

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 ENROLLED ACT No. 1006

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AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

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

SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.58-2019, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

(1) "Law enforcement officer" means an appointed officer or employee hired by and on the payroll of the state, any of the state's political subdivisions, **a hospital police department (as described in IC 16-18-4)**, or a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2 who is granted lawful authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, **except as otherwise provided in this chapter**, the following are expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

(A) A constable.

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

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described in IC 36-8-10-10.6.

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

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

(E) An employee of the gaming commission whose powers and duties are described in IC 4-32.3-9.

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

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

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

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

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

(A) overcoming unlawful resistance; or

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

(6) "Hiring or appointing authority" means:

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

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

(7) "Crisis intervention team" refers to a local coalition with a goal of improving the manner in which law enforcement and the community respond to crisis situations in which an individual is experiencing a mental health or addictive disorder crisis.

**(8) "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 and has on its payroll a law enforcement officer, including individuals described in subdivision (1)(A) through (1)(F).**

SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.86-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.
- (3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.
- (5) Minimum qualifications for instructors at approved law enforcement training schools.
- (6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.
- (7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.
- (8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.
- (9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:
  - (A) persons with autism, mental illness, addictive disorders,



- intellectual disabilities, and developmental disabilities;
- (B) missing endangered adults (as defined in IC 12-7-2-131.3);
- and
- (C) persons with Alzheimer's disease or related senile dementia;

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

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

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

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

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

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

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

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

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

(e) This subsection does not apply to:

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

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

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

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

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

regarding the subjects of arrest, search and seizure, the lawful use of force, **de-escalation training**, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the



pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

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

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

- (1) The board must conduct at least two (2) public meetings on the proposed modification or addition.
- (2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's Internet web site at least thirty (30) days before the modification or addition takes effect.

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If the board does not satisfy the requirements of this subsection, the modification or addition is void. This subsection does not authorize the board to eliminate any inservice training subject matter required under subsection (g).

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

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

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

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.

(5) Department policy making.

(6) Lawful use of force **and de-escalation training**.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the

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executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

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

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

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

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

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

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

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

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

- (1) arrest;
- (2) search; and
- (3) seizure.

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

- (1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and
- (2) has not worked as a reserve police officer for at least two (2) years after:
  - (A) completing the pre-basic course; or
  - (B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

- (1) is appointed as a board certified instructor of law enforcement training; and
- (2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police

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powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(v) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

- (A) the position held by the police chief or town marshal; and
- (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

- (A) the position held by the police chief or town marshal; and
- (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(w) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

SECTION 3. IC 5-2-1-12.5, AS AMENDED BY P.L.205-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.5. (a) The board may revoke, **suspend, modify, or restrict** a diploma, certificate, ~~badge, or other~~ or document showing compliance and qualification issued by the board, **or any authority to act as a law enforcement officer in the state**, for any of the following reasons:

- (1) The officer has been convicted of:
  - (A) a felony; or

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(B) ~~two (2) or more misdemeanors~~ **a misdemeanor** that would cause a reasonable person to believe that the officer:

(i) is ~~potentially~~ dangerous or violent; or

(ii) has a **demonstrated** propensity to violate the law.

(2) The officer has been found not guilty of a felony by reason of mental disease or defect.

(3) The officer's diploma, certificate, ~~badge, or other~~ **or** document showing compliance and qualification **issued by the board, or by another person**, was issued in error or was issued on the basis of information later determined to be false.

**(4) The officer has engaged in conduct that would be a criminal offense described in subdivision (1)(A) through (1)(B), even if the officer was not charged with the criminal offense.**

**(b) If, after affording the law enforcement officer all due process rights, the chief executive officer or the hiring or appointing authority disciplines a law enforcement officer for a violation described in subsection (a), the chief executive officer or hiring or appointing authority shall report the discipline to the executive director to determine whether proceedings under this section are warranted. The chief executive officer or the hiring or appointing authority shall report the discipline within thirty (30) days of the imposition of the discipline.**

**(c) If a law enforcement officer resigns or retires from the department or agency before a finding and order has been issued concerning a violation of subsection (a), the chief executive officer or the hiring or appointing authority shall report the resignation to the executive director to determine whether proceedings under this section are warranted. A report under this subsection must be made within thirty (30) days of the resignation or retirement of the law enforcement officer.**

~~(b)~~ **(d)** A person who knows of cause for the revocation of an officer's diploma, certificate, ~~badge, or other~~ **or** document showing compliance and qualification shall inform the officer's hiring or appointing authority or the ~~board.~~ **executive director**. A person who makes a good faith report of cause for revocation of an officer's diploma, certificate, ~~badge, or other~~ **or** document showing compliance and qualification is immune from civil liability.

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

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

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

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

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

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

(g) Except as provided in subsection (h), if the board receives the results of an investigation described in subsection (f), the board shall conduct a hearing on the report, considering the report, the recommendations, and any additional information. The board shall provide the officer who is the subject of the report with notice and an opportunity to be heard. The board may appoint the executive director or another qualified person to present the report and the results of the investigation to the board. In determining whether to revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification, the board shall consider the opinion and testimony of the hiring or appointing authority. If the board determines that cause for revocation exists, the board may revoke the subject

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officer's diploma, certificate, badge, or other document showing compliance and qualification. The board shall send notice of revocation by certified mail to the subject officer's hiring or appointing authority. The subject officer may pursue judicial review of the board's action under IC 4-21.5-5-13.

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

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

(2) The law enforcement officer may:

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

(B) demand an evidentiary hearing on the allegations.

(3) The:

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

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

All attorneys shall file an appearance with the board.

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

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



**prehearing conference shall address:**

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

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

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

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

**(8) The evidentiary hearing shall be recorded.**

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

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

- (1) before July 1, 2020, direct the executive director or another qualified person to serve as an administrative law judge; or**
- (2) after June 30, 2020, request assignment of an administrative law judge assigned by the office of administrative law proceedings established by IC 4-15-10.5-7;**

to conduct the hearing described in subsection (g). If the administrative law judge determines that cause for revocation exists, the administrative law judge shall revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification and notify the subject officer by certified mail of the decision, with notice of the subject officer's right to appeal to the board not later than fifteen (15) days after receipt of the notice. An appeal to the board must be in writing and may be decided by the board without a hearing. The board shall notify the subject officer of the board's appellate decision under this subsection by certified mail. The subject



officer may pursue judicial review of the board's action under IC 4-21.5-5-13.

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

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

**(1) must be in writing; and**

**(2) must show:**

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

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

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

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

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

**(1) has been disciplined; or**

**(2) may be disciplined;**

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

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

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

**(1) be in writing and signed by the law enforcement officer subject to the penalties for perjury; and**

**(2) demonstrate that reinstatement is appropriate, that the applicant poses no danger to the public, and that the applicant**



can perform as a law enforcement officer according to the board's standards.

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

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

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

(1) A record created or received after July 1, 2016, by a private university police department, to the extent the record:

(A) is created solely for a law enforcement purpose; and

(B) relates to arrests or incarcerations for criminal offenses.

(2) A record that is created in compliance with 20 U.S.C. 1092 and 34 CFR 668, to the extent that public access is required under federal law.

**(3) The following records concerning a law enforcement officer employed by a private university police department:**

**(A) The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of the law enforcement officer.**

**(B) Information relating to the status of any formal charges against the law enforcement officer.**

**(C) The factual basis for a disciplinary action in which final action has been taken and that resulted in the law enforcement officer being suspended, demoted, or discharged.**

However, all personnel file information shall be made





**available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.**

The name of a crime victim must be redacted, unless release of the name is authorized by the crime victim.

(b) If a request for a private university police department record is denied under section 3 of this chapter, a civil action may be filed under section 9 of this chapter and the court may assess a civil penalty under section 9.5 of this chapter.

SECTION 5. IC 34-30-2-10.5, AS ADDED BY P.L.52-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. IC 5-2-1-12.5 (Concerning a good faith report of cause for revoking a law enforcement officer's diploma, certificate, badge, or other document showing compliance with training requirements).

SECTION 6. IC 34-30-2-154.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 154.6. IC 36-8-2-2 (Concerning the disclosure of law enforcement employment records).**

SECTION 7. IC 35-41-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. **(a) The following definitions apply throughout this section:**

- (1) "Chokehold" means applying pressure to the throat or neck of another person in a manner intended to obstruct the airway of the other person.**
- (2) "Deadly force" includes a chokehold.**

~~(a)~~ **(b)** A person other than a law enforcement officer is justified in using reasonable force against another person to effect an arrest or prevent the other person's escape if:

- (1) a felony has been committed; and
- (2) there is probable cause to believe the other person committed that felony.

However, such a person is not justified in using deadly force unless that force is justified under section 2 of this chapter.

~~(b)~~ **(c)** A law enforcement officer is justified in using reasonable force if the officer reasonably believes that the force is necessary to **enforce a criminal law or to** effect a lawful arrest. However, an officer is justified in using deadly force only if the officer:

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

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- (A) to prevent the commission of a forcible felony; or
- (B) to effect an arrest of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person; and

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

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

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

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

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

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

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

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

SECTION 9. 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~~

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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 10. [EFFECTIVE UPON PASSAGE] (a) There is appropriated to the Indiana law enforcement academy seventy million dollars (\$70,000,000) from the state general fund for the purpose of making capital improvements to the Indiana law enforcement academy for the state fiscal year beginning July 1, 2020, and ending June 30, 2021.**

**(b) This SECTION expires July 1, 2023.**

**SECTION 11. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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