

# HOUSE BILL No. 1490

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-1-2; IC 5-10-10-4; IC 36-8-3.

**Synopsis:** Police reserve officers. Provides that town police reserve officers are eligible for a line of duty death benefit from the special death benefit fund. Provides that a county, city, or town shall furnish without charge to a police reserve officer (officer) who is injured or contracts an illness in the course of or as the result of performing duties as an officer all necessary physician, surgical, hospital, and nursing services and supplies and that this obligation supersedes any obligations that another medical insurance carrier has to pay the officer's medical expenses. Provides that a county, city, or town may provide to an officer who is unable to pursue the officer's usual vocation as the result of an injury or illness occurring in the course of or as the result of the performance of duties as an officer a weekly amount equal to the Indiana minimum wage computed on the basis of a 40 hour work week for a maximum of 260 weeks. Provides that a county, city, or town may meet its obligations by purchasing policies of group insurance, establishing a plan of self-insurance, or participating in the medical treatment and burial expense provisions of the worker's compensation and occupational diseases law. Provides that, if a unit elects not to provide a lost income benefit, the unit shall annually provide a written notice to each officer in the unit that the unit does not provide a benefit and obtain from each officer in the unit a written acknowledgment that the officer has received the notice.

**Effective:** July 1, 2015.

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## Mayfield, Lawson L

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January 14, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

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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. 1490



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 5-2-1-2, AS AMENDED BY P.L.197-2011,  
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 2. For the purposes of this chapter, and unless the  
4 context clearly denotes otherwise, the following definitions apply  
5 throughout this chapter:  
6 (1) "Law enforcement officer" means an appointed officer or  
7 employee hired by and on the payroll of the state, any of the  
8 state's political subdivisions, or a public or private postsecondary  
9 educational institution whose board of trustees has established a  
10 police department under IC 21-17-5-2 or IC 21-39-4-2 who is  
11 granted lawful authority to enforce all or some of the penal laws  
12 of the state of Indiana and who possesses, with respect to those  
13 laws, the power to effect arrests for offenses committed in the  
14 officer's or employee's presence. However, the following are  
15 expressly excluded from the term "law enforcement officer" for



1 the purposes of this chapter:

2 (A) A constable.

3 (B) A special officer whose powers and duties are described  
4 in IC 36-8-3-7 or a special deputy whose powers and duties are  
5 described in IC 36-8-10-10.6.

6 (C) A county police reserve officer who receives compensation  
7 for lake patrol duties under ~~IC 36-8-3-20(f)(4)~~.  
8 **IC 36-8-3-20(f)(3)**.

9 (D) A conservation reserve officer who receives compensation  
10 for lake patrol duties under IC 14-9-8-27.

11 (E) An employee of the gaming commission whose powers  
12 and duties are described in IC 4-32.2-9.

13 (F) A correctional police officer described in IC 11-8-9.

14 (2) "Board" means the law enforcement training board created by  
15 this chapter.

16 (3) "Executive training program" means the police chief executive  
17 training program developed by the board under section 9 of this  
18 chapter.

19 (4) "Law enforcement training council" means one (1) of the  
20 confederations of law enforcement agencies recognized by the  
21 board and organized for the sole purpose of sharing training,  
22 instructors, and related resources.

23 (5) "Training regarding the lawful use of force" includes  
24 classroom and skills training in the proper application of hand to  
25 hand defensive tactics, use of firearms, and other methods of:

26 (A) overcoming unlawful resistance; or

27 (B) countering other action that threatens the safety of the  
28 public or a law enforcement officer.

29 (6) "Hiring or appointing authority" means:

30 (A) the chief executive officer, board, or other entity of a  
31 police department or agency with authority to appoint and hire  
32 law enforcement officers; or

33 (B) the governor, mayor, board, or other entity with the  
34 authority to appoint a chief executive officer of a police  
35 department or agency.

36 SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.158-2013,  
37 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2015]: Sec. 4. As used in this chapter, "public safety officer"  
39 means any of the following:

40 (1) A state police officer.

41 (2) A county sheriff.

42 (3) A county police officer.



- 1 (4) A correctional officer.  
 2 (5) An excise police officer.  
 3 (6) A county police reserve officer.  
 4 (7) A city **or town** police reserve officer.  
 5 (8) A conservation enforcement officer.  
 6 (9) A town marshal.  
 7 (10) A deputy town marshal.  
 8 (11) A probation officer.  
 9 (12) A state educational institution police officer appointed under  
 10 IC 21-39-4.  
 11 (13) A police officer whose employer purchases coverage under  
 12 section 4.5 of this chapter.  
 13 (14) An emergency medical services provider (as defined in  
 14 IC 16-41-10-1) who is:  
 15 (A) employed by a political subdivision (as defined in  
 16 IC 36-1-2-13); and  
 17 (B) not eligible for a special death benefit under IC 36-8-6-20,  
 18 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.  
 19 (15) A firefighter who is employed by the fire department of a  
 20 state university.  
 21 (16) A firefighter whose employer purchases coverage under  
 22 section 4.5 of this chapter.  
 23 (17) A member of a consolidated law enforcement department  
 24 established under IC 36-3-1-5.1.  
 25 (18) A gaming agent of the Indiana gaming commission.  
 26 (19) A person who is:  
 27 (A) employed by a political subdivision (as defined in  
 28 IC 36-1-2-13); and  
 29 (B) appointed as a special deputy under IC 36-8-10-10.6.  
 30 (20) A school corporation police officer appointed under  
 31 IC 20-26-16.  
 32 (21) A gaming control officer of the Indiana gaming commission.  
 33 (22) An eligible chaplain who meets the requirements of section  
 34 4.7 of this chapter.  
 35 (23) A community corrections officer.
- 36 SECTION 3. IC 36-8-3-20 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) This section  
 38 applies to counties and towns as well as cities.  
 39 (b) A unit may provide by ordinance for any number of police  
 40 reserve officers.  
 41 (c) Police reserve officers shall be appointed by the same authority  
 42 that appoints regular members of the department.



1 (d) Police reserve officers may be designated by another name  
2 specified by ordinance.

3 (e) Police reserve officers may not be members of the regular police  
4 department but have all of the same police powers as regular members,  
5 except as limited by the rules of the department. Each department may  
6 adopt rules to limit the authority of police reserve officers.

7 (f) To the extent that money is appropriated for a purpose listed in  
8 this subsection, police reserve officers may receive any of the  
9 following:

10 (1) A uniform allowance.

11 (2) Compensation for time lost from other employment because  
12 of court appearances.

13 ~~(3) Insurance for life, accident, and sickness coverage.~~

14 ~~(4)~~ (3) In the case of county police reserve officers, compensation  
15 for lake patrol duties that the county sheriff assigns and approves  
16 for compensation.

17 (g) Police reserve officers are not eligible to participate in any  
18 pension program provided for regular members of the department.

19 (h) A police reserve officer may not be appointed until ~~he~~ **the**  
20 **officer** has completed the training and probationary period specified by  
21 rules of the department.

22 (i) A police reserve officer appointed by the department after June  
23 30, 1993, may not:

24 (1) make an arrest;

25 (2) conduct a search or a seizure of a person or property; or

26 (3) carry a firearm;

27 unless the police reserve officer successfully completes a pre-basic  
28 course under IC 5-2-1-9(f).

29 ~~(j) A police reserve officer may be covered by the medical treatment~~  
30 ~~and burial expense provisions of the worker's compensation law (IC~~  
31 ~~22-3-2 through IC 22-3-6) and the worker's occupational diseases law~~  
32 ~~(IC 22-3-7). If compensability of the injury is an issue, the~~  
33 ~~administrative procedures of IC 22-3-2 through IC 22-3-6 and~~  
34 ~~IC 22-3-7 shall be used to determine the issue.~~

35 ~~(k)~~ (j) A police reserve officer carrying out lake patrol duties under  
36 this chapter is immune from liability under IC 34-30-12,  
37 notwithstanding the payment of compensation to the officer.

38 (k) A unit:

39 (1) shall provide the coverage specified in section 22 of this  
40 chapter; and

41 (2) may pay the amounts specified in section 23 of this  
42 chapter;



1 for a police reserve officer who is injured or contracts an illness in  
2 the course of or as the result of performing duties as a police  
3 reserve officer.

4 (l) A unit may purchase policies of group insurance or establish  
5 a plan of self-insurance to meet its obligations under section 22 or  
6 23 of this chapter. The establishment of a self-insurance program  
7 under section 22 or 23 of this chapter is subject to the approval of  
8 the unit's fiscal body. Expenses incurred for premiums for  
9 insurance or for other charges or expenses under sections 22 and  
10 23 of this chapter shall be paid out of the unit's general fund in the  
11 same manner as other expenses of the unit are paid.

12 SECTION 4. IC 36-8-3-22 IS ADDED TO THE INDIANA CODE  
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2015]: Sec. 22. (a) This section applies to a police reserve officer  
15 who after June 30, 2015, is injured or contracts an illness in the  
16 course of or as the result of performing duties as a police reserve  
17 officer.

18 (b) A unit shall furnish without charge to a police reserve officer  
19 the physician, surgical, hospital, and nursing services and supplies  
20 the physician or surgeon in charge determines is necessary,  
21 including:

- 22 (1) medical and surgical care;
- 23 (2) medicines and laboratory, curative, and palliative agents  
24 and means;
- 25 (3) x-ray, diagnostic, and therapeutic service, including during  
26 a recovery period; and
- 27 (4) hospital and special nursing care if the physician or  
28 surgeon in charge considers it necessary for proper recovery.

29 (c) A unit that has paid for the care of a police reserve officer  
30 under subsection (b) has a cause of action for reimbursement of the  
31 amount paid under subsection (b) against any third party against  
32 whom the police reserve officer has a cause of action for an injury  
33 sustained because of, or an illness caused by, the third party. The  
34 unit's cause of action is in addition to, and not in lieu of, a cause of  
35 action of the police reserve officer against the third party.

36 (d) A unit's obligation under this section supersedes any  
37 obligations that another medical insurance carrier has to pay the  
38 police reserve officer's expenses.

39 (e) In addition to purchasing policies of group insurance or  
40 establishing a plan of self-insurance under section 20(l) of this  
41 chapter, a unit may meet its obligation under this section by  
42 covering police reserve officers under the medical treatment and



1       burial expense provisions of the worker's compensation law  
 2       (IC 22-3-2 through IC 22-3-6) and the worker's occupational  
 3       diseases law (IC 22-3-7). If compensability of the injury is an issue,  
 4       the administrative procedures of IC 22-3-2 through IC 22-3-6 and  
 5       IC 22-3-7 shall be used to determine the issue.

6       SECTION 5. IC 36-8-3-23 IS ADDED TO THE INDIANA CODE  
 7       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 8       1, 2015]: **Sec. 23. (a) This section applies to a police reserve officer**  
 9       **who after June 30, 2015, is unable to pursue the officer's usual**  
 10       **vocation as the result of an injury or illness occurring in the course**  
 11       **of or as the result of the performance of duties as a police reserve**  
 12       **officer.**

13       (b) A unit may pay a police reserve officer a weekly amount that  
 14       may not be less than the Indiana minimum wage established under  
 15       IC 22-2-2 and computed on the basis of a forty (40) hour work  
 16       week.

17       (c) A unit may pay the police reserve officer the weekly amount  
 18       described in subsection (b) for the lesser of:

- 19               (1) the period the police reserve officer is unable to pursue the  
 20               officer's usual vocation; or  
 21               (2) two hundred sixty (260) weeks.

22       (d) As provided under section 20(l) of this chapter, a unit may  
 23       purchase policies of group insurance or establish a plan of  
 24       self-insurance to meet its obligations under this section.

25       (e) If a unit elects not to provide the benefit specified in this  
 26       section, the unit shall annually:

- 27               (1) provide a written notice to each police reserve officer  
 28               appointed in the unit that the unit does not provide a lost  
 29               income benefit to the officer in the event that the officer:

- 30                       (A) is unable to pursue the officer's usual vocation; or  
 31                       (B) is totally and permanently disabled;

32               as the result of an injury or illness occurring in the course of  
 33               or as the result of the performance of duties as a police  
 34               reserve officer; and

- 35               (2) obtain from each police reserve officer appointed in the  
 36               unit a written acknowledgment that the officer has received  
 37               the notice required under subdivision (1).

