



March 25, 2015

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# ENGROSSED HOUSE BILL No. 1242

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DIGEST OF HB 1242 (Updated March 24, 2015 10:18 am - DI 103)

**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. Changes the term "mental retardation" to "intellectual disability".

**Effective:** July 1, 2015.

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## Leonard, Macer, Lawson L, Zent

(SENATE SPONSORS — BANKS A, HOLDMAN)

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January 13, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 20, 2015, reported — Do Pass.

January 22, 2015, read second time, amended, ordered engrossed.

January 23, 2015, engrossed.

January 26, 2015, read third time, passed. Yeas 95, nays 0.

### SENATE ACTION

February 24, 2015, read first time and referred to Committee on Homeland Security & Transportation.

March 24, 2015, reported favorably — Do Pass.

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EH 1242—LS 7035/DI 109





March 25, 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.

## ENGROSSED HOUSE BILL No. 1242

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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~~, **intellectual disabilities**, and  
 31 developmental disabilities;  
 32 (B) missing endangered adults (as defined in IC 12-7-2-131.3);  
 33 and  
 34 (C) persons with Alzheimer's disease or related senile  
 35 dementia;
- 36 to be provided by persons approved by the secretary of family and  
 37 social services and the board.
- 38 (10) Minimum standards for a course of study on human and  
 39 sexual trafficking that must be required for each person accepted  
 40 for training at a law enforcement training school or academy and  
 41 for inservice training programs for law enforcement officers. The  
 42 course must cover the following topics:



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



1 (1) a gaming agent employed as a law enforcement officer by the  
2 Indiana gaming commission; or

3 (2) an:

4 (A) attorney; or

5 (B) investigator;

6 designated by the securities commissioner as a police officer of  
7 the state under IC 23-19-6-1(k).

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

16 (f) The board shall adopt rules under IC 4-22-2 to establish a  
17 pre-basic course for the purpose of training:

18 (1) law enforcement officers;

19 (2) police reserve officers (as described in IC 36-8-3-20); and

20 (3) conservation reserve officers (as described in IC 14-9-8-27);

21 regarding the subjects of arrest, search and seizure, the lawful use of  
22 force, interacting with individuals with autism, and the operation of an  
23 emergency vehicle. The pre-basic course must be offered on a periodic  
24 basis throughout the year at regional sites statewide. The pre-basic  
25 course must consist of at least forty (40) hours of course work. The  
26 board may prepare the classroom part of the pre-basic course using  
27 available technology in conjunction with live instruction. The board  
28 shall provide the course material, the instructors, and the facilities at  
29 the regional sites throughout the state that are used for the pre-basic  
30 course. In addition, the board may certify pre-basic courses that may be  
31 conducted by other public or private training entities, including  
32 postsecondary educational institutions.

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



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

- 13 (1) An emergency situation.
- 14 (2) The unavailability of courses.

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

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

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

- 38 (1) Liability.
- 39 (2) Media relations.
- 40 (3) Accounting and administration.
- 41 (4) Discipline.
- 42 (5) Department policy making.



- 1 (6) Lawful use of force.  
 2 (7) Department programs.  
 3 (8) Emergency vehicle operation.  
 4 (9) Cultural diversity.
- 5 (j) A police chief shall apply for admission to the executive training  
 6 program within two (2) months of the date the police chief initially  
 7 takes office. A police chief must successfully complete the executive  
 8 training program within six (6) months of the date the police chief  
 9 initially takes office. However, if space in the executive training  
 10 program is not available at a time that will allow completion of the  
 11 executive training program within six (6) months of the date the police  
 12 chief initially takes office, the police chief must successfully complete  
 13 the next available executive training program that is offered after the  
 14 police chief initially takes office.
- 15 (k) A police chief who fails to comply with subsection (j) may not  
 16 continue to serve as the police chief until completion of the executive  
 17 training program. For the purposes of this subsection and subsection  
 18 (j), "police chief" refers to:  
 19 (1) the police chief of any city;  
 20 (2) the police chief of any town having a metropolitan police  
 21 department; and  
 22 (3) the chief of a consolidated law enforcement department  
 23 established under IC 36-3-1-5.1.
- 24 A town marshal is not considered to be a police chief for these  
 25 purposes, but a town marshal may enroll in the executive training  
 26 program.
- 27 (l) A fire investigator in the division of fire and building safety  
 28 appointed after December 31, 1993, is required to comply with the  
 29 basic training standards established under this chapter.
- 30 (m) The board shall adopt rules under IC 4-22-2 to establish a  
 31 program to certify handgun safety courses, including courses offered  
 32 in the private sector, that meet standards approved by the board for  
 33 training probation officers in handgun safety as required by  
 34 IC 11-13-1-3.5(3).
- 35 (n) The board shall adopt rules under IC 4-22-2 to establish a  
 36 refresher course for an officer who:  
 37 (1) is hired by an Indiana law enforcement department or agency  
 38 as a law enforcement officer;  
 39 (2) has not been employed as a law enforcement officer for at  
 40 least two (2) years and less than six (6) years before the officer is  
 41 hired under subdivision (1) due to the officer's resignation or  
 42 retirement; and





- 1 (3) completed at any time a basic training course certified by the  
 2 board before the officer is hired under subdivision (1).
- 3 (o) The board shall adopt rules under IC 4-22-2 to establish a  
 4 refresher course for an officer who:
- 5 (1) is hired by an Indiana law enforcement department or agency  
 6 as a law enforcement officer;
- 7 (2) has not been employed as a law enforcement officer for at  
 8 least six (6) years and less than ten (10) years before the officer  
 9 is hired under subdivision (1) due to the officer's resignation or  
 10 retirement;
- 11 (3) is hired under subdivision (1) in an upper level policymaking  
 12 position; and
- 13 (4) completed at any time a basic training course certified by the  
 14 board before the officer is hired under subdivision (1).
- 15 A refresher course established under this subsection may not exceed  
 16 one hundred twenty (120) hours of course work. All credit hours  
 17 received for successfully completing the police chief executive training  
 18 program under subsection (i) shall be applied toward the refresher  
 19 course credit hour requirements.
- 20 (p) Subject to subsection (q), an officer to whom subsection (n) or  
 21 (o) applies must successfully complete the refresher course described  
 22 in subsection (n) or (o) not later than six (6) months after the officer's  
 23 date of hire, or the officer loses the officer's powers of:
- 24 (1) arrest;
- 25 (2) search; and
- 26 (3) seizure.
- 27 (q) A law enforcement officer who has worked as a law enforcement  
 28 officer for less than twenty-five (25) years before being hired under  
 29 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course  
 30 described in subsection (n) or (o) and must repeat the full basic training  
 31 course to regain law enforcement powers. However, a law enforcement  
 32 officer who has worked as a law enforcement officer for at least  
 33 twenty-five (25) years before being hired under subsection (n)(1) or  
 34 (o)(1) and who otherwise satisfies the requirements of subsection (n)  
 35 or (o) is not required to repeat the full basic training course to regain  
 36 law enforcement power but shall attend the refresher course described  
 37 in subsection (n) or (o) and the pre-basic training course established  
 38 under subsection (f).
- 39 (r) This subsection applies only to a gaming agent employed as a  
 40 law enforcement officer by the Indiana gaming commission. A gaming  
 41 agent appointed after June 30, 2005, may exercise the police powers  
 42 described in subsection (d) if:



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

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



1 the payment of compensation to the officer.

2 (l) After June 30, 2015, a police reserve officer who has  
3 satisfactorily completed pre-basic training and has been appointed  
4 to a law enforcement department or agency on either a full-time or  
5 part-time basis is not eligible for continued employment unless the  
6 police reserve officer satisfactorily completes the mandatory  
7 inservice training requirements established by rules adopted by the  
8 law enforcement training board (created by IC 5-2-1-3). Inservice  
9 training must include training in interacting with persons with  
10 mental illness, addictive disorders, intellectual disabilities, autism,  
11 developmental disabilities, and Alzheimer's disease or related  
12 senile dementia, to be provided by persons approved by the  
13 secretary of family and social services and the board. The inservice  
14 training must also concern human and sexual trafficking and high  
15 risk missing persons (as defined in IC 5-2-17-1). The board may  
16 approve courses offered by other public or private training entities,  
17 including postsecondary educational institutions, as necessary in  
18 order to ensure the availability of an adequate number of inservice  
19 training programs. The board may waive a police reserve officer's  
20 inservice training requirements if the board determines that the  
21 police reserve officer's reason for lacking the required amount of  
22 inservice training hours is due to either of the following:

23 (1) An emergency situation.

24 (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

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1242 be amended to read as follows:

Page 2, line 30, strike "mental retardation," and insert "**intellectual disabilities**,".

Page 4, line 41, after "disorders," strike "mental".

Page 4, line 42, strike "retardation," and insert "**intellectual disabilities**,".

Page 10, line 8, delete "mental retardation," and insert "**intellectual disabilities**,".

(Reference is to HB 1242 as printed January 20, 2015.)

LEONARD

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill No. 1242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1242 as reprinted January 23, 2015.)

YODER, Chairperson

Committee Vote: Yeas 10, Nays 0

