



February 19, 2021

SENATE BILL No. 110

DIGEST OF SB 110 (Updated February 16, 2021 2:42 pm - DI 106)

Citations Affected: IC 5-14; IC 34-30; IC 36-8.

Synopsis: Law enforcement officer employment. Requires an agency hiring a law enforcement officer to request the officer's employment record and certain other information from previous employing agencies, requires the previous employing agency to provide certain employment information upon request, and provides immunity for disclosure of the employment records. Provides that a law enforcement agency must require a law enforcement officer who has been formally disciplined three times to undergo a psychological evaluation unless certain exceptions apply. Treats a hospital police department in the same manner as a private university police department for purposes of the public records act.

Effective: July 1, 2021.

Melton, Young M

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedure.
January 14, 2021, amended; reassigned to Committee on Corrections and Criminal Law.
February 18, 2021, amended, reported favorably — Do Pass.

SB 110—LS 6502/DI 13



February 19, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 110

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 5-14-3-2.2, AS ADDED BY P.L.217-2016,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2.2. (a) The following records of a private
4 university police department **or a hospital police department** are
5 public records and subject to this chapter:
6 (1) A record created or received after July 1, 2016, by a private
7 university police department **or a hospital police department** to
8 the extent the record:
9 (A) is created solely for a law enforcement purpose; and
10 (B) relates to arrests or incarcerations for criminal offenses.
11 (2) A record that is created in compliance with 20 U.S.C. 1092
12 and 34 CFR 668, to the extent that public access is required under
13 federal law.
14 The name of a crime victim must be redacted, unless release of the
15 name is authorized by the crime victim.
16 (b) If a request for a private university police department **or a**
17 **hospital police department** record is denied under section 3 of this

SB 110—LS 6502/DI 13



1 chapter, a civil action may be filed under section 9 of this chapter and
 2 the court may assess a civil penalty under section 9.5 of this chapter.

3 SECTION 2. IC 34-30-2-154.9 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2021]: **Sec. 154.9. IC 36-8-2-2 (Concerning**
 6 **disclosure of employment records).**

7 SECTION 3. IC 36-8-2-2 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2021]: Sec. 2. **(a)** A unit may establish,
 9 maintain, and operate a police and law enforcement system to preserve
 10 public peace and order and may provide facilities, ~~and~~ equipment, **and**
 11 **supplies** for that system.

12 **(b) Before hiring a person as a law enforcement officer, the**
 13 **hiring department or agency shall contact every law enforcement**
 14 **department or agency that has employed (or that currently**
 15 **employs) the applicant and request that the employing department**
 16 **or agency provide:**

17 **(1) a complete and unredacted copy of all findings and orders**
 18 **related to disciplinary action or internal investigations**
 19 **(whether performed by an internal investigator or an outside**
 20 **agency) involving the officer; and**

21 **(2) the hiring department or agency with a copy of the**
 22 **applicant's entire employment file, except for any medical**
 23 **records or information.**

24 **(c) An agency or department that receives a request under**
 25 **subsection (b) shall:**

26 **(1) comply with the request not later than ten (10) business**
 27 **days from receipt of the request; and**

28 **(2) upon request of the applicant, provide the applicant with**
 29 **a copy of the information provided to the hiring department**
 30 **or agency.**

31 **No covenant, promise, or agreement to refrain from disclosure of**
 32 **the information described in subsection (b) prevents compliance**
 33 **with the requirements imposed by this section. An agency or**
 34 **department acting in good faith is immune from civil and criminal**
 35 **liability for complying with this subsection.**

36 SECTION 4. IC 36-8-2.6 IS ADDED TO THE INDIANA CODE
 37 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]:

39 **Chapter 2.6. Mental Health Evaluation of Certain Law**
 40 **Enforcement Officers**

41 **Sec. 1. As used in this chapter, "formally disciplined" means**
 42 **that a law enforcement agency has imposed a formal disciplinary**



1 sanction against a law enforcement officer for violating an agency
2 rule or procedure.

3 Sec. 2. As used in this chapter, "law enforcement agency" means
4 a state agency, a political subdivision, a hospital police department
5 (as described in IC 16-18-4), or a public or private postsecondary
6 educational institution that employs a law enforcement officer.

7 Sec. 3. As used in this chapter, "law enforcement officer"
8 means:

9 (1) a police officer (including a correctional police officer),
10 sheriff, constable, marshal, prosecuting attorney, special
11 prosecuting attorney, special deputy prosecuting attorney, the
12 securities commissioner, or the inspector general;

13 (2) an investigator for a prosecuting attorney (including an
14 adult protective services investigator) or for the inspector
15 general;

16 (3) a conservation officer;

17 (4) an enforcement officer of the alcohol and tobacco
18 commission;

19 (5) an enforcement officer of the securities division of the
20 office of the secretary of state;

21 (6) a gaming agent employed under IC 4-33-4.5;

22 (7) a gaming control officer employed by the gaming control
23 division under IC 4-33-20;

24 (8) a school resource officer (as defined in IC 20-26-18.2-1);

25 (9) a school corporation police officer appointed under
26 IC 20-26-16; and

27 (10) a deputy of a person described in this section.

28 Sec. 4. (a) Except as provided in section 5 of this chapter, if a
29 law enforcement officer has been formally disciplined on three (3)
30 separate occasions, for three (3) separate and unrelated acts, the
31 agency that employs the law enforcement officer shall require the
32 officer to undergo a psychological evaluation by a licensed
33 psychologist or psychiatrist.

34 (b) This section applies even if one (1) or more of the instances
35 of formal discipline were imposed by a different law enforcement
36 agency.

37 Sec. 5. Section 4 of this chapter does not apply if:

38 (1) none of the acts for which the law enforcement officer was
39 formally disciplined involved:

40 (A) interaction with the public;

41 (B) a firearm;

42 (C) an act that created a danger to any person; or



- 1 **(D) substance abuse; or**
- 2 **(2) the law enforcement officer is terminated.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections and Criminal Law.

(Reference is to SB 110 as introduced.)

BRAY, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 41.

Page 5, line 3, after "department" insert "**or a hospital police department**".

Page 5, line 6, delete "department," and insert "**department or a hospital police department**".

Page 5, delete lines 12 through 14.

Page 5, line 17, after "department" insert "**or a hospital police department**".

Page 5, delete lines 21 through 27, begin a new paragraph and insert:

"SECTION 2. IC 34-30-2-154.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 154.9. IC 36-8-2-2 (Concerning**

SB 110—LS 6502/DI 13



disclosure of employment records).

SECTION 3. IC 36-8-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. **(a)** A unit may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities, ~~and~~ equipment, **and supplies** for that system.

(b) Before hiring a person as a law enforcement officer, the hiring department or agency shall contact every law enforcement department or agency that has employed (or that currently employs) the applicant and request that the employing department or agency provide:

- (1) a complete and unredacted copy of all findings and orders related to disciplinary action or internal investigations (whether performed by an internal investigator or an outside agency) involving the officer; and**
- (2) the hiring department or agency with a copy of the applicant's entire employment file, except for any medical records or information.**

(c) An agency or department that receives a request under subsection (b) shall:

- (1) comply with the request not later than ten (10) business days from receipt of the request; and**
- (2) upon request of the applicant, provide the applicant with a copy of the information provided to the hiring department or agency.**

No covenant, promise, or agreement to refrain from disclosure of the information described in subsection (b) prevents compliance with the requirements imposed by this section. An agency or department acting in good faith is immune from civil and criminal liability for complying with this subsection.

SECTION 4. IC 36-8-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 2.6. Mental Health Evaluation of Certain Law Enforcement Officers

Sec. 1. As used in this chapter, "formally disciplined" means that a law enforcement agency has imposed a formal disciplinary sanction against a law enforcement officer for violating an agency rule or procedure.

Sec. 2. As used in this chapter, "law enforcement agency" means a state agency, a political subdivision, a hospital police department (as described in IC 16-18-4), or a public or private postsecondary



educational institution that employs a law enforcement officer.

Sec. 3. As used in this chapter, "law enforcement officer" means:

- (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;**
- (2) an investigator for a prosecuting attorney (including an adult protective services investigator) or for the inspector general;**
- (3) a conservation officer;**
- (4) an enforcement officer of the alcohol and tobacco commission;**
- (5) an enforcement officer of the securities division of the office of the secretary of state;**
- (6) a gaming agent employed under IC 4-33-4.5;**
- (7) a gaming control officer employed by the gaming control division under IC 4-33-20;**
- (8) a school resource officer (as defined in IC 20-26-18.2-1);**
- (9) a school corporation police officer appointed under IC 20-26-16; and**
- (10) a deputy of a person described in this section.**

Sec. 4. (a) Except as provided in section 5 of this chapter, if a law enforcement officer has been formally disciplined on three (3) separate occasions, for three (3) separate and unrelated acts, the agency that employs the law enforcement officer shall require the officer to undergo a psychological evaluation by a licensed psychologist or psychiatrist.

(b) This section applies even if one (1) or more of the instances of formal discipline were imposed by a different law enforcement agency.

Sec. 5. Section 4 of this chapter does not apply if:

- (1) none of the acts for which the law enforcement officer was formally disciplined involved:**
 - (A) interaction with the public;**
 - (B) a firearm;**
 - (C) an act that created a danger to any person; or**
 - (D) substance abuse; or**
- (2) the law enforcement officer is terminated."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to SB 110 as printed January 15, 2021.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

