

SENATE BILL No. 168

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-154.8; IC 36-3; IC 36-4-9-4; IC 36-8-2.6.

Synopsis: Indianapolis metropolitan police department. Provides that effective January 1, 2023, the Indianapolis metropolitan police department (police department) is administered by a five member state board of police commissioners (board) consisting of: (1) four members appointed by the governor; and (2) the mayor of the consolidated city. Provides that the board's powers include: (1) exercising the power, authority, and responsibility of the executive and legislative body of the consolidated city to adopt, amend, and enforce ordinances, resolutions, and rules relating to the administration of the police department; (2) serving as the merit board for the police department; and (3) appointing a police chief for the department who is responsible only to the board. Provides that the legislative body of the police special service district retains the power to modify and approve the police department's budget.

Effective: January 1, 2023.

Sandlin, Baldwin

January 12, 2021, read first time and referred to Committee on Corrections and Criminal Law.



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. 168

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-154.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2023]: **Sec. 154.8. IC 36-8-2.6-19**
4 **(Concerning acts of a commissioner of a board of police**
5 **commissioners).**

6 SECTION 2. IC 36-3-3-5 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2023]: Sec. 5. As the chief officer of the
8 executive branch of the consolidated city government as provided by
9 IC 36-4-4, the executive shall supervise the work of the departments of
10 the consolidated city, its special service districts, and its special taxing
11 districts. **The executive shall serve as a member of the board of**
12 **police commissioners of the consolidated law enforcement**
13 **department under IC 36-8-2.6.**

14 SECTION 3. IC 36-3-5-5, AS AMENDED BY P.L.127-2017,
15 SECTION 118, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JANUARY 1, 2023]: Sec. 5. (a) The director of a
17 department is its chief administrative officer and shall exercise the



1 powers of the department, subject to the authority granted to any board
2 or commission in the department.

3 (b) A department may be administratively organized by divisions.
4 If it is, the director shall, subject to the approval of the executive,
5 appoint an administrator to be the head of each division, unless this
6 title provides that the appointment be made otherwise. An
7 administrator serves at the pleasure of the executive.

8 (c) The director of a department may:

9 (1) approve the hiring and dismissal of the administrator of each
10 division and all other personnel of the department, subject to
11 limitations prescribed by this title and rules adopted by the
12 executive; and

13 (2) delegate to personnel of the department authority to act on the
14 director's behalf.

15 **(d) The board of police commissioners is the administrator of**
16 **the consolidated law enforcement department under IC 36-8-2.6.**

17 SECTION 4. IC 36-3-6-3 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2023]: Sec. 3. (a) A legislative body shall,
19 by ordinance or resolution, fix the annual compensation of all
20 appointed officers, deputies, and employees under its jurisdiction. This
21 may be done by adopting schedules of compensation. The schedules of
22 compensation may include a provision for salaried employees whose
23 salaries are paid on an annual basis. Salaried employees shall work a
24 regularly scheduled work week, in accordance with the schedule of
25 compensation.

26 (b) The city-county legislative body has jurisdiction over all
27 appointed officers, deputies, and employees:

28 (1) of the consolidated city, except those of special service
29 districts; or

30 (2) whose compensation is payable from the county general fund
31 or any other fund from which the county auditor issues warrants
32 for compensation.

33 A special service district legislative body has jurisdiction over all
34 appointed officers, deputies, and employees of the special service
35 district. **The police special service district legislative body has**
36 **jurisdiction over the compensation of the appointed officers,**
37 **deputies, and employees of the police special service district.**
38 **However, the police special service district legislative body shall**
39 **consider the schedule of compensation adopted by the board of**
40 **police commissioners under IC 36-8-2.6 in adopting the final**
41 **schedule of compensation.**

42 (c) This chapter does not affect the salaries of judges, officers of



1 courts, prosecuting attorneys, and deputy prosecuting attorneys whose
 2 minimum salaries are fixed by statute, but the city-county legislative
 3 body may make appropriations to pay them more than the minimums
 4 fixed by statute. Beginning July 1, 1995, an appropriation made under
 5 this subsection may not exceed five thousand dollars (\$5,000) for each
 6 judge or full-time prosecuting attorney in any calendar year.

7 SECTION 5. IC 36-3-6-4, AS AMENDED BY P.L.146-2008,
 8 SECTION 704, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2023]: Sec. 4. (a) Before the Wednesday
 10 after the first Monday in July each year, the consolidated city and
 11 county shall prepare budget estimates for the ensuing budget year
 12 under this section.

13 (b) The following officers shall prepare for their respective
 14 departments, offices, agencies, or courts an estimate of the amount of
 15 money required for the ensuing budget year, stating in detail each
 16 category and item of expenditure they anticipate:

17 (1) The director of each department of the consolidated city.

18 (2) Each township assessor (if any), elected county officer, or
 19 head of a county agency.

20 (3) The county clerk, for each court the clerk serves.

21 **(c) The police chief of the consolidated law enforcement**
 22 **department shall prepare a budget estimate for the operation of**
 23 **the consolidated law enforcement department. After review,**
 24 **modification, and approval by the board of police commissioners**
 25 **under IC 36-8-2.6, the police chief shall submit the budget estimate**
 26 **to the controller.**

27 ~~(c)~~ **(d)** In addition to the estimates required by ~~subsection~~
 28 **subsections (b) and (c)**, the county clerk shall prepare an estimate of
 29 the amount of money that is, under law, taxable against the county for
 30 the expenses of cases tried in other counties on changes of venue.

31 ~~(d)~~ **(e)** Each officer listed in subsection (b)(2), ~~or~~ (b)(3), **or (c)** shall
 32 append a certificate to each estimate the officer prepares stating that in
 33 the officer's opinion the amount fixed in each item will be required for
 34 the purpose indicated. The certificate must be verified by the oath of
 35 the officer.

36 ~~(e)~~ **(f)** An estimate for a court or division of a court is subject to
 37 modification and approval by the judge of the court or division.

38 ~~(f)~~ **(g)** All of the estimates prepared by city officers and county
 39 officers shall be submitted to the controller.

40 ~~(g)~~ **(h)** The controller shall also prepare an itemized estimate of city
 41 and county expenditures for other purposes above the money proposed
 42 to be used by the city departments and county officers and agencies.



1 SECTION 6. IC 36-4-9-4 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JANUARY 1, 2023]: Sec. 4. (a) The city legislative body
 3 shall, by ordinance passed upon the recommendation of the city
 4 executive, establish the executive departments that it considers
 5 necessary to efficiently perform the administrative functions required
 6 to fulfill the needs of the city's citizens.

7 (b) The head of each city department or agency is under the
 8 jurisdiction of the executive.

9 (c) The following departments may be established:

- 10 (1) Department of finance or administration.
- 11 (2) Department of law.
- 12 (3) Department of public works.
- 13 (4) Department of public safety.
- 14 (5) Department of parks and recreation.
- 15 (6) Department of human resources and economic development.
- 16 (7) Any other department considered necessary.

17 These departments shall perform the administrative functions assigned
 18 by statute and ordinance.

19 (d) **Except as provided in subsection (e)**, the city legislative body
 20 may, by ordinance passed upon the recommendation of the city
 21 executive:

- 22 (1) terminate departments established under subsection (c); and
- 23 (2) transfer to or from those departments any powers, duties,
 24 functions, or obligations.

25 (e) **The city legislative body may not terminate the consolidated**
 26 **law enforcement department or transfer from the department any**
 27 **of its powers, duties, functions, or obligations.**

28 SECTION 7. IC 36-8-2.6 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2023]:

31 **Chapter 2.6. Board of Police Commissioners**

32 **Sec. 1. This chapter applies only to Indianapolis and Marion**
 33 **County.**

34 **Sec. 2. As used in this chapter, "board" means the board of**
 35 **police commissioners appointed under section 4 of this chapter.**

36 **Sec. 3. As used in this chapter, "police department" means the**
 37 **consolidated law enforcement department established by ordinance**
 38 **in accordance with IC 36-3-1-5.1.**

39 **Sec. 4. (a) The police department shall be administered by a**
 40 **board of five (5) police commissioners. The membership of the**
 41 **board consists of the following five (5) voting members:**

- 42 (1) Four (4) members appointed by the governor.



1 (2) The mayor of the consolidated city, serving ex officio.

2 (b) The consolidated city shall pay the compensation of the
3 commissioners appointed under subsection (a)(1) and reimburse
4 the commissioners appointed under subsection (a)(1) for actual and
5 necessary expenses.

6 Sec. 5. The board is the administrator of the consolidated law
7 enforcement department. The board:

8 (1) acts on behalf of the consolidated city and not the state;

9 (2) exercises the general law enforcement powers under
10 IC 36-8-2; and

11 (3) exercises the power, authority, and responsibility of the
12 executive and legislative body of the consolidated city and
13 county and the legislative body of the police special service
14 district to adopt, amend, and enforce ordinances, resolutions,
15 rules, and regulations relating to the administration of the
16 police department, except as otherwise provided by law.

17 Sec. 6. The police chief serves at the pleasure of the board. The
18 police chief is responsible for the day to day operations and
19 maintenance of the police department except for the duties and
20 responsibilities of the sheriff under the direction and control of the
21 sheriff as provided in an ordinance adopted under IC 36-3-1-5.1(d).
22 The police chief shall, subject to the approval of the board, appoint
23 the head of each division of the police department. The head of
24 each division serves at the pleasure of the board.

25 Sec. 7. This chapter does not affect the authority of the
26 legislative body of the consolidated city and county to establish a
27 citizens police complaint office and citizens police complaint board
28 that investigates and conducts administrative hearings on citizen
29 complaints against officers of the police department and
30 communicates findings on the complaint to the police chief, to the
31 extent the office and board do not interfere or conflict with the
32 powers and duties of the board or police department.

33 Sec. 8. The initial terms of the commissioners appointed by the
34 governor shall be staggered as follows:

35 (1) One (1) commissioner shall be appointed for a term of one
36 (1) year.

37 (2) One (1) commissioner shall be appointed for a term of two
38 (2) years.

39 (3) One (1) commissioner shall be appointed for a term of
40 three (3) years.

41 (4) One (1) commissioner shall be appointed for a term of four
42 (4) years.



1 **When an initial term of a commissioner appointed by the governor**
2 **expires, a successor shall be appointed to a term of four (4) years.**
3 **A vacancy in the board shall be filled by appointment for the**
4 **unexpired term, in the same manner as in the original**
5 **appointments.**

6 **Sec. 9. The mayor of the consolidated city serves as a**
7 **commissioner until the mayor's term of office as mayor expires.**

8 **Sec. 10. The board shall appoint commissioners to serve as**
9 **president, vice president, and secretary of the board. The**
10 **president, or vice president in the absence of the president, shall be**
11 **the presiding officer of the board and shall act for the board when**
12 **the board is not in session. Each appointee serves at the pleasure of**
13 **the board.**

14 **Sec. 11. A member appointed by the governor may be removed**
15 **from the board only:**

- 16 **(1) by the governor; and**
17 **(2) for cause.**

18 **Sec. 12. A majority of the members appointed to the board**
19 **constitutes a quorum. An affirmative vote of at least a quorum is**
20 **required for the board to take action.**

21 **Sec. 13. The board may:**

- 22 **(1) appoint a police chief after consultation with the sheriff;**
23 **(2) adopt rules of procedure to govern the conduct of the**
24 **meetings of the board;**
25 **(3) adopt ordinances, rules, regulations, and policies**
26 **governing the operation and conduct of the department and**
27 **the discipline of members of the department in consultation**
28 **with the police chief;**
29 **(4) adopt ordinances, rules, regulations, and policies**
30 **concerning the employment and management of civilian**
31 **employees of the department in consultation with the police**
32 **chief;**
33 **(5) serve as the merit board;**
34 **(6) adopt ordinances amending the merit system;**
35 **(7) in accordance with the merit system and rules adopted by**
36 **the board, hear appeals from decisions of the police chief or**
37 **other officers on disciplinary matters;**
38 **(8) appoint necessary personnel for the board;**
39 **(9) retain or employ attorneys or other consultants as**
40 **necessary to advise the board or the police chief;**
41 **(10) contract for liability, health, medical, and life insurance**
42 **coverage for department employees;**



- 1 (11) set salaries and other compensation of the police
- 2 department subject to existing labor contracts and subject to
- 3 budget approval by the legislative body of the police special
- 4 service district;
- 5 (12) negotiate and enter into labor contracts and collective
- 6 bargaining agreements;
- 7 (13) make, approve, or disapprove contracts, expenditures,
- 8 and hiring or reduction of personnel and subject to budget
- 9 approval by the legislative body;
- 10 (14) certify claims against the police department before
- 11 payment;
- 12 (15) exercise all powers and duties with respect to police
- 13 department administration and law enforcement as may be
- 14 provided by law or by ordinance;
- 15 (16) establish a classification of ranks, grades, and positions
- 16 for members of the police department;
- 17 (17) establish and amend rules for examination, certification,
- 18 and other necessary details of the personnel administration;
- 19 (18) oversee the assets of the police department; and
- 20 (19) approve equipment and facility purchases for the police
- 21 department.
- 22 **Sec. 14. Except for the duties and responsibilities of the sheriff**
- 23 **for the consolidated city and county as otherwise provided by**
- 24 **statute or an ordinance adopted in accordance with**
- 25 **IC 36-3-1-5.1(d), the police chief is responsible for managing the**
- 26 **day to day operations of the police department, including:**
- 27 (1) executing the policies, duties, and responsibilities
- 28 established for the administration of the department;
- 29 (2) disciplining officers and civilian employees of the
- 30 department;
- 31 (3) supervising and coordinating the department's activities;
- 32 (4) administering the hiring and supervision of the
- 33 department's civilian employees subject to the approval of the
- 34 board;
- 35 (5) appointing members to the rank of assistant chief, deputy
- 36 chief, district deputy chief, or equivalent positions after
- 37 consultation with the sheriff and the approval of the board;
- 38 (6) dividing the city into geographical areas for administrative
- 39 and operational purposes with the board's approval;
- 40 (7) overseeing dispatch and communications to the extent
- 41 these functions have not been reserved by law to a different
- 42 unit of government;



- 1 **(8) assisting the board in administration of the police merit**
 2 **system;**
 3 **(9) recommending to the board the number and salary of**
 4 **officers and employees of the department;**
 5 **(10) setting employee work schedules and requiring overtime;**
 6 **(11) preparing the department's budget estimate subject to**
 7 **the board's modification and approval;**
 8 **(12) purchasing, renting, or improving real estate or personal**
 9 **property, subject to the board's approval, the authority of the**
 10 **executive of the consolidated city, and the board of public**
 11 **health and safety;**
 12 **(13) purchasing or obtaining necessary supplies, equipment,**
 13 **and services, subject to the board's approval;**
 14 **(14) coordinating activities of various public safety agencies;**
 15 **(15) administering the oath or taking depositions of any**
 16 **persons summoned in any proceedings;**
 17 **(16) subject to the board's approval, setting reasonable**
 18 **standards of qualifications and fixing the prerequisites of**
 19 **training, education, and experience for each rank, grade, and**
 20 **position established by the board;**
 21 **(17) adopting rules regulating the giving of a bond of an**
 22 **appointee;**
 23 **(18) delegating to the personnel employed in the department**
 24 **authority to act in the chief's behalf as provided in**
 25 **IC 36-3-5-5(c);**
 26 **(19) serving as the co-applicant for a warrant or an extension**
 27 **of a warrant under IC 35-33.5-2;**
 28 **(20) taking actions as may be necessary and appropriate to**
 29 **accomplish accreditation of the police department; and**
 30 **(21) any other powers that may be granted by law or the**
 31 **board.**

32 **Sec. 15. The police chief may be removed, suspended, or**
 33 **demoted only:**

- 34 **(1) by the board; and**
 35 **(2) for cause.**

36 **Sec. 16. (a) The board shall adopt a schedule of compensation**
 37 **that shall be considered by the legislative body of the police special**
 38 **service district in adopting the final schedule of compensation as**
 39 **set forth in IC 36-3-6-3.**

40 **(b) The police special service district may levy property taxes as**
 41 **provided by law to provide for the payment of the expenses for the**
 42 **operation of the department. The legislative body of the**



1 consolidated city and of the police special service district may not
 2 levy, collect taxes, or appropriate any funds for the payment of a
 3 law enforcement system, other than the department.

4 Sec. 17. The legislative body of the consolidated city and county
 5 may pass ordinances:

- 6 (1) preserving order;
 7 (2) protecting public and private property;
 8 (3) protecting persons from violence, danger, or destruction;
 9 and
 10 (4) promoting the interests and ensuring the good government
 11 of the consolidated city and county that do not conflict or
 12 interfere with the powers or the exercise of the powers of the
 13 board.

14 Sec. 18. (a) The ordinances of the consolidated city and county
 15 and the policies, rules, and regulations of the police chief, police
 16 department, and merit board in effect on December 31, 2022:

- 17 (1) remain in effect after December 31, 2022, to the extent
 18 they are not in conflict or inconsistent with this chapter; and
 19 (2) are amended by operation of this section to be consistent
 20 with this chapter and may be enforced by the board until
 21 superseded by ordinances, rules, policies, or regulations
 22 adopted by the board or the police chief with the approval of
 23 the board, as provided in this chapter.

24 (b) The amendment of any part of an ordinance, policy, rule, or
 25 regulation by operation of this section does not affect any rights or
 26 liabilities accrued, penalties incurred, or proceedings begun before
 27 January 1, 2023. Those rights, liabilities, and proceedings are
 28 continued, and penalties shall be imposed and enforced under the
 29 ordinance, policy, rule, or regulation in effect on December 31,
 30 2022.

31 Sec. 19. A commissioner is immune from civil liability for an act
 32 or omission within the scope and arising out of the performance of
 33 the commissioner's duties under this chapter. This section does not
 34 apply to an act or omission that constitutes gross negligence or
 35 willful misconduct.

