum or in installments as
 3 provided in clause (C). The amount of contributions must be
 4 based on the actual salary earned by a first class patrolman or
 5 a first class firefighter at the time the unit, ~~or~~ the airport
 6 authority, **the school corporation, or the charter school**
 7 becomes a participant in the 1977 fund, or the police officer,
 8 ~~or~~ firefighter, **or school resource officer** becomes a member
 9 of the 1977 fund, or if no such salary designation exists, the
 10 actual salary earned by the police officer, ~~or~~ firefighter, **or**
 11 **school resource officer**.

12 (B) The amount the police officer, ~~or~~ firefighter, **or school**
 13 **resource officer** would have contributed if the police officer,
 14 ~~or~~ firefighter, **or school resource officer** had been a member
 15 of the 1977 fund during the police officer's, ~~or~~ firefighter's, **or**
 16 **school resource officer's** prior service must be fully paid
 17 under an agreement that specifies how much the unit, ~~or~~ the
 18 airport authority, **the school corporation, or the charter**
 19 **school** is to pay, if any, and how much the member is to pay,
 20 if any. Contributions must be paid in a lump sum or in
 21 installments as provided in clause (C). The amount of
 22 contributions must be based on the police officer's, ~~or~~
 23 firefighter's, **or school resource officer's** actual salary earned
 24 during that period before service can be credited under this
 25 section.

26 (C) Any amortization schedule for contributions paid under
 27 clause (A) and contributions to be paid under clause (B) must
 28 include interest at a rate determined by the system board. The
 29 board shall determine the term of any amortization schedule
 30 authorized under clauses (A) and (B), not to exceed ten (10)
 31 years. The terms of the various amortization schedules
 32 authorized under clauses (A) and (B) may differ.

33 (3) For a member who will not accrue twenty (20) years of service
 34 credit in the 1977 fund by the time the member reaches the
 35 earliest retirement age under the fund at the time of the member's
 36 date of participation in the 1977 fund, credit for such prior service
 37 shall be given only if:

38 (A) The amount necessary to fund the member's prior service
 39 liability is contributed to the 1977 fund under an agreement
 40 that specifies how much the unit, ~~or~~ the airport authority, **the**
 41 **school corporation, or the charter school** is to contribute, if
 42 any, and how much the member is to contribute, if any.



1 Contributions must be paid in a lump sum or in installments as
 2 provided in clause (C). The amount of contributions must be
 3 based on the actual salary earned by a first class patrolman or
 4 a first class firefighter at the time the unit, ~~or~~ the airport
 5 authority, **the school corporation, or the charter school**
 6 becomes a participant in the 1977 fund, or the police officer,
 7 ~~or~~ firefighter, **or school resource officer** becomes a member
 8 of the 1977 fund, or if no such salary designation exists, the
 9 actual salary earned by the police officer, ~~or~~ firefighter, **or**
 10 **school resource officer**. The limit on credit for prior service
 11 does not apply to a firefighter if the firefighter was a member
 12 of the 1937 fund or 1977 fund whose participation was
 13 terminated due to the creation of a new fire protection district
 14 under IC 36-8-11-5 and who subsequently became a member
 15 of the 1977 fund. A firefighter who was a member of or
 16 reentered the 1937 fund or 1977 fund whose participation was
 17 terminated due to the creation of a new fire protection district
 18 under IC 36-8-11-5 is entitled to full credit for prior service in
 19 an amount equal to the firefighter's years of service before
 20 becoming a member of or reentering the 1977 fund. Service
 21 may only be credited for time as a full-time, fully paid police
 22 officer, firefighter, ~~or~~ emergency medical technician under
 23 section 7(g) of this chapter, **or school resource officer**.
 24 (B) The amount the police officer, ~~or~~ firefighter, **or school**
 25 **resource officer** would have contributed if the police officer,
 26 ~~or~~ firefighter, **or school resource officer** had been a member
 27 of the 1977 fund during the police officer's, ~~or~~ firefighter's, **or**
 28 **school resource officer's** prior service must be fully paid
 29 under an agreement that specifies how much the unit, ~~or~~ the
 30 airport authority, **the school corporation, or the charter**
 31 **school** is to pay and how much the member is to pay.
 32 Contributions must be paid in a lump sum or in installments as
 33 provided in clause (C). The amount of contributions must be
 34 based on the police officer's, ~~or~~ firefighter's, **or school**
 35 **resource officer's** actual salary earned during that period
 36 before service can be credited under this section.
 37 (C) Any amortization schedule for contributions paid under
 38 clause (A) and contributions to be paid under clause (B) must
 39 include interest at a rate determined by the system board. The
 40 board shall determine the term of any amortization schedule
 41 authorized under clauses (A) and (B), not to exceed ten (10)
 42 years. The terms of the various amortization schedules



- 1 authorized under clauses (A) and (B) may differ.
- 2 (4) If, at the time a unit, ~~or~~ an airport authority, **a school**
 3 **corporation, or a charter school** entered the 1977 fund, a fund
 4 member received the maximum prior service credit allowed by
 5 subdivision (3) and, at a later date, the earliest retirement age was
 6 lowered, the unit, ~~or~~ the airport authority, **the school**
 7 **corporation, or the charter school** or the fund member, or both,
 8 ~~the unit, or airport authority, and the fund member,~~ may
 9 contribute to the 1977 fund on the fund member's behalf an
 10 additional amount that is determined in the same manner as under
 11 subdivision (3) with respect to the additional prior service, if any,
 12 available as a result of the lower retirement age. If the additional
 13 amount described in this subdivision is paid in accordance with
 14 the requirements of subdivision (3), the fund member shall
 15 receive the additional service credit necessary for the fund
 16 member to retire at the lower earliest retirement age.
- 17 (c) This subsection applies to a unit that:
- 18 (1) becomes a participant in the 1977 fund under section 3(c) of
 19 this chapter; and
- 20 (2) is a fire protection district created under IC 36-8-11 that
 21 includes a township or a municipality that had a 1937 fund.
- 22 A firefighter who continues uninterrupted service with a unit covered
 23 by this subsection and who participated in the township or municipality
 24 1937 fund is entitled to receive service credit for such service in the
 25 1977 fund. However, credit for such service is limited to the amount
 26 accrued by the firefighter in the 1937 fund or the amount necessary to
 27 allow the firefighter to accrue twenty (20) years of service credit in the
 28 1977 fund by the time the firefighter becomes fifty-two (52) years of
 29 age, whichever is less.
- 30 (d) A unit to which subsection (c) applies shall contribute into the
 31 1977 fund the amount necessary to fund the amount of past service
 32 determined in accordance with subsection (c), amortized over a period
 33 not to exceed ten (10) years with interest at a rate determined by the
 34 system board.
- 35 (e) If the township or municipality has accumulated money in its
 36 1937 fund, any amount accumulated that exceeds the present value of
 37 all projected future benefits from the 1937 plan shall be paid by the
 38 township or municipality to the unit for the sole purpose of making the
 39 contributions determined in subsection (d).
- 40 (f) To the extent permitted by the Internal Revenue Code and the
 41 applicable regulations, the 1977 fund may accept, on behalf of a fund
 42 member who is purchasing permissive service credit under this chapter,



1 a rollover of a distribution from any of the following:

2 (1) A qualified plan described in Section 401(a) or Section 403(a)
3 of the Internal Revenue Code.

4 (2) An annuity contract or account described in Section 403(b) of
5 the Internal Revenue Code.

6 (3) An eligible plan that is maintained by a state, a political
7 subdivision of a state, or an agency or instrumentality of a state or
8 political subdivision of a state under Section 457(b) of the
9 Internal Revenue Code.

10 (4) An individual retirement account or annuity described in
11 Section 408(a) or Section 408(b) of the Internal Revenue Code.

12 (g) To the extent permitted by the Internal Revenue Code and the
13 applicable regulations, the 1977 fund may accept, on behalf of a fund
14 member who is purchasing permissive service credit under this chapter,
15 a trustee to trustee transfer from any of the following:

16 (1) An annuity contract or account described in Section 403(b) of
17 the Internal Revenue Code.

18 (2) An eligible deferred compensation plan under Section 457(b)
19 of the Internal Revenue Code.

20 SECTION 11. IC 36-8-8-18.1, AS AMENDED BY P.L.170-2023,
21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2024]: Sec. 18.1. (a) As used in this section, "police officer"
23 includes a former full-time, fully paid:

24 (1) town marshal;

25 (2) deputy town marshal;

26 (3) conservancy district marshal; or

27 (4) deputy conservancy district marshal;

28 who is employed as a police officer by a metropolitan board of police
29 commissioners.

30 (b) If a unit, ~~or~~ an airport authority, **a school corporation, or a**
31 **charter school** becomes a participant in the 1977 fund and the unit, ~~or~~
32 the airport authority, **the school corporation, or the charter school**
33 previously covered police officers, firefighters, ~~or~~ emergency medical
34 technicians, **or school resource officers** in PERF, or if the employees
35 of the unit become members of the 1977 fund under section 7(g) of this
36 chapter, the following provisions apply:

37 (1) A minimum benefit applies to members electing to transfer or
38 being transferred to the 1977 fund from PERF. The minimum
39 benefit, payable at age fifty-two (52), for such a member equals
40 the actuarial equivalent of the vested retirement benefit payable
41 to the member upon normal retirement under IC 5-10.2-4-1 as of
42 the day before the transfer, based solely on:



- 1 (A) creditable service;
 2 (B) the average of the annual compensation; and
 3 (C) the amount credited to the annuity savings account;
 4 of the transferring member as of the day before the transfer under
 5 IC 5-10.2 and IC 5-10.3.
- 6 (2) The system board shall transfer from PERF to the 1977 fund
 7 the amount credited to the annuity savings accounts that is
 8 necessary for the purchase of service credit and the present value
 9 of benefits attributable to the transferring members.
- 10 (3) The amount the unit, ~~or~~ the airport authority, **the school**
 11 **corporation, or the charter school** and the member must
 12 contribute to the 1977 fund under section 18 of this chapter, if any
 13 service credit is to be given under that section, will be reduced by
 14 the amounts transferred to the 1977 fund by the system board
 15 under subdivision (2).
- 16 (4) Credit for prior service in PERF of a member as a police
 17 officer, a firefighter, ~~or~~ an emergency medical technician, **or a**
 18 **school resource officer** is waived in PERF. Any credit for that
 19 service under the 1977 fund shall only be given in accordance
 20 with section 18 of this chapter.
- 21 (5) Credit for prior service in PERF of a member, other than as a
 22 police officer, a firefighter, ~~or~~ an emergency medical technician,
 23 **or a school resource officer** remains in PERF and may not be
 24 credited under the 1977 fund.
- 25 SECTION 12. IC 36-8-8-21.5 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2024]: **Sec. 21.5. (a) This section applies to a**
 28 **school resource officer that becomes or remains a member of the**
 29 **1977 fund under section 3(f) or 3(g) of this chapter.**
- 30 (b) **A school resource officer is a member of the 1977 fund if the**
 31 **school resource officer:**
- 32 (1) **meets the age limitation under section 7(a) of this chapter;**
 33 (2) **passes the baseline statewide physical and mental**
 34 **examinations required under section 19 of this chapter; and**
 35 (3) **meets the training requirements under IC 20-26-18.2-1.**
- 36 (c) **Credit for prior service of a school resource officer who**
 37 **becomes a member of the 1977 fund under this section shall be**
 38 **determined under section 18 or 18.1 of this chapter. No service**
 39 **credit beyond that allowed under section 18 or 18.1 of this chapter**
 40 **may be recognized under the 1977 fund.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 16, line 23, delete "without meeting" and insert "**if the school resource officer meets**".

Page 16, line 24, delete "if the school resource officer" and insert "**and**".

and when so amended that said bill do pass.

(Reference is to HB 1104 as introduced.)

BEHNING

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 8, delete "the governing body of a" and insert "**the local board described in subdivisions (1) through (4) that manages the fund established in the unit or the consolidated city in which the:**

(A) territory of the school corporation; or

(B) charter school;

is located. However, if more than one (1) local board is applicable under this subdivision, the governing body of the school corporation or the equivalent authority for the charter school that employs or contracts to employ the school resource officer may choose the applicable local board with respect to the school resource officer."

Page 8, delete lines 9 through 10.

Page 16, line 23, delete "officer" and insert "**officer:**

(1)".

Page 16, line 24, delete "chapter and" and insert "**chapter;**

(2) passes the baseline statewide physical and mental examinations required under section 19 of this chapter; and

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(3)".

and when so amended that said bill do pass.

(Reference is to HB 1104 as printed January 18, 2024.)

THOMPSON

Committee Vote: yeas 23, nays 0.

