



January 14, 2021

HOUSE BILL No. 1006

DIGEST OF HB 1006 (Updated January 12, 2021 1:27 pm - DI 131)

Citations Affected: IC 5-2; IC 5-14; IC 34-30; IC 35-41; IC 35-44.1; IC 36-8.

Synopsis: Law enforcement officers. Requires the Indiana law enforcement training board to establish mandatory training in de-escalation as part of the use-of-force curriculum, and requires de-escalation training to be provided as a part of: (1) pre-basic training; (2) mandatory inservice training; and (3) the executive training program. Establishes a procedure to allow the Indiana law enforcement training board to decertify an officer who has committed misconduct. Defines "chokehold" and prohibits the use of a chokehold under certain circumstances. Specifies that a law enforcement officer who turns off a body worn camera with the intent to conceal a criminal act commits a Class A misdemeanor. 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.

Effective: July 1, 2021.

**Steuerwald, McNamara, Bartels,
Shackleford**

January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.
January 14, 2021, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

HB 1006—LS 6915/DI 106



January 14, 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.

HOUSE BILL No. 1006

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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.58-2019,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: 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, **a hospital police department (as**
9 **described in IC 16-18-4)**, or a public or private postsecondary
10 educational institution whose board of trustees has established a
11 police department under IC 21-17-5-2 or IC 21-39-4-2 who is
12 granted lawful authority to enforce all or some of the penal laws
13 of the state of Indiana and who possesses, with respect to those
14 laws, the power to effect arrests for offenses committed in the
15 officer's or employee's presence. However, **except as otherwise**
16 **provided in this chapter**, the following are expressly excluded
17 from the term "law enforcement officer" for the purposes of this

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- 1 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)(3).
- 8 (D) A conservation reserve officer who receives compensation
- 9 for lake patrol duties under IC 14-9-8-27.
- 10 (E) An employee of the gaming commission whose powers
- 11 and duties are described in IC 4-32.3-9.
- 12 (F) A correctional police officer described in IC 11-8-9.
- 13 (2) "Board" means the law enforcement training board created by
- 14 this chapter.
- 15 (3) "Executive training program" means the police chief executive
- 16 training program developed by the board under section 9 of this
- 17 chapter.
- 18 (4) "Law enforcement training council" means one (1) of the
- 19 confederations of law enforcement agencies recognized by the
- 20 board and organized for the sole purpose of sharing training,
- 21 instructors, and related resources.
- 22 (5) "Training regarding the lawful use of force" includes
- 23 classroom and skills training in the proper application of hand to
- 24 hand defensive tactics, use of firearms, and other methods of:
- 25 (A) overcoming unlawful resistance; or
- 26 (B) countering other action that threatens the safety of the
- 27 public or a law enforcement officer.
- 28 (6) "Hiring or appointing authority" means:
- 29 (A) the chief executive officer, board, or other entity of a
- 30 police department or agency with authority to appoint and hire
- 31 law enforcement officers; or
- 32 (B) the governor, mayor, board, or other entity with the
- 33 authority to appoint a chief executive officer of a police
- 34 department or agency.
- 35 (7) "Crisis intervention team" refers to a local coalition with a
- 36 goal of improving the manner in which law enforcement and the
- 37 community respond to crisis situations in which an individual is
- 38 experiencing a mental health or addictive disorder crisis.
- 39 **(8) "Law enforcement agency" means a state agency, a**
- 40 **political subdivision, a hospital police department (as**
- 41 **described in IC 16-18-4), or a public or private postsecondary**
- 42 **educational institution that employs and has on its payroll a**



1 **law enforcement officer, including individuals described in**
2 **subdivision (1)(A) through (1)(F).**

3 SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with
6 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
7 The rules, which shall be adopted only after necessary and proper
8 investigation and inquiry by the board, shall include the establishment
9 of the following:

10 (1) Minimum standards of physical, educational, mental, and
11 moral fitness which shall govern the acceptance of any person for
12 training by any law enforcement training school or academy
13 meeting or exceeding the minimum standards established
14 pursuant to this chapter.

15 (2) Minimum standards for law enforcement training schools
16 administered by towns, cities, counties, law enforcement training
17 centers, agencies, or departments of the state.

18 (3) Minimum standards for courses of study, attendance
19 requirements, equipment, and facilities for approved town, city,
20 county, and state law enforcement officer, police reserve officer,
21 and conservation reserve officer training schools.

22 (4) Minimum standards for a course of study on cultural diversity
23 awareness, including training on the U nonimmigrant visa created
24 through the federal Victims of Trafficking and Violence
25 Protection Act of 2000 (P.L. 106-386) that must be required for
26 each person accepted for training at a law enforcement training
27 school or academy. Cultural diversity awareness study must
28 include an understanding of cultural issues related to race,
29 religion, gender, age, domestic violence, national origin, and
30 physical and mental disabilities.

31 (5) Minimum qualifications for instructors at approved law
32 enforcement training schools.

33 (6) Minimum basic training requirements which law enforcement
34 officers appointed to probationary terms shall complete before
35 being eligible for continued or permanent employment.

36 (7) Minimum basic training requirements which law enforcement
37 officers appointed on other than a permanent basis shall complete
38 in order to be eligible for continued employment or permanent
39 appointment.

40 (8) Minimum basic training requirements which law enforcement
41 officers appointed on a permanent basis shall complete in order
42 to be eligible for continued employment.



1 (9) Minimum basic training requirements for each person
 2 accepted for training at a law enforcement training school or
 3 academy that include six (6) hours of training in interacting with:

- 4 (A) persons with autism, mental illness, addictive disorders,
 5 intellectual disabilities, and developmental disabilities;
 6 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 7 and
 8 (C) persons with Alzheimer's disease or related senile
 9 dementia;

10 to be provided by persons approved by the secretary of family and
 11 social services and the board. The training must include an
 12 overview of the crisis intervention teams.

13 (10) Minimum standards for a course of study on human and
 14 sexual trafficking that must be required for each person accepted
 15 for training at a law enforcement training school or academy and
 16 for inservice training programs for law enforcement officers. The
 17 course must cover the following topics:

- 18 (A) Examination of the human and sexual trafficking laws
 19 (IC 35-42-3.5).
 20 (B) Identification of human and sexual trafficking.
 21 (C) Communicating with traumatized persons.
 22 (D) Therapeutically appropriate investigative techniques.
 23 (E) Collaboration with federal law enforcement officials.
 24 (F) Rights of and protections afforded to victims.
 25 (G) Providing documentation that satisfies the Declaration of
 26 Law Enforcement Officer for Victim of Trafficking in Persons
 27 (Form I-914, Supplement B) requirements established under
 28 federal law.
 29 (H) The availability of community resources to assist human
 30 and sexual trafficking victims.

31 **(11) Minimum standards for de-escalation training.**
 32 **De-escalation training shall be taught as a part of existing**
 33 **use-of-force training and not as a separate topic.**

34 (b) A law enforcement officer appointed after July 5, 1972, and
 35 before July 1, 1993, may not enforce the laws or ordinances of the state
 36 or any political subdivision unless the officer has, within one (1) year
 37 from the date of appointment, successfully completed the minimum
 38 basic training requirements established under this chapter by the board.
 39 If a person fails to successfully complete the basic training
 40 requirements within one (1) year from the date of employment, the
 41 officer may not perform any of the duties of a law enforcement officer
 42 involving control or direction of members of the public or exercising



1 the power of arrest until the officer has successfully completed the
 2 training requirements. This subsection does not apply to any law
 3 enforcement officer appointed before July 6, 1972, or after June 30,
 4 1993.

5 (c) Military leave or other authorized leave of absence from law
 6 enforcement duty during the first year of employment after July 6,
 7 1972, shall toll the running of the first year, which shall be calculated
 8 by the aggregate of the time before and after the leave, for the purposes
 9 of this chapter.

10 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 11 enforcement officer appointed to a law enforcement department or
 12 agency after June 30, 1993, may not:

- 13 (1) make an arrest;
- 14 (2) conduct a search or a seizure of a person or property; or
- 15 (3) carry a firearm;

16 unless the law enforcement officer successfully completes, at a board
 17 certified law enforcement academy or at a law enforcement training
 18 center under section 10.5 or 15.2 of this chapter, the basic training
 19 requirements established by the board under this chapter.

20 (e) This subsection does not apply to:

- 21 (1) a gaming agent employed as a law enforcement officer by the
 22 Indiana gaming commission; or
- 23 (2) an:
 - 24 (A) attorney; or
 - 25 (B) investigator;

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

28 Before a law enforcement officer appointed after June 30, 1993,
 29 completes the basic training requirements, the law enforcement officer
 30 may exercise the police powers described in subsection (d) if the
 31 officer successfully completes the pre-basic course established in
 32 subsection (f). Successful completion of the pre-basic course authorizes
 33 a law enforcement officer to exercise the police powers described in
 34 subsection (d) for one (1) year after the date the law enforcement
 35 officer is appointed.

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

- 38 (1) law enforcement officers;
- 39 (2) police reserve officers (as described in IC 36-8-3-20); and
- 40 (3) conservation reserve officers (as described in IC 14-9-8-27);

41 regarding the subjects of arrest, search and seizure, the lawful use of
 42 force, **de-escalation training**, interacting with individuals with autism,



1 and the operation of an emergency vehicle. The pre-basic course must
2 be offered on a periodic basis throughout the year at regional sites
3 statewide. The pre-basic course must consist of at least forty (40) hours
4 of course work. The board may prepare the classroom part of the
5 pre-basic course using available technology in conjunction with live
6 instruction. The board shall provide the course material, the instructors,
7 and the facilities at the regional sites throughout the state that are used
8 for the pre-basic course. In addition, the board may certify pre-basic
9 courses that may be conducted by other public or private training
10 entities, including postsecondary educational institutions.

11 (g) Subject to subsection (h), the board shall adopt rules under
12 IC 4-22-2 to establish a mandatory inservice training program for
13 police officers and police reserve officers (as described in
14 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
15 satisfactorily completed basic training and has been appointed to a law
16 enforcement department or agency on either a full-time or part-time
17 basis is not eligible for continued employment unless the officer
18 satisfactorily completes the mandatory inservice training requirements
19 established by rules adopted by the board. **Inservice training must**
20 **include de-escalation training.** Inservice training must **also** include
21 training in interacting with persons with mental illness, addictive
22 disorders, intellectual disabilities, autism, developmental disabilities,
23 and Alzheimer's disease or related senile dementia, to be provided by
24 persons approved by the secretary of family and social services and the
25 board, and training concerning human and sexual trafficking and high
26 risk missing persons (as defined in IC 5-2-17-1). The board may
27 approve courses offered by other public or private training entities,
28 including postsecondary educational institutions, as necessary in order
29 to ensure the availability of an adequate number of inservice training
30 programs. The board may waive an officer's inservice training
31 requirements if the board determines that the officer's reason for
32 lacking the required amount of inservice training hours is due to either
33 an emergency situation or the unavailability of courses.

34 (h) This subsection applies only to a mandatory inservice training
35 program under subsection (g). Notwithstanding subsection (g), the
36 board may, without adopting rules under IC 4-22-2, modify the course
37 work of a training subject matter, modify the number of hours of
38 training required within a particular subject matter, or add a new
39 subject matter, if the board satisfies the following requirements:

- 40 (1) The board must conduct at least two (2) public meetings on
41 the proposed modification or addition.
- 42 (2) After approving the modification or addition at a public



- 1 meeting, the board must post notice of the modification or
2 addition on the Indiana law enforcement academy's Internet web
3 site at least thirty (30) days before the modification or addition
4 takes effect.
- 5 If the board does not satisfy the requirements of this subsection, the
6 modification or addition is void. This subsection does not authorize the
7 board to eliminate any inservice training subject matter required under
8 subsection (g).
- 9 (i) The board shall also adopt rules establishing a town marshal
10 basic training program, subject to the following:
- 11 (1) The program must require fewer hours of instruction and class
12 attendance and fewer courses of study than are required for the
13 mandated basic training program.
- 14 (2) Certain parts of the course materials may be studied by a
15 candidate at the candidate's home in order to fulfill requirements
16 of the program.
- 17 (3) Law enforcement officers successfully completing the
18 requirements of the program are eligible for appointment only in
19 towns employing the town marshal system (IC 36-5-7) and having
20 not more than one (1) marshal and two (2) deputies.
- 21 (4) The limitation imposed by subdivision (3) does not apply to an
22 officer who has successfully completed the mandated basic
23 training program.
- 24 (5) The time limitations imposed by subsections (b) and (c) for
25 completing the training are also applicable to the town marshal
26 basic training program.
- 27 (6) The program must require training in interacting with
28 individuals with autism.
- 29 (j) The board shall adopt rules under IC 4-22-2 to establish an
30 executive training program. The executive training program must
31 include training in the following areas:
- 32 (1) Liability.
- 33 (2) Media relations.
- 34 (3) Accounting and administration.
- 35 (4) Discipline.
- 36 (5) Department policy making.
- 37 (6) Lawful use of force **and de-escalation training**.
- 38 (7) Department programs.
- 39 (8) Emergency vehicle operation.
- 40 (9) Cultural diversity.
- 41 (k) A police chief shall apply for admission to the executive training
42 program within two (2) months of the date the police chief initially



1 takes office. A police chief must successfully complete the executive
 2 training program within six (6) months of the date the police chief
 3 initially takes office. However, if space in the executive training
 4 program is not available at a time that will allow completion of the
 5 executive training program within six (6) months of the date the police
 6 chief initially takes office, the police chief must successfully complete
 7 the next available executive training program that is offered after the
 8 police chief initially takes office.

9 (l) A police chief who fails to comply with subsection (k) may not
 10 continue to serve as the police chief until completion of the executive
 11 training program. For the purposes of this subsection and subsection
 12 (k), "police chief" refers to:

- 13 (1) the police chief of any city;
- 14 (2) the police chief of any town having a metropolitan police
 15 department; and
- 16 (3) the chief of a consolidated law enforcement department
 17 established under IC 36-3-1-5.1.

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

21 (m) A fire investigator in the division of fire and building safety
 22 appointed after December 31, 1993, is required to comply with the
 23 basic training standards established under this chapter.

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

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

- 31 (1) is hired by an Indiana law enforcement department or agency
 32 as a law enforcement officer;
- 33 (2) has not been employed as a law enforcement officer for:
 34 (A) at least two (2) years; and
 35 (B) less than six (6) years before the officer is hired under
 36 subdivision (1); and
- 37 (3) completed at any time a basic training course certified or
 38 recognized by the board before the officer is hired under
 39 subdivision (1).

40 (p) An officer to whom subsection (o) applies must successfully
 41 complete the refresher course described in subsection (o) not later than
 42 six (6) months after the officer's date of hire, or the officer loses the



- 1 officer's powers of:
 2 (1) arrest;
 3 (2) search; and
 4 (3) seizure.
- 5 (q) The board shall adopt rules under IC 4-22-2 to establish a
 6 refresher course for an officer who:
 7 (1) is appointed by an Indiana law enforcement department or
 8 agency as a reserve police officer; and
 9 (2) has not worked as a reserve police officer for at least two (2)
 10 years after:
 11 (A) completing the pre-basic course; or
 12 (B) leaving the individual's last appointment as a reserve
 13 police officer.
- 14 An officer to whom this subsection applies must successfully complete
 15 the refresher course established by the board in order to work as a
 16 reserve police officer.
- 17 (r) This subsection applies to an individual who, at the time the
 18 individual completes a board certified or recognized basic training
 19 course, has not been appointed as a law enforcement officer by an
 20 Indiana law enforcement department or agency. If the individual is not
 21 employed as a law enforcement officer for at least two (2) years after
 22 completing the basic training course, the individual must successfully
 23 retake and complete the basic training course as set forth in subsection
 24 (d).
- 25 (s) The board shall adopt rules under IC 4-22-2 to establish a
 26 refresher course for an individual who:
 27 (1) is appointed as a board certified instructor of law enforcement
 28 training; and
 29 (2) has not provided law enforcement training instruction for
 30 more than one (1) year after the date the individual's instructor
 31 certification expired.
- 32 An individual to whom this subsection applies must successfully
 33 complete the refresher course established by the board in order to
 34 renew the individual's instructor certification.
- 35 (t) This subsection applies only to a gaming agent employed as a
 36 law enforcement officer by the Indiana gaming commission. A gaming
 37 agent appointed after June 30, 2005, may exercise the police powers
 38 described in subsection (d) if:
 39 (1) the agent successfully completes the pre-basic course
 40 established in subsection (f); and
 41 (2) the agent successfully completes any other training courses
 42 established by the Indiana gaming commission in conjunction



- 1 with the board.
- 2 (u) This subsection applies only to a securities enforcement officer
3 designated as a law enforcement officer by the securities
4 commissioner. A securities enforcement officer may exercise the police
5 powers described in subsection (d) if:
- 6 (1) the securities enforcement officer successfully completes the
7 pre-basic course established in subsection (f); and
8 (2) the securities enforcement officer successfully completes any
9 other training courses established by the securities commissioner
10 in conjunction with the board.
- 11 (v) As used in this section, "upper level policymaking position"
12 refers to the following:
- 13 (1) If the authorized size of the department or town marshal
14 system is not more than ten (10) members, the term refers to the
15 position held by the police chief or town marshal.
16 (2) If the authorized size of the department or town marshal
17 system is more than ten (10) members but less than fifty-one (51)
18 members, the term refers to:
- 19 (A) the position held by the police chief or town marshal; and
20 (B) each position held by the members of the police
21 department or town marshal system in the next rank and pay
22 grade immediately below the police chief or town marshal.
- 23 (3) If the authorized size of the department or town marshal
24 system is more than fifty (50) members, the term refers to:
- 25 (A) the position held by the police chief or town marshal; and
26 (B) each position held by the members of the police
27 department or town marshal system in the next two (2) ranks
28 and pay grades immediately below the police chief or town
29 marshal.
- 30 (w) This subsection applies only to a correctional police officer
31 employed by the department of correction. A correctional police officer
32 may exercise the police powers described in subsection (d) if:
- 33 (1) the officer successfully completes the pre-basic course
34 described in subsection (f); and
35 (2) the officer successfully completes any other training courses
36 established by the department of correction in conjunction with
37 the board.
- 38 SECTION 3. IC 5-2-1-12.5, AS AMENDED BY P.L.205-2019,
39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2021]: Sec. 12.5. (a) The board may revoke, **suspend, modify,**
41 **or restrict** a diploma, certificate, ~~badge, or other~~ or document showing
42 compliance and qualification issued by the board, **or any authority to**



1 **act as a law enforcement officer in the state**, for any of the following
 2 reasons:
 3 (1) The officer has been convicted of:
 4 (A) a felony; or
 5 (B) ~~two (2) or more misdemeanors~~ **a misdemeanor** that would
 6 cause a reasonable person to believe that the officer:
 7 (i) is ~~potentially~~ dangerous or violent; or
 8 (ii) has a **demonstrated** propensity to violate the law.
 9 (2) The officer has been found not guilty of a felony by reason of
 10 mental disease or defect.
 11 (3) The officer's diploma, certificate, ~~badge, or other~~ **or** document
 12 showing compliance and qualification **issued by the board, or by**
 13 **another person**, was issued in error or was issued on the basis of
 14 information later determined to be false.
 15 (4) **The officer has engaged in conduct that would be a**
 16 **criminal offense described in subdivision (1)(A) through**
 17 **(1)(B), even if the officer was not charged with the criminal**
 18 **offense.**
 19 (b) **If, after affording the law enforcement officer all due process**
 20 **rights, the chief executive officer or the hiring or appointing**
 21 **authority disciplines a law enforcement officer for a violation**
 22 **described in subsection (a), the chief executive officer or hiring or**
 23 **appointing authority shall report the discipline to the executive**
 24 **director to determine whether proceedings under this section are**
 25 **warranted. The chief executive officer or the hiring or appointing**
 26 **authority shall report the discipline within thirty (30) days of the**
 27 **imposition of the discipline.**
 28 (c) **If a law enforcement officer resigns or retires from the**
 29 **department or agency before a finding and order has been issued**
 30 **concerning a violation of subsection (a), the chief executive officer**
 31 **or the hiring or appointing authority shall report the resignation**
 32 **to the executive director to determine whether proceedings under**
 33 **this section are warranted. A report under this subsection must be**
 34 **made within thirty (30) days of the resignation or retirement of the**
 35 **law enforcement officer.**
 36 (d) ~~(b)~~ **(d)** A person who knows of cause for the revocation of an
 37 officer's diploma, certificate, ~~badge, or other~~ **or** document showing
 38 compliance and qualification shall inform the officer's hiring or
 39 appointing authority or the ~~board~~ **executive director**. A person who
 40 makes a good faith report of cause for revocation of an officer's
 41 diploma, certificate, ~~badge, or other~~ **or** document showing compliance
 42 and qualification is immune from civil liability.



1 (e) If the chief executive officer **or hiring or appointing**
 2 **authority** receives a report of cause for revocation concerning an
 3 officer within the chief executive officer's agency, the chief executive
 4 officer shall:

- 5 (1) cause the internal affairs division (or a similar unit) of the
 6 agency to investigate the report without unnecessary delay; or
 7 (2) request that the investigation be conducted by a law
 8 enforcement agency other than the law enforcement agency to
 9 which the subject of the investigation belongs.

10 **The chief executive officer or hiring or appointing authority shall**
 11 **report any finding and order for discipline for a cause described in**
 12 **subsection (a) to the executive director.**

13 (f) If a hiring or appointing authority receives a report of cause
 14 for revocation concerning the chief executive officer, the hiring or
 15 appointing authority shall cause an appropriate investigative agency to
 16 investigate without unnecessary delay.

17 (g) If the ~~board~~ **executive director** receives a report or otherwise
 18 learns of cause for revocation concerning a law enforcement officer or
 19 chief executive officer, the board shall consider the report and direct
 20 ~~the executive director to notify~~ the subject officer's **chief executive**
 21 **officer or hiring or appointing authority about the report and request**
 22 **to conduct** an investigation. The **chief executive officer or hiring or**
 23 **appointing authority shall cause an investigation to be conducted by an**
 24 **appropriate investigative agency without unnecessary delay.**

25 (h) When a **chief executive officer or hiring or appointing**
 26 **authority completes an investigation of cause for revocation, the chief**
 27 **executive officer or hiring or appointing authority shall forward a**
 28 **complete report of its investigation, findings, and recommendations, if**
 29 **any, to the board: executive director. The chief executive officer or**
 30 **hiring or appointing authority shall also forward to the board executive**
 31 **director a description of any administrative or disciplinary action taken**
 32 **as a result of the investigation not later than sixty (60) days after the**
 33 **chief executive officer or hiring or appointing authority takes**
 34 **administrative or disciplinary action.**

35 (i) Except as provided in subsection (h), if the board receives the
 36 results of an investigation described in subsection (f), the board shall
 37 conduct a hearing on the report, considering the report, the
 38 recommendations, and any additional information. The board shall
 39 provide the officer who is the subject of the report with notice and an
 40 opportunity to be heard. The board may appoint the executive director
 41 or another qualified person to present the report and the results of the
 42 investigation to the board. In determining whether to revoke the subject



1 officer's diploma, certificate, badge, or other document showing
 2 compliance and qualification; the board shall consider the opinion and
 3 testimony of the hiring or appointing authority. If the board determines
 4 that cause for revocation exists, the board may revoke the subject
 5 officer's diploma, certificate, badge, or other document showing
 6 compliance and qualification. The board shall send notice of revocation
 7 by certified mail to the subject officer's hiring or appointing authority.
 8 The subject officer may pursue judicial review of the board's action
 9 under IC 4-21.5-5-13.

10 (i) Upon receipt of a final report of an investigation under this
 11 section, the executive director shall review and make
 12 recommendations to the board. If the recommendation is to revoke
 13 or suspend the law enforcement officer's authority to act as a law
 14 enforcement officer, then all of the following apply:

15 (1) The executive director shall cause written charges to be
 16 prepared and served upon the law enforcement officer by
 17 personal service, certified mail, or other delivery service for
 18 which a receipt for delivery is generated.

19 (2) The law enforcement officer may:

20 (A) voluntarily relinquish the officer's diploma, certificate,
 21 or document showing compliance and qualification issued
 22 by the board, or any authority to act as a law enforcement
 23 officer, by completing, before a notary public, a
 24 relinquishment form provided by the board; or

25 (B) demand an evidentiary hearing on the allegations.

26 (3) The:

27 (A) law enforcement officer has the right to be represented
 28 by an attorney at the sole expense of the law enforcement
 29 officer; and

30 (B) board may be represented by the general counsel for
 31 the Indiana law enforcement academy (or a designee), the
 32 attorney general, or a private attorney.

33 All attorneys shall file an appearance with the board.

34 (4) If the law enforcement officer demands an evidentiary
 35 hearing, the board chairperson shall appoint a subcommittee
 36 to conduct the evidentiary hearing. The subcommittee shall be
 37 composed of three (3) law enforcement officers who are
 38 members of the board and two (2) members of the board who
 39 are not currently law enforcement officers. The subcommittee
 40 shall provide findings of fact and conclusions of law, and the
 41 board shall render the final decision and impose the
 42 revocation or suspension, if warranted.



1 (5) Not later than ten (10) days after its appointment, the
 2 subcommittee shall conduct a prehearing conference with the
 3 parties. The prehearing conference may be conducted
 4 electronically if every party may fully participate. The
 5 prehearing conference shall address:

- 6 (A) the narrowing of issues and defenses;
- 7 (B) discovery matters;
- 8 (C) stipulations that may be reached;
- 9 (D) names and subject matter of all witnesses;
- 10 (E) whether summary judgment may be requested;
- 11 (F) the need for legal briefs on any issue;
- 12 (G) the date, time, location, and probable length of the
 13 evidentiary hearing; and
- 14 (H) any other pertinent issues.

15 The subcommittee shall issue an order summarizing the
 16 proceedings and its ruling on the issues.

17 (6) Each party is entitled to engage in reasonable discovery as
 18 approved by the subcommittee and consistent with the
 19 Indiana rules of trial procedure.

20 (7) The evidentiary hearing shall permit opening statements
 21 by each party, direct and cross-examination of witnesses,
 22 introduction of evidence, and closing arguments.

23 (8) The evidentiary hearing shall be recorded.

24 (9) The subcommittee may request each party to submit
 25 proposed findings of fact and conclusions of law, and shall
 26 render a determination of the issues not later than thirty (30)
 27 days from receipt of the last submission of proposed findings
 28 of fact and conclusions of law.

29 (h) When the board receives the results of an investigation described
 30 in subsection (f), the board may, instead of conducting a hearing under
 31 subsection (g):

32 (1) before July 1, 2020, direct the executive director or another
 33 qualified person to serve as an administrative law judge; or

34 (2) after June 30, 2020, request assignment of an administrative
 35 law judge assigned by the office of administrative law
 36 proceedings established by IC 4-15-10.5-7;

37 to conduct the hearing described in subsection (g). If the administrative
 38 law judge determines that cause for revocation exists, the
 39 administrative law judge shall revoke the subject officer's diploma,
 40 certificate, badge, or other document showing compliance and
 41 qualification and notify the subject officer by certified mail of the
 42 decision, with notice of the subject officer's right to appeal to the board



1 not later than fifteen (15) days after receipt of the notice. An appeal to
 2 the board must be in writing and may be decided by the board without
 3 a hearing. The board shall notify the subject officer of the board's
 4 appellate decision under this subsection by certified mail. The subject
 5 officer may pursue judicial review of the board's action under
 6 IC 4-21.5-5-13.

7 (j) When the subcommittee makes its findings of fact and
 8 conclusions of law, it shall serve a copy on the law enforcement
 9 officer by personal service, certified mail, or other delivery service
 10 for which a receipt for delivery is generated, and shall further
 11 notify the law enforcement officer of the date, time, and location of
 12 the board meeting. At the meeting the board shall determine
 13 whether to accept the recommendation of the subcommittee.

14 (i) An officer whose diploma, certificate, badge, or other document
 15 showing compliance and qualification has been revoked may apply to
 16 the board for reinstatement. The application for reinstatement:

17 (1) must be in writing; and

18 (2) must show:

19 (A) that the cause for revocation no longer exists legally; or

20 (B) that reinstatement is otherwise appropriate and that the
 21 applicant poses no danger to the public and can perform as a
 22 law enforcement officer according to the board's standards.

23 The board may direct the executive director to investigate the
 24 application for reinstatement and make a report to the board. The board
 25 shall consider the application and notify the applicant by certified mail
 26 of the board's decision.

27 (k) A law enforcement officer may seek judicial review of an
 28 adverse determination of the board under IC 4-21.5-5.

29 (l) The fact that the law enforcement officer:

30 (1) has been disciplined; or

31 (2) may be disciplined;

32 by the hiring or appointing authority for the same conduct is not
 33 a bar to any action by the board under this section.

34 (m) The board shall include the name of any law enforcement
 35 officer who has been decertified on the Internet web site of the
 36 Indiana law enforcement academy, and shall transmit the officer's
 37 name for inclusion on the decertification index maintained by the
 38 International Association of Directors of Law Enforcement
 39 Standards and Training.

40 (n) A law enforcement officer who has been decertified may
 41 apply to the board for reinstatement. The application for
 42 reinstatement must:



- 1 **(1) be in writing and signed by the law enforcement officer**
- 2 **subject to the penalties for perjury; and**
- 3 **(2) demonstrate that reinstatement is appropriate, that the**
- 4 **applicant poses no danger to the public, and that the applicant**
- 5 **can perform as a law enforcement officer according to the**
- 6 **board's standards.**

7 **By filing a petition for reinstatement the applicant agrees to submit**
8 **to any investigation, testing, analysis, or other procedure or**
9 **protocol determined by the board or the executive director. The**
10 **board may direct the executive director to investigate the**
11 **application for reinstatement and make a recommendation to the**
12 **board. The executive director shall review the application for**
13 **reinstatement and all supporting evidence, including expunged**
14 **criminal convictions, and shall make a recommendation to the**
15 **board. The board shall consider the application and**
16 **recommendation of the executive director and shall notify the**
17 **applicant of its determination in person or by certified mail or**
18 **other delivery service for which a receipt for delivery is generated.**

19 **(o) The board shall adopt rules under IC 4-22-2 to implement**
20 **this section.**

21 SECTION 4. IC 5-14-3-2.2, AS ADDED BY P.L.217-2016,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 2.2. (a) The following records of a private
24 university police department are public records and subject to this
25 chapter:

- 26 (1) A record created or received after July 1, 2016, by a private
- 27 university police department, to the extent the record:
 - 28 (A) is created solely for a law enforcement purpose; and
 - 29 (B) relates to arrests or incarcerations for criminal offenses.
- 30 (2) A record that is created in compliance with 20 U.S.C. 1092
- 31 and 34 CFR 668, to the extent that public access is required under
- 32 federal law.
- 33 **(3) The following records concerning a law enforcement**
- 34 **officer employed by a private university police department:**
 - 35 **(A) The name, compensation, job title, business address,**
 - 36 **business telephone number, job description, education and**
 - 37 **training background, previous work experience, or dates**
 - 38 **of first and last employment of the law enforcement**
 - 39 **officer.**
 - 40 **(B) Information relating to the status of any formal**
 - 41 **charges against the law enforcement officer.**
 - 42 **(C) The factual basis for a disciplinary action in which**



- 1 **final action has been taken and that resulted in the law**
 2 **enforcement officer being suspended, demoted, or**
 3 **discharged.**
 4 **However, all personnel file information shall be made**
 5 **available to the affected employee or the employee's**
 6 **representative. This subdivision does not apply to disclosure**
 7 **of personnel information generally on all employees or for**
 8 **groups of employees without the request being particularized**
 9 **by employee name.**
- 10 The name of a crime victim must be redacted, unless release of the
 11 name is authorized by the crime victim.
- 12 (b) If a request for a private university police department record is
 13 denied under section 3 of this chapter, a civil action may be filed under
 14 section 9 of this chapter and the court may assess a civil penalty under
 15 section 9.5 of this chapter.
- 16 SECTION 5. IC 34-30-2-10.5, AS ADDED BY P.L.52-2005,
 17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 10.5. IC 5-2-1-12.5 (Concerning a good faith
 19 report of cause for revoking a law enforcement officer's diploma,
 20 certificate, ~~badge~~, or ~~other~~ document showing compliance with training
 21 requirements).
- 22 SECTION 6. IC 34-30-2-154.6 IS ADDED TO THE INDIANA
 23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2021]: **Sec. 154.6. IC 36-8-2-2 (Concerning**
 25 **the disclosure of law enforcement employment records).**
- 26 SECTION 7. IC 35-41-3-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. **(a) The following**
 28 **definitions apply throughout this section:**
- 29 **(1) "Chokehold" means applying pressure to the throat or**
 30 **neck of another person in a manner intended to obstruct the**
 31 **airway of the other person.**
- 32 **(2) "Deadly force" includes a chokehold.**
- 33 ~~(a)~~ **(b)** A person other than a law enforcement officer is justified in
 34 using reasonable force against another person to effect an arrest or
 35 prevent the other person's escape if:
- 36 (1) a felony has been committed; and
 37 (2) there is probable cause to believe the other person committed
 38 that felony.
- 39 However, such a person is not justified in using deadly force unless that
 40 force is justified under section 2 of this chapter.
- 41 ~~(b)~~ **(c)** A law enforcement officer is justified in using reasonable
 42 force if the officer reasonably believes that the force is necessary to



1 **enforce a criminal law or to** effect a lawful arrest. However, an
 2 officer is justified in using deadly force only if the officer:

3 (1) has probable cause to believe that that deadly force is
 4 necessary:

5 (A) to prevent the commission of a forcible felony; or

6 (B) to effect an arrest of a person who the officer has probable
 7 cause to believe poses a threat of serious bodily injury to the
 8 officer or a third person; and

9 (2) has given a warning, if feasible, to the person against whom
 10 the deadly force is to be used.

11 ~~(e)~~ **(d)** A law enforcement officer making an arrest under an invalid
 12 warrant is justified in using force as if the warrant was valid, unless the
 13 officer knows that the warrant is invalid.

14 ~~(d)~~ **(e)** A law enforcement officer who has an arrested person in
 15 custody is justified in using the same force to prevent the escape of the
 16 arrested person from custody that the officer would be justified in using
 17 if the officer was arresting that person. However, an officer is justified
 18 in using deadly force only if the officer:

19 (1) has probable cause to believe that deadly force is necessary to
 20 prevent the escape from custody of a person who the officer has
 21 probable cause to believe poses a threat of serious bodily injury
 22 to the officer or a third person; and

23 (2) has given a warning, if feasible, to the person against whom
 24 the deadly force is to be used.

25 ~~(e)~~ **(f)** A guard or other official in a penal facility or a law
 26 enforcement officer is justified in using reasonable force, including
 27 deadly force, if the officer has probable cause to believe that the force
 28 is necessary to prevent the escape of a person who is detained in the
 29 penal facility.

30 ~~(f)~~ **(g)** Notwithstanding subsection ~~(b)~~; ~~(d)~~; ~~or~~ ~~(e)~~; **(c)**, **(e)**, or **(f)**, a
 31 **guard, penal facility official, or** law enforcement officer who is a
 32 defendant in a criminal prosecution has the same right as a person who
 33 is not a **guard, penal facility official, or** law enforcement officer to
 34 assert self-defense under IC 35-41-3-2.

35 SECTION 8. IC 35-44.1-2-2.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. A law enforcement officer**
 38 **who, with the intent to commit or conceal the commission of a**
 39 **criminal act, turns off or disables a law enforcement recording**
 40 **device in violation of regulations or a policy adopted by the law**
 41 **enforcement agency that employs the officer commits disabling a**
 42 **law enforcement recording device, a Class A misdemeanor.**



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

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

11 **(1) a complete and unredacted copy of all findings and orders**
 12 **related to disciplinary action or internal investigations**
 13 **(whether performed by an internal investigator or an outside**
 14 **agency) involving the officer; and**

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

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

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

22 **(2) upon request of the applicant, provide the applicant with**
 23 **a copy of the information provided to the hiring department**
 24 **or agency.**

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, after "subdivisions," insert "**a hospital police department (as described in IC 16-18-4)**,".

Page 2, line 39, after "subdivision," insert "**a hospital police department (as described in IC 16-18-4)**,".

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

