

HOUSE BILL No. 1020

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 10-13-3; IC 35-38-1-7.1.

Synopsis: Hate crimes. Makes it an aggravating circumstance (for purposes of imposing a criminal sentence) that the crime was committed with the intent to harm or intimidate an individual or a group of individuals because of certain perceived or actual characteristics of the individual or group of individuals. Requires law enforcement agencies to report hate crimes to the Federal Bureau of Investigation. Requires the law enforcement training board to adopt, not later than January 1, 2020, minimum standards for training of law enforcement officers regarding: (1) identifying hate crimes; (2) responding to hate crimes; and (3) reporting hate crimes.

Effective: July 1, 2019.

Cook, Schaibley, Ziemke

January 3, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1020

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 5-2-1-9, AS AMENDED BY P.L.86-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.
16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.

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

12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.

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

17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.

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

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

27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;

29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and

31 (C) persons with Alzheimer's disease or related senile
32 dementia;

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

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

41 (A) Examination of the human and sexual trafficking laws
42 (IC 35-42-3.5).



- 1 (B) Identification of human and sexual trafficking.
 2 (C) Communicating with traumatized persons.
 3 (D) Therapeutically appropriate investigative techniques.
 4 (E) Collaboration with federal law enforcement officials.
 5 (F) Rights of and protections afforded to victims.
 6 (G) Providing documentation that satisfies the Declaration of
 7 Law Enforcement Officer for Victim of Trafficking in Persons
 8 (Form I-914, Supplement B) requirements established under
 9 federal law.
 10 (H) The availability of community resources to assist human
 11 and sexual trafficking victims.

12 **(11) Minimum standards for:**

- 13 **(A) identifying hate crimes;**
 14 **(B) responding to hate crimes; and**
 15 **(C) reporting hate crimes;**
 16 **that must be required for each person accepted at a law**
 17 **enforcement training school or academy and for inservice**
 18 **training programs for law enforcement officers.**

19 (b) A law enforcement officer appointed after July 5, 1972, and
 20 before July 1, 1993, may not enforce the laws or ordinances of the state
 21 or any political subdivision unless the officer has, within one (1) year
 22 from the date of appointment, successfully completed the minimum
 23 basic training requirements established under this chapter by the board.
 24 If a person fails to successfully complete the basic training
 25 requirements within one (1) year from the date of employment, the
 26 officer may not perform any of the duties of a law enforcement officer
 27 involving control or direction of members of the public or exercising
 28 the power of arrest until the officer has successfully completed the
 29 training requirements. This subsection does not apply to any law
 30 enforcement officer appointed before July 6, 1972, or after June 30,
 31 1993.

32 (c) Military leave or other authorized leave of absence from law
 33 enforcement duty during the first year of employment after July 6,
 34 1972, shall toll the running of the first year, which shall be calculated
 35 by the aggregate of the time before and after the leave, for the purposes
 36 of this chapter.

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

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



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

5 (e) This subsection does not apply to:

6 (1) a gaming agent employed as a law enforcement officer by the
 7 Indiana gaming commission; or

8 (2) an:

9 (A) attorney; or

10 (B) investigator;

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

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

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

23 (1) law enforcement officers;

24 (2) police reserve officers (as described in IC 36-8-3-20); and

25 (3) conservation reserve officers (as described in IC 14-9-8-27);

26 regarding the subjects of arrest, search and seizure, the lawful use of
 27 force, interacting with individuals with autism, and the operation of an
 28 emergency vehicle. The pre-basic course must be offered on a periodic
 29 basis throughout the year at regional sites statewide. The pre-basic
 30 course must consist of at least forty (40) hours of course work. The
 31 board may prepare the classroom part of the pre-basic course using
 32 available technology in conjunction with live instruction. The board
 33 shall provide the course material, the instructors, and the facilities at
 34 the regional sites throughout the state that are used for the pre-basic
 35 course. In addition, the board may certify pre-basic courses that may be
 36 conducted by other public or private training entities, including
 37 postsecondary educational institutions.

38 (g) Subject to subsection (h), the board shall adopt rules under
 39 IC 4-22-2 to establish a mandatory inservice training program for
 40 police officers and police reserve officers (as described in
 41 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
 42 satisfactorily completed basic training and has been appointed to a law



1 enforcement department or agency on either a full-time or part-time
2 basis is not eligible for continued employment unless the officer
3 satisfactorily completes the mandatory inservice training requirements
4 established by rules adopted by the board. Inservice training must
5 include training in interacting with persons with mental illness,
6 addictive disorders, intellectual disabilities, autism, developmental
7 disabilities, and Alzheimer's disease or related senile dementia, to be
8 provided by persons approved by the secretary of family and social
9 services and the board, and training concerning human and sexual
10 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
11 The board may approve courses offered by other public or private
12 training entities, including postsecondary educational institutions, as
13 necessary in order to ensure the availability of an adequate number of
14 inservice training programs. The board may waive an officer's inservice
15 training requirements if the board determines that the officer's reason
16 for lacking the required amount of inservice training hours is due to
17 either an emergency situation or the unavailability of courses.

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

24 (1) The board must conduct at least two (2) public meetings on
25 the proposed modification or addition.

26 (2) After approving the modification or addition at a public
27 meeting, the board must post notice of the modification or
28 addition on the Indiana law enforcement academy's Internet web
29 site at least thirty (30) days before the modification or addition
30 takes effect.

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

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

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

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



- 1 (3) Law enforcement officers successfully completing the
 2 requirements of the program are eligible for appointment only in
 3 towns employing the town marshal system (IC 36-5-7) and having
 4 not more than one (1) marshal and two (2) deputies.
 5 (4) The limitation imposed by subdivision (3) does not apply to an
 6 officer who has successfully completed the mandated basic
 7 training program.
 8 (5) The time limitations imposed by subsections (b) and (c) for
 9 completing the training are also applicable to the town marshal
 10 basic training program.
 11 (6) The program must require training in interacting with
 12 individuals with autism.
- 13 (j) The board shall adopt rules under IC 4-22-2 to establish an
 14 executive training program. The executive training program must
 15 include training in the following areas:
 16 (1) Liability.
 17 (2) Media relations.
 18 (3) Accounting and administration.
 19 (4) Discipline.
 20 (5) Department policy making.
 21 (6) Lawful use of force.
 22 (7) Department programs.
 23 (8) Emergency vehicle operation.
 24 (9) Cultural diversity.
- 25 (k) A police chief shall apply for admission to the executive training
 26 program within two (2) months of the date the police chief initially
 27 takes office. A police chief must successfully complete the executive
 28 training program within six (6) months of the date the police chief
 29 initially takes office. However, if space in the executive training
 30 program is not available at a time that will allow completion of the
 31 executive training program within six (6) months of the date the police
 32 chief initially takes office, the police chief must successfully complete
 33 the next available executive training program that is offered after the
 34 police chief initially takes office.
- 35 (l) A police chief who fails to comply with subsection (k) may not
 36 continue to serve as the police chief until completion of the executive
 37 training program. For the purposes of this subsection and subsection
 38 (k), "police chief" refers to:
 39 (1) the police chief of any city;
 40 (2) the police chief of any town having a metropolitan police
 41 department; and
 42 (3) the chief of a consolidated law enforcement department



- 1 established under IC 36-3-1-5.1.
2 A town marshal is not considered to be a police chief for these
3 purposes, but a town marshal may enroll in the executive training
4 program.
- 5 (m) A fire investigator in the division of fire and building safety
6 appointed after December 31, 1993, is required to comply with the
7 basic training standards established under this chapter.
- 8 (n) The board shall adopt rules under IC 4-22-2 to establish a
9 program to certify handgun safety courses, including courses offered
10 in the private sector, that meet standards approved by the board for
11 training probation officers in handgun safety as required by
12 IC 11-13-1-3.5(3).
- 13 (o) The board shall adopt rules under IC 4-22-2 to establish a
14 refresher course for an officer who:
- 15 (1) is hired by an Indiana law enforcement department or agency
16 as a law enforcement officer;
 - 17 (2) has not been employed as a law enforcement officer for:
 - 18 (A) at least two (2) years; and
 - 19 (B) less than six (6) years before the officer is hired under
20 subdivision (1); and
 - 21 (3) completed at any time a basic training course certified or
22 recognized by the board before the officer is hired under
23 subdivision (1).
- 24 (p) An officer to whom subsection (o) applies must successfully
25 complete the refresher course described in subsection (o) not later than
26 six (6) months after the officer's date of hire, or the officer loses the
27 officer's powers of:
- 28 (1) arrest;
 - 29 (2) search; and
 - 30 (3) seizure.
- 31 (q) The board shall adopt rules under IC 4-22-2 to establish a
32 refresher course for an officer who:
- 33 (1) is appointed by an Indiana law enforcement department or
34 agency as a reserve police officer; and
 - 35 (2) has not worked as a reserve police officer for at least two (2)
36 years after:
 - 37 (A) completing the pre-basic course; or
 - 38 (B) leaving the individual's last appointment as a reserve
39 police officer.
- 40 An officer to whom this subsection applies must successfully complete
41 the refresher course established by the board in order to work as a
42 reserve police officer.



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

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

11 (1) is appointed as a board certified instructor of law enforcement
 12 training; and

13 (2) has not provided law enforcement training instruction for
 14 more than one (1) year after the date the individual's instructor
 15 certification expired.

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

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

23 (1) the agent successfully completes the pre-basic course
 24 established in subsection (f); and

25 (2) the agent successfully completes any other training courses
 26 established by the Indiana gaming commission in conjunction
 27 with the board.

28 (u) This subsection applies only to a securities enforcement officer
 29 designated as a law enforcement officer by the securities
 30 commissioner. A securities enforcement officer may exercise the police
 31 powers described in subsection (d) if:

32 (1) the securities enforcement officer successfully completes the
 33 pre-basic course established in subsection (f); and

34 (2) the securities enforcement officer successfully completes any
 35 other training courses established by the securities commissioner
 36 in conjunction with the board.

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

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

42 (2) If the authorized size of the department or town marshal



1 system is more than ten (10) members but less than fifty-one (51)
 2 members, the term refers to:

3 (A) the position held by the police chief or town marshal; and

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

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

9 (A) the position held by the police chief or town marshal; and

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

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

17 (1) the officer successfully completes the pre-basic course
 18 described in subsection (f); and

19 (2) the officer successfully completes any other training courses
 20 established by the department of correction in conjunction with
 21 the board.

22 SECTION 2. IC 10-13-3-1 IS REPEALED [EFFECTIVE JULY 1,
 23 2019]. **Sec. 4.** As used in this chapter, "bias crime" means an offense
 24 in which the person who commits the offense knowingly or
 25 intentionally:

26 (1) selected the person who was injured; or

27 (2) damaged or otherwise affected property;

28 by the offense because of the color, creed, disability, national origin,
 29 race, religion, or sexual orientation of the injured person or of the
 30 owner or occupant of the affected property or because the injured
 31 person or owner or occupant of the affected property was associated
 32 with any other recognizable group or affiliation.

33 SECTION 3. IC 10-13-3-7.6 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2019]: **Sec. 7.6.** As used in this chapter, "hate crime" means a
 36 crime motivated by bias or hatred and is an offense that a person
 37 knowingly or intentionally commits to:

38 (1) injure a select individual or group of individuals; or

39 (2) damage the property of a select individual or group of
 40 individuals;

41 because of the age, race, religion, ethnicity, color, disability,
 42 gender, gender identity, national origin, sexual orientation, status



1 **of being a law enforcement officer, status of being a member of the**
 2 **armed services, or ancestry of the select individual or group of**
 3 **individuals.**

4 SECTION 4. IC 10-13-3-38 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 38. (a) A law
 6 enforcement agency shall collect information concerning ~~bias~~ **hate**
 7 crimes.

8 (b) At least two (2) times each year, a law enforcement agency shall
 9 submit information collected under subsection (a) to:

10 (1) the Indiana central repository for criminal history information,
 11 ~~information shall be reported~~ in the manner and form prescribed
 12 by the department; **and**

13 (2) **the Federal Bureau of Investigation, in accordance with**
 14 **the guidelines established under 28 U.S.C. 534, and using the**
 15 **national incident based reporting system.**

16 (c) At least one (1) time each year, the Indiana central repository for
 17 criminal history information shall submit a report that includes a
 18 compilation of information obtained under subsection (b) to each law
 19 enforcement agency and to the legislative council. A report submitted
 20 to a law enforcement agency and the legislative council under this
 21 subsection may not contain the name of a person who:

22 (1) committed or allegedly committed a ~~bias~~ **hate** crime; or

23 (2) was the victim or the alleged victim of a ~~bias~~ **hate** crime.

24 A report submitted to the legislative council under this subsection must
 25 be in an electronic format under IC 5-14-6.

26 (d) Except as provided in subsection (e), information collected,
 27 submitted, and reported under this section must be consistent with
 28 guidelines established for the acquisition, preservation, and exchange
 29 of identification records and information by:

30 (1) the Attorney General of the United States; or

31 (2) the Federal Bureau of Investigation;

32 under 28 U.S.C. 534 and the Hate Crime Statistics Act, as amended (28
 33 U.S.C. 534 note).

34 (e) Information submitted under subsection (b) and reports issued
 35 under subsection (c) shall, in conformity with guidelines prescribed by
 36 the department,

37 (1) be separated in reports on the basis of whether it is an alleged
 38 crime, a charged crime, or a crime for which a conviction has
 39 been obtained. **and**

40 (2) ~~be divided in reports on the basis of whether, in the opinion of~~
 41 ~~the reporting individual and the data collectors, bias was the~~
 42 ~~primary motivation for the crime or only incidental to the crime.~~



1 SECTION 5. IC 35-38-1-7.1, AS AMENDED BY P.L.213-2015,
2 SECTION 261, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 7.1. (a) In determining what
4 sentence to impose for a crime, the court may consider the following
5 aggravating circumstances:

6 (1) The harm, injury, loss, or damage suffered by the victim of an
7 offense was:

8 (A) significant; and

9 (B) greater than the elements necessary to prove the
10 commission of the offense.

11 (2) The person has a history of criminal or delinquent behavior.

12 (3) The victim of the offense was less than twelve (12) years of
13 age or at least sixty-five (65) years of age at the time the person
14 committed the offense.

15 (4) The person:

16 (A) committed a crime of violence (IC 35-50-1-2); and

17 (B) knowingly committed the offense in the presence or within
18 hearing of an individual who:

19 (i) was less than eighteen (18) years of age at the time the
20 person committed the offense; and

21 (ii) is not the victim of the offense.

22 (5) The person violated a protective order issued against the
23 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
24 IC 34-4-5.1 before their repeal), a workplace violence restraining
25 order issued against the person under IC 34-26-6, or a no contact
26 order issued against the person.

27 (6) The person has recently violated the conditions of any
28 probation, parole, pardon, community corrections placement, or
29 pretrial release granted to the person.

30 (7) The victim of the offense was:

31 (A) a person with a disability (as defined in IC 27-7-6-12), and
32 the defendant knew or should have known that the victim was
33 a person with a disability; or

34 (B) mentally or physically infirm.

35 (8) The person was in a position having care, custody, or control
36 of the victim of the offense.

37 (9) The injury to or death of the victim of the offense was the
38 result of shaken baby syndrome (as defined in IC 16-41-40-2).

39 (10) The person threatened to harm the victim of the offense or a
40 witness if the victim or witness told anyone about the offense.

41 (11) The person:

42 (A) committed trafficking with an inmate under



- 1 IC 35-44.1-3-5; and
 2 (B) is an employee of the penal facility.
 3 **(12) The person committed the offense, including an offense**
 4 **involving an individual's or a group of individuals' property,**
 5 **with the intent to harm or intimidate an individual or group**
 6 **of individuals because of the individual's or group of**
 7 **individuals' perceived or actual:**
 8 (A) race;
 9 (B) religion;
 10 (C) color;
 11 (D) gender;
 12 (E) gender identity;
 13 (F) disability;
 14 (G) national origin;
 15 (H) ancestry;
 16 (I) sexual orientation;
 17 (J) ethnicity;
 18 (K) age;
 19 (L) status of being a law enforcement officer; or
 20 (M) status of being a member of the armed services;
 21 **whether or not the person's belief or perception was correct.**
 22 (b) The court may consider the following factors as mitigating
 23 circumstances or as favoring suspending the sentence and imposing
 24 probation:
 25 (1) The crime neither caused nor threatened serious harm to
 26 persons or property, or the person did not contemplate that it
 27 would do so.
 28 (2) The crime was the result of circumstances unlikely to recur.
 29 (3) The victim of the crime induced or facilitated the offense.
 30 (4) There are substantial grounds tending to excuse or justify the
 31 crime, though failing to establish a defense.
 32 (5) The person acted under strong provocation.
 33 (6) The person has no history of delinquency or criminal activity,
 34 or the person has led a law-abiding life for a substantial period
 35 before commission of the crime.
 36 (7) The person is likely to respond affirmatively to probation or
 37 short term imprisonment.
 38 (8) The character and attitudes of the person indicate that the
 39 person is unlikely to commit another crime.
 40 (9) The person has made or will make restitution to the victim of
 41 the crime for the injury, damage, or loss sustained.
 42 (10) Imprisonment of the person will result in undue hardship to



- 1 the person or the dependents of the person.
- 2 (11) The person was convicted of a crime involving the use of
- 3 force against a person who had repeatedly inflicted physical or
- 4 sexual abuse upon the convicted person and evidence shows that
- 5 the convicted person suffered from the effects of battery as a
- 6 result of the past course of conduct of the individual who is the
- 7 victim of the crime for which the person was convicted.
- 8 (12) The person was convicted of a crime relating to a controlled
- 9 substance and the person's arrest or prosecution was facilitated in
- 10 part because the person:
- 11 (A) requested emergency medical assistance; or
- 12 (B) acted in concert with another person who requested
- 13 emergency medical assistance;
- 14 for an individual who reasonably appeared to be in need of
- 15 medical assistance due to the use of alcohol or a controlled
- 16 substance.
- 17 (13) The person has posttraumatic stress disorder, traumatic brain
- 18 injury, or a postconcussive brain injury.
- 19 (c) The criteria listed in subsections (a) and (b) do not limit the
- 20 matters that the court may consider in determining the sentence.
- 21 (d) A court may impose any sentence that is:
- 22 (1) authorized by statute; and
- 23 (2) permissible under the Constitution of the State of Indiana;
- 24 regardless of the presence or absence of aggravating circumstances or
- 25 mitigating circumstances.
- 26 (e) If a court suspends a sentence and orders probation for a person
- 27 described in subsection (b)(13), the court may require the person to
- 28 receive treatment for the person's injuries.
- 29 **SECTION 6. [EFFECTIVE JULY 1, 2019] (a) As used in this**
- 30 **SECTION, "board" means the law enforcement training board**
- 31 **created by IC 5-2-1-3.**
- 32 **(b) Not later than January 1, 2020, the board shall adopt the**
- 33 **minimum standards required under IC 5-2-1-9(a)(11), as added by**
- 34 **this act.**
- 35 **(c) This SECTION expires July 1, 2020.**

