



January 20, 2015

HOUSE BILL No. 1242

DIGEST OF HB 1242 (Updated January 20, 2015 12:11 pm - DI 123)

Citations Affected: IC 5-2; IC 36-8.

Synopsis: Reserve officer training. Requires police reserve officers to complete mandatory inservice training: (1) in interacting with persons with mental illness, addictive disorders, mental retardation, autism, developmental disabilities, and Alzheimer's disease or related senile dementia; and (2) concerning human and sexual trafficking and high risk missing persons.

Effective: July 1, 2015.

Leonard

January 13, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 20, 2015, reported — Do Pass.

HB 1242—LS 7035/DI 109



January 20, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1242

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 5-2-1-9, AS AMENDED BY P.L.164-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.

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- 1 (3) Minimum standards for courses of study, attendance
2 requirements, equipment, and facilities for approved town, city,
3 county, and state law enforcement officer, police reserve officer,
4 and conservation reserve officer training schools.
- 5 (4) Minimum standards for a course of study on cultural diversity
6 awareness, including training on the U nonimmigrant visa created
7 through the federal Victims of Trafficking and Violence
8 Protection Act of 2000 (P.L. 106-386) that must be required for
9 each person accepted for training at a law enforcement training
10 school or academy. Cultural diversity awareness study must
11 include an understanding of cultural issues related to race,
12 religion, gender, age, domestic violence, national origin, and
13 physical and mental disabilities.
- 14 (5) Minimum qualifications for instructors at approved law
15 enforcement training schools.
- 16 (6) Minimum basic training requirements which law enforcement
17 officers appointed to probationary terms shall complete before
18 being eligible for continued or permanent employment.
- 19 (7) Minimum basic training requirements which law enforcement
20 officers appointed on other than a permanent basis shall complete
21 in order to be eligible for continued employment or permanent
22 appointment.
- 23 (8) Minimum basic training requirements which law enforcement
24 officers appointed on a permanent basis shall complete in order
25 to be eligible for continued employment.
- 26 (9) Minimum basic training requirements for each person
27 accepted for training at a law enforcement training school or
28 academy that include six (6) hours of training in interacting with:
29 (A) persons with autism, mental illness, addictive disorders,
30 mental retardation, and developmental disabilities;
31 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
32 and
33 (C) persons with Alzheimer's disease or related senile
34 dementia;
- 35 to be provided by persons approved by the secretary of family and
36 social services and the board.
- 37 (10) Minimum standards for a course of study on human and
38 sexual trafficking that must be required for each person accepted
39 for training at a law enforcement training school or academy and
40 for inservice training programs for law enforcement officers. The
41 course must cover the following topics:
42 (A) Examination of the human and sexual trafficking laws



- 1 (IC 35-42-3.5).
- 2 (B) Identification of human and sexual trafficking.
- 3 (C) Communicating with traumatized persons.
- 4 (D) Therapeutically appropriate investigative techniques.
- 5 (E) Collaboration with federal law enforcement officials.
- 6 (F) Rights of and protections afforded to victims.
- 7 (G) Providing documentation that satisfies the Declaration of
- 8 Law Enforcement Officer for Victim of Trafficking in Persons
- 9 (Form I-914, Supplement B) requirements established under
- 10 federal law.
- 11 (H) The availability of community resources to assist human
- 12 and sexual trafficking victims.
- 13 (b) A law enforcement officer appointed after July 5, 1972, and
- 14 before July 1, 1993, may not enforce the laws or ordinances of the state
- 15 or any political subdivision unless the officer has, within one (1) year
- 16 from the date of appointment, successfully completed the minimum
- 17 basic training requirements established under this chapter by the board.
- 18 If a person fails to successfully complete the basic training
- 19 requirements within one (1) year from the date of employment, the
- 20 officer may not perform any of the duties of a law enforcement officer
- 21 involving control or direction of members of the public or exercising
- 22 the power of arrest until the officer has successfully completed the
- 23 training requirements. This subsection does not apply to any law
- 24 enforcement officer appointed before July 6, 1972, or after June 30,
- 25 1993.
- 26 (c) Military leave or other authorized leave of absence from law
- 27 enforcement duty during the first year of employment after July 6,
- 28 1972, shall toll the running of the first year, which shall be calculated
- 29 by the aggregate of the time before and after the leave, for the purposes
- 30 of this chapter.
- 31 (d) Except as provided in subsections (e), (l), (r), and (s), a law
- 32 enforcement officer appointed to a law enforcement department or
- 33 agency after June 30, 1993, may not:
- 34 (1) make an arrest;
- 35 (2) conduct a search or a seizure of a person or property; or
- 36 (3) carry a firearm;
- 37 unless the law enforcement officer successfully completes, at a board
- 38 certified law enforcement academy or at a law enforcement training
- 39 center under section 10.5 or 15.2 of this chapter, the basic training
- 40 requirements established by the board under this chapter.
- 41 (e) This subsection does not apply to:
- 42 (1) a gaming agent employed as a law enforcement officer by the



1 Indiana gaming commission; or
 2 (2) an:
 3 (A) attorney; or
 4 (B) investigator;
 5 designated by the securities commissioner as a police officer of
 6 the state under IC 23-19-6-1(k).

7 Before a law enforcement officer appointed after June 30, 1993,
 8 completes the basic training requirements, the law enforcement officer
 9 may exercise the police powers described in subsection (d) if the
 10 officer successfully completes the pre-basic course established in
 11 subsection (f). Successful completion of the pre-basic course authorizes
 12 a law enforcement officer to exercise the police powers described in
 13 subsection (d) for one (1) year after the date the law enforcement
 14 officer is appointed.

15 (f) The board shall adopt rules under IC 4-22-2 to establish a
 16 pre-basic course for the purpose of training:
 17 (1) law enforcement officers;
 18 (2) police reserve officers (as described in IC 36-8-3-20); and
 19 (3) conservation reserve officers (as described in IC 14-9-8-27);
 20 regarding the subjects of arrest, search and seizure, the lawful use of
 21 force, interacting with individuals with autism, and the operation of an
 22 emergency vehicle. The pre-basic course must be offered on a periodic
 23 basis throughout the year at regional sites statewide. The pre-basic
 24 course must consist of at least forty (40) hours of course work. The
 25 board may prepare the classroom part of the pre-basic course using
 26 available technology in conjunction with live instruction. The board
 27 shall provide the course material, the instructors, and the facilities at
 28 the regional sites throughout the state that are used for the pre-basic
 29 course. In addition, the board may certify pre-basic courses that may be
 30 conducted by other public or private training entities, including
 31 postsecondary educational institutions.

32 (g) The board shall adopt rules under IC 4-22-2 to establish a
 33 mandatory inservice training program for police officers **and police**
 34 **reserve officers (as described in IC 36-8-3-20)**. After June 30, 1993,
 35 a law enforcement officer who has satisfactorily completed basic
 36 training and has been appointed to a law enforcement department or
 37 agency on either a full-time or part-time basis is not eligible for
 38 continued employment unless the officer satisfactorily completes the
 39 mandatory inservice training requirements established by rules adopted
 40 by the board. Inservice training must include training in interacting
 41 with persons with mental illness, addictive disorders, mental
 42 retardation, autism, developmental disabilities, and Alzheimer's disease



1 or related senile dementia, to be provided by persons approved by the
2 secretary of family and social services and the board, and training
3 concerning human and sexual trafficking and high risk missing persons
4 (as defined in IC 5-2-17-1). The board may approve courses offered by
5 other public or private training entities, including postsecondary
6 educational institutions, as necessary in order to ensure the availability
7 of an adequate number of inservice training programs. The board may
8 waive an officer's inservice training requirements if the board
9 determines that the officer's reason for lacking the required amount of
10 inservice training hours is due to either of the following:

- 11 (1) An emergency situation.
- 12 (2) The unavailability of courses.

13 (h) The board shall also adopt rules establishing a town marshal
14 basic training program, subject to the following:

- 15 (1) The program must require fewer hours of instruction and class
16 attendance and fewer courses of study than are required for the
17 mandated basic training program.
- 18 (2) Certain parts of the course materials may be studied by a
19 candidate at the candidate's home in order to fulfill requirements
20 of the program.
- 21 (3) Law enforcement officers successfully completing the
22 requirements of the program are eligible for appointment only in
23 towns employing the town marshal system (IC 36-5-7) and having
24 not more than one (1) marshal and two (2) deputies.
- 25 (4) The limitation imposed by subdivision (3) does not apply to an
26 officer who has successfully completed the mandated basic
27 training program.
- 28 (5) The time limitations imposed by subsections (b) and (c) for
29 completing the training are also applicable to the town marshal
30 basic training program.
- 31 (6) The program must require training in interacting with
32 individuals with autism.

33 (i) The board shall adopt rules under IC 4-22-2 to establish an
34 executive training program. The executive training program must
35 include training in the following areas:

- 36 (1) Liability.
- 37 (2) Media relations.
- 38 (3) Accounting and administration.
- 39 (4) Discipline.
- 40 (5) Department policy making.
- 41 (6) Lawful use of force.
- 42 (7) Department programs.



1 (8) Emergency vehicle operation.

2 (9) Cultural diversity.

3 (j) A police chief shall apply for admission to the executive training
4 program within two (2) months of the date the police chief initially
5 takes office. A police chief must successfully complete the executive
6 training program within six (6) months of the date the police chief
7 initially takes office. However, if space in the executive training
8 program is not available at a time that will allow completion of the
9 executive training program within six (6) months of the date the police
10 chief initially takes office, the police chief must successfully complete
11 the next available executive training program that is offered after the
12 police chief initially takes office.

13 (k) A police chief who fails to comply with subsection (j) may not
14 continue to serve as the police chief until completion of the executive
15 training program. For the purposes of this subsection and subsection
16 (j), "police chief" refers to:

17 (1) the police chief of any city;

18 (2) the police chief of any town having a metropolitan police
19 department; and

20 (3) the chief of a consolidated law enforcement department
21 established under IC 36-3-1-5.1.

22 A town marshal is not considered to be a police chief for these
23 purposes, but a town marshal may enroll in the executive training
24 program.

25 (l) A fire investigator in the division of fire and building safety
26 appointed after December 31, 1993, is required to comply with the
27 basic training standards established under this chapter.

28 (m) The board shall adopt rules under IC 4-22-2 to establish a
29 program to certify handgun safety courses, including courses offered
30 in the private sector, that meet standards approved by the board for
31 training probation officers in handgun safety as required by
32 IC 11-13-1-3.5(3).

33 (n) The board shall adopt rules under IC 4-22-2 to establish a
34 refresher course for an officer who:

35 (1) is hired by an Indiana law enforcement department or agency
36 as a law enforcement officer;

37 (2) has not been employed as a law enforcement officer for at
38 least two (2) years and less than six (6) years before the officer is
39 hired under subdivision (1) due to the officer's resignation or
40 retirement; and

41 (3) completed at any time a basic training course certified by the
42 board before the officer is hired under subdivision (1).



1 (o) The board shall adopt rules under IC 4-22-2 to establish a
2 refresher course for an officer who:

3 (1) is hired by an Indiana law enforcement department or agency
4 as a law enforcement officer;

5 (2) has not been employed as a law enforcement officer for at
6 least six (6) years and less than ten (10) years before the officer
7 is hired under subdivision (1) due to the officer's resignation or
8 retirement;

9 (3) is hired under subdivision (1) in an upper level policymaking
10 position; and

11 (4) completed at any time a basic training course certified by the
12 board before the officer is hired under subdivision (1).

13 A refresher course established under this subsection may not exceed
14 one hundred twenty (120) hours of course work. All credit hours
15 received for successfully completing the police chief executive training
16 program under subsection (i) shall be applied toward the refresher
17 course credit hour requirements.

18 (p) Subject to subsection (q), an officer to whom subsection (n) or
19 (o) applies must successfully complete the refresher course described
20 in subsection (n) or (o) not later than six (6) months after the officer's
21 date of hire, or the officer loses the officer's powers of:

22 (1) arrest;

23 (2) search; and

24 (3) seizure.

25 (q) A law enforcement officer who has worked as a law enforcement
26 officer for less than twenty-five (25) years before being hired under
27 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course
28 described in subsection (n) or (o) and must repeat the full basic training
29 course to regain law enforcement powers. However, a law enforcement
30 officer who has worked as a law enforcement officer for at least
31 twenty-five (25) years before being hired under subsection (n)(1) or
32 (o)(1) and who otherwise satisfies the requirements of subsection (n)
33 or (o) is not required to repeat the full basic training course to regain
34 law enforcement power but shall attend the refresher course described
35 in subsection (n) or (o) and the pre-basic training course established
36 under subsection (f).

37 (r) This subsection applies only to a gaming agent employed as a
38 law enforcement officer by the Indiana gaming commission. A gaming
39 agent appointed after June 30, 2005, may exercise the police powers
40 described in subsection (d) if:

41 (1) the agent successfully completes the pre-basic course
42 established in subsection (f); and



- 1 (2) the agent successfully completes any other training courses
 2 established by the Indiana gaming commission in conjunction
 3 with the board.
- 4 (s) This subsection applies only to a securities enforcement officer
 5 designated as a law enforcement officer by the securities
 6 commissioner. A securities enforcement officer may exercise the police
 7 powers described in subsection (d) if:
- 8 (1) the securities enforcement officer successfully completes the
 9 pre-basic course established in subsection (f); and
 10 (2) the securities enforcement officer successfully completes any
 11 other training courses established by the securities commissioner
 12 in conjunction with the board.
- 13 (t) As used in this section, "upper level policymaking position"
 14 refers to the following:
- 15 (1) If the authorized size of the department or town marshal
 16 system is not more than ten (10) members, the term refers to the
 17 position held by the police chief or town marshal.
- 18 (2) If the authorized size of the department or town marshal
 19 system is more than ten (10) members but less than fifty-one (51)
 20 members, the term refers to:
- 21 (A) the position held by the police chief or town marshal; and
 22 (B) each position held by the members of the police
 23 department or town marshal system in the next rank and pay
 24 grade immediately below the police chief or town marshal.
- 25 (3) If the authorized size of the department or town marshal
 26 system is more than fifty (50) members, the term refers to:
- 27 (A) the position held by the police chief or town marshal; and
 28 (B) each position held by the members of the police
 29 department or town marshal system in the next two (2) ranks
 30 and pay grades immediately below the police chief or town
 31 marshal.
- 32 (u) This subsection applies only to a correctional police officer
 33 employed by the department of correction. A correctional police officer
 34 may exercise the police powers described in subsection (d) if:
- 35 (1) the officer successfully completes the pre-basic course
 36 described in subsection (f); and
 37 (2) the officer successfully completes any other training courses
 38 established by the department of correction in conjunction with
 39 the board.
- 40 SECTION 2. IC 36-8-3-20 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) This section
 42 applies to counties and towns as well as cities.



- 1 (b) A unit may provide by ordinance for any number of police
2 reserve officers.
- 3 (c) Police reserve officers shall be appointed by the same authority
4 that appoints regular members of the department.
- 5 (d) Police reserve officers may be designated by another name
6 specified by ordinance.
- 7 (e) Police reserve officers may not be members of the regular police
8 department but have all of the same police powers as regular members,
9 except as limited by the rules of the department. Each department may
10 adopt rules to limit the authority of police reserve officers.
- 11 (f) To the extent that money is appropriated for a purpose listed in
12 this subsection, police reserve officers may receive any of the
13 following:
- 14 (1) A uniform allowance.
 - 15 (2) Compensation for time lost from other employment because
16 of court appearances.
 - 17 (3) Insurance for life, accident, and sickness coverage.
 - 18 (4) In the case of county police reserve officers, compensation for
19 lake patrol duties that the county sheriff assigns and approves for
20 compensation.
- 21 (g) Police reserve officers are not eligible to participate in any
22 pension program provided for regular members of the department.
- 23 (h) A police reserve officer may not be appointed until ~~he~~ **the**
24 **officer** has completed the training and probationary period specified by
25 rules of the department.
- 26 (i) A police reserve officer appointed by the department after June
27 30, 1993, may not:
- 28 (1) make an arrest;
 - 29 (2) conduct a search or a seizure of a person or property; or
 - 30 (3) carry a firearm;
- 31 unless the police reserve officer successfully completes a pre-basic
32 course under IC 5-2-1-9(f).
- 33 (j) A police reserve officer may be covered by the medical treatment
34 and burial expense provisions of the worker's compensation law
35 (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases
36 law (IC 22-3-7). If compensability of the injury is an issue, the
37 administrative procedures of IC 22-3-2 through IC 22-3-6 and
38 IC 22-3-7 shall be used to determine the issue.
- 39 (k) A police reserve officer carrying out lake patrol duties under this
40 chapter is immune from liability under IC 34-30-12, notwithstanding
41 the payment of compensation to the officer.
- 42 (l) **After June 30, 2015, a police reserve officer who has**



1 satisfactorily completed pre-basic training and has been appointed
2 to a law enforcement department or agency on either a full-time or
3 part-time basis is not eligible for continued employment unless the
4 police reserve officer satisfactorily completes the mandatory
5 inservice training requirements established by rules adopted by the
6 law enforcement training board (created by IC 5-2-1-3). Inservice
7 training must include training in interacting with persons with
8 mental illness, addictive disorders, mental retardation, autism,
9 developmental disabilities, and Alzheimer's disease or related
10 senile dementia, to be provided by persons approved by the
11 secretary of family and social services and the board. The inservice
12 training must also concern human and sexual trafficking and high
13 risk missing persons (as defined in IC 5-2-17-1). The board may
14 approve courses offered by other public or private training entities,
15 including postsecondary educational institutions, as necessary in
16 order to ensure the availability of an adequate number of inservice
17 training programs. The board may waive a police reserve officer's
18 inservice training requirements if the board determines that the
19 police reserve officer's reason for lacking the required amount of
20 inservice training hours is due to either of the following:

- 21 (1) An emergency situation.
22 (2) The unavailability of courses.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1242, 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 1242 as introduced.)

FRYE R

Committee Vote: Yeas 13, Nays 0

