



January 22, 2024

HOUSE BILL No. 1132

DIGEST OF HB 1132 (Updated January 22, 2024 11:31 am - DI 116)

Citations Affected: IC 4-6; IC 5-2; IC 10-10.5; IC 10-13; IC 35-31.5.

Synopsis: Investigators employed by the attorney general. Provides that the attorney general shall designate not more than four investigators employed within the state Medicaid fraud control unit to be law enforcement officers of the state. Provides that the attorney general shall designate not more than two investigators employed within the identity fraud unit to be law enforcement officers of the state. Provides that the investigators shall have all the powers and duties of law enforcement officers in conducting investigations or in serving any process, notice, or order connected with the duties of the respective units, regardless of whatever officer, authority, or court issued the process, notice, or order. Provides that the investigators are subject to certain confidentiality and disclosure requirements relating to criminal intelligence information and criminal history information. Makes conforming amendments.

Effective: July 1, 2024.

McNamara

January 8, 2024, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 22, 2024, amended, reported — Do Pass.

HB 1132—LS 6586/DI 116



January 22, 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. 1132

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 4-6-10-4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 4. (a) The attorney general shall designate not more
4 than four (4) investigators employed within the state Medicaid
5 fraud control unit to be law enforcement officers of the state. A law
6 enforcement officer must have completed the basic training
7 requirements (tier 1 basic training) set forth in IC 5-2-1-9 before
8 the law enforcement officer may be employed as an investigator.
9 The investigators shall have all the powers and duties of law
10 enforcement officers in conducting investigations under this
11 chapter, or in serving any process, notice, or order connected with
12 the enforcement of this chapter regardless of whatever officer,
13 authority, or court issued the process, notice, or order.**
14 **(b) The investigators designated under this section shall
15 comprise the enforcement department within the state Medicaid
16 fraud control unit and are considered a criminal justice agency for
17 purposes of IC 5-2-4 and IC 10-13-3.**

HB 1132—LS 6586/DI 116



1 SECTION 2. IC 4-6-13-10 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2024]: **Sec. 10. (a) The attorney general shall designate not more
 4 than two (2) investigators employed within the unit to be law
 5 enforcement officers of the state. A law enforcement officer must
 6 have completed the basic training requirements (tier 1 basic
 7 training) set forth in IC 5-2-1-9 before the law enforcement officer
 8 may be employed as an investigator. The investigators shall have
 9 all the powers and duties of law enforcement officers in conducting
 10 investigations under this chapter, or in serving any process, notice,
 11 or order connected with the enforcement of this chapter regardless
 12 of whatever officer, authority, or court issued the process, notice,
 13 or order.**

14 **(b) The investigators designated under this section shall
 15 comprise the enforcement department within the unit and are
 16 considered a criminal justice agency for purposes of IC 5-2-4 and
 17 IC 10-13-3.**

18 SECTION 3. IC 5-2-4-1, AS AMENDED BY P.L.27-2010,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2024]: Sec. 1. As used in this chapter, unless the context
 21 otherwise requires:

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

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

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

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

42 (i) apprehension, prosecution, adjudication, incarceration, or



- 1 rehabilitation of criminal offenders; or
- 2 (ii) location of parents with child support obligations under
- 3 42 U.S.C. 653;
- 4 under a contract with an agency or department of any level of
- 5 government;
- 6 (B) the department of homeland security; ~~and~~
- 7 (C) the Indiana intelligence fusion center established by
- 8 IC 10-11-9-2; **and**
- 9 **(D) the attorney general's enforcement department:**
- 10 **(i) under IC 4-6-10-4 within the state Medicaid fraud**
- 11 **control unit established by IC 4-6-10-1; and**
- 12 **(ii) under IC 4-6-13-10 within the identity theft unit**
- 13 **established by IC 4-6-13-2.**

14 SECTION 4. IC 10-10.5-1-3, AS AMENDED BY P.L.122-2023,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 3. "Law enforcement officer" means any of the
 17 following:

- 18 (1) A state police officer, enforcement officer of the alcohol and
- 19 tobacco commission, or conservation officer.
- 20 (2) A county, city, town, or tribal police officer.
- 21 (3) A police officer appointed by a state educational institution
- 22 under IC 21-39-4 or school corporation under IC 20-26-16.
- 23 (4) A gaming agent under IC 4-33-4.5 or a gaming control officer
- 24 under IC 4-33-20.
- 25 (5) A hospital police officer employed by a hospital police
- 26 department established under IC 16-18-4.
- 27 **(6) An investigator of the office of the attorney general who is**
- 28 **designated as a law enforcement officer under IC 4-6-10-4 or**
- 29 **IC 4-6-13-10.**

30 SECTION 5. IC 10-13-3-6, AS AMENDED BY P.L.234-2005,
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2024]: Sec. 6. (a) As used in this chapter, "criminal justice
 33 agency" means any agency or department of any level of government
 34 whose principal function is:

- 35 (1) the apprehension, prosecution, adjudication, incarceration,
- 36 probation, rehabilitation, or representation of criminal offenders;
- 37 (2) the location of parents with child support obligations under 42
- 38 U.S.C. 653;
- 39 (3) the licensing and regulating of riverboat gambling operations;
- 40 or
- 41 (4) the licensing and regulating of pari-mutuel horse racing
- 42 operations.



1 (b) The term includes the following:

2 (1) The office of the attorney general.

3 (2) The Medicaid fraud control unit, for the purpose of
4 investigating offenses involving Medicaid.

5 (3) A nongovernmental entity that performs as its principal
6 function the:

7 (A) apprehension, prosecution, adjudication, incarceration, or
8 rehabilitation of criminal offenders;

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

11 (C) licensing and regulating of riverboat gambling operations;
12 or

13 (D) licensing and regulating of pari-mutuel horse racing
14 operations;

15 under a contract with an agency or department of any level of
16 government.

17 **(4) The attorney general's enforcement department:**

18 **(A) under IC 4-6-10-4 within the state Medicaid fraud**
19 **control unit established by IC 4-6-10-1; and**

20 **(B) under IC 4-6-13-10 within the identity theft unit**
21 **established by IC 4-6-13-2.**

22 SECTION 6. IC 35-31.5-2-185, AS AMENDED BY P.L.122-2023,
23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2024]: Sec. 185. (a) "Law enforcement officer" means:

25 (1) a police officer (including a tribal police officer, a correctional
26 police officer, and a hospital police officer employed by a hospital
27 police department established under IC 16-18-4), sheriff,
28 constable, marshal, prosecuting attorney, special prosecuting
29 attorney, special deputy prosecuting attorney, the securities
30 commissioner, or the inspector general;

31 (2) a deputy of any of those persons;

32 (3) an investigator for a prosecuting attorney or for the inspector
33 general;

34 (4) a conservation officer;

35 (5) an enforcement officer of the alcohol and tobacco
36 commission;

37 (6) an enforcement officer of the securities division of the office
38 of the secretary of state; ~~or~~

39 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
40 control officer employed by the gaming control division under
41 IC 4-33-20; ~~or~~

42 **(8) an investigator of the office of the attorney general who is**



1 **designated as a law enforcement officer under IC 4-6-10-4 or**
2 **IC 4-6-13-10.**

3 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
4 includes an alcoholic beverage enforcement officer, as set forth in
5 IC 35-42-2-1.

6 (c) "Law enforcement officer", for purposes of IC 35-45-15,
7 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

8 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
9 IC 35-44.1-3-2, includes a school resource officer (as defined in
10 IC 20-26-18.2-1) and a school corporation police officer appointed
11 under IC 20-26-16.

12 (e) "Law enforcement officer", for purposes of IC 35-40.5, has the
13 meaning set forth in IC 35-40.5-1-1.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1132, 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 1, line 5, after "state." delete "The" and insert "A".

Page 1, line 6, delete "officers" and insert "**officer**".

Page 1, line 7, after "requirements" insert "**(tier 1 basic training)**".

Page 1, line 7, delete "." and insert "**before the law enforcement officer may be employed as an investigator.**".

Page 2, line 4, delete "The law enforcement officers" and insert "**A law enforcement officer**".

Page 2, line 5, after "requirements" insert "**(tier 1 basic training)**".

Page 2, line 6, delete "." and insert "**before the law enforcement officer may be employed as an investigator.**".

and when so amended that said bill do pass.

(Reference is to HB 1132 as introduced.)

BARTELS

Committee Vote: yeas 12, nays 0.

