



Reprinted
March 1, 2016

ENGROSSED HOUSE BILL No. 1022

DIGEST OF HB 1022 (Updated February 29, 2016 3:48 pm - DI 87)

Citations Affected: IC 5-14; IC 21-17; IC 34-30.

Synopsis: Private university police departments. Provides that certain records of a private university police department relating to arrests or incarcerations for criminal offenses are public records. Allows a private university police department to withhold investigatory records. Provides that the name of a crime victim in records released by a private university police department must be redacted unless the release is authorized by the crime victim. Provides that an educational institution, a governing board of an educational institution, delegated office or offices of a governing board, or an individual employed by the educational institution as a police officer have the same immunities of the state or state police officers with regard to activities related to law enforcement.

Effective: July 1, 2016.

Bauer, Cox, Harman, Hale

(SENATE SPONSORS — GLICK, KRUSE, BRODEN,
RANDOLPH LONNIE M)

January 5, 2016, read first time and referred to Committee on Government and Regulatory Reform.

January 13, 2016, reported — Do Pass.

January 19, 2016, read second time, amended, ordered engrossed.

January 20, 2016, engrossed.

January 21, 2016, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 3, 2016, read first time and referred to Committee on Civil Law.

February 23, 2016, amended, reported favorably — Do Pass.

February 29, 2016, read second time, amended, ordered engrossed.

EH 1022—LS 6210/DI 87



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March 1, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1022

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-14-3-2, AS AMENDED BY P.L.248-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 2. (a) The definitions set forth in this section apply
4 throughout this chapter.

5 (b) "Copy" includes transcribing by handwriting, photocopying,
6 xerography, duplicating machine, duplicating electronically stored data
7 onto a disk, tape, drum, or any other medium of electronic data storage,
8 and reproducing by any other means.

9 (c) "Criminal intelligence information" means data that has been
10 evaluated to determine that the data is relevant to:

11 (1) the identification of; and
12 (2) the criminal activity engaged in by;
13 an individual who or organization that is reasonably suspected of
14 involvement in criminal activity.

15 (d) "Direct cost" means one hundred five percent (105%) of the sum
16 of the cost of:

17 (1) the initial development of a program, if any;

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- 1 (2) the labor required to retrieve electronically stored data; and
 2 (3) any medium used for electronic output;
 3 for providing a duplicate of electronically stored data onto a disk, tape,
 4 drum, or other medium of electronic data retrieval under section 8(g)
 5 of this chapter, or for reprogramming a computer system under section
 6 6(c) of this chapter.
- 7 (e) "Electronic map" means copyrighted data provided by a public
 8 agency from an electronic geographic information system.
- 9 (f) "Enhanced access" means the inspection of a public record by a
 10 person other than a governmental entity and that:
 11 (1) is by means of an electronic device other than an electronic
 12 device provided by a public agency in the office of the public
 13 agency; or
 14 (2) requires the compilation or creation of a list or report that does
 15 not result in the permanent electronic storage of the information.
- 16 (g) "Facsimile machine" means a machine that electronically
 17 transmits exact images through connection with a telephone network.
- 18 (h) "Inspect" includes the right to do the following:
 19 (1) Manually transcribe and make notes, abstracts, or memoranda.
 20 (2) In the case of tape recordings or other aural public records, to
 21 listen and manually transcribe or duplicate, or make notes,
 22 abstracts, or other memoranda from them.
 23 (3) In the case of public records available:
 24 (A) by enhanced access under section 3.5 of this chapter; or
 25 (B) to a governmental entity under section 3(c)(2) of this
 26 chapter;
 27 to examine and copy the public records by use of an electronic
 28 device.
 29 (4) In the case of electronically stored data, to manually transcribe
 30 and make notes, abstracts, or memoranda or to duplicate the data
 31 onto a disk, tape, drum, or any other medium of electronic
 32 storage.
- 33 (i) "Investigatory record" means information compiled in the course
 34 of the investigation of a crime.
- 35 (j) "Offender" means a person confined in a penal institution as the
 36 result of the conviction for a crime.
- 37 (k) "Patient" has the meaning set out in IC 16-18-2-272(d).
- 38 (l) "Person" means an individual, a corporation, a limited liability
 39 company, a partnership, an unincorporated association, or a
 40 governmental entity.
- 41 **(m) "Private university police department" means the police**
 42 **officers appointed by the governing board of a private university**



1 **under IC 21-17-5.**

2 ~~(m)~~ (n) "Provider" has the meaning set out in IC 16-18-2-295(b) and
 3 includes employees of the state department of health or local boards of
 4 health who create patient records at the request of another provider or
 5 who are social workers and create records concerning the family
 6 background of children who may need assistance.

7 ~~(n)~~ (o) "Public agency", except as provided in section 2.1 of this
 8 chapter, means the following:

- 9 (1) Any board, commission, department, division, bureau,
 10 committee, agency, office, instrumentality, or authority, by
 11 whatever name designated, exercising any part of the executive,
 12 administrative, judicial, or legislative power of the state.
 13 (2) Any:
 14 (A) county, township, school corporation, city, or town, or any
 15 board, commission, department, division, bureau, committee,
 16 office, instrumentality, or authority of any county, township,
 17 school corporation, city, or town;
 18 (B) political subdivision (as defined by IC 36-1-2-13); or
 19 (C) other entity, or any office thereof, by whatever name
 20 designated, exercising in a limited geographical area the
 21 executive, administrative, judicial, or legislative power of the
 22 state or a delegated local governmental power.
 23 (3) Any entity or office that is subject to:
 24 (A) budget review by either the department of local
 25 government finance or the governing body of a county, city,
 26 town, township, or school corporation; or
 27 (B) an audit by the state board of accounts that is required by
 28 statute, rule, or regulation.
 29 (4) Any building corporation of a political subdivision that issues
 30 bonds for the purpose of constructing public facilities.
 31 (5) Any advisory commission, committee, or body created by
 32 statute, ordinance, or executive order to advise the governing
 33 body of a public agency, except medical staffs or the committees
 34 of any such staff.
 35 (6) Any law enforcement agency, which means an agency or a
 36 department of any level of government that engages in the
 37 investigation, apprehension, arrest, or prosecution of alleged
 38 criminal offenders, such as the state police department, the police
 39 or sheriff's department of a political subdivision, prosecuting
 40 attorneys, members of the excise police division of the alcohol
 41 and tobacco commission, conservation officers of the department
 42 of natural resources, gaming agents of the Indiana gaming



1 commission, gaming control officers of the Indiana gaming
 2 commission, and the security division of the state lottery
 3 commission.

4 (7) Any license branch staffed by employees of the bureau of
 5 motor vehicles commission under IC 9-16.

6 (8) The state lottery commission established by IC 4-30-3-1,
 7 including any department, division, or office of the commission.

8 (9) The Indiana gaming commission established under IC 4-33,
 9 including any department, division, or office of the commission.

10 (10) The Indiana horse racing commission established by IC 4-31,
 11 including any department, division, or office of the commission.

12 **(11) A private university police department. The term does**
 13 **not include the governing board of a private university or any**
 14 **other department, division, board, entity, or office of a private**
 15 **university.**

16 (p) "Public record" means any writing, paper, report, study, map,
 17 photograph, book, card, tape recording, or other material that is
 18 created, received, retained, maintained, or filed by or with a public
 19 agency and which is generated on paper, paper substitutes,
 20 photographic media, chemically based media, magnetic or machine
 21 readable media, electronically stored data, or any other material,
 22 regardless of form or characteristics.

23 (q) "Standard-sized documents" includes all documents that can
 24 be mechanically reproduced (without mechanical reduction) on paper
 25 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 26 and one-half (8 1/2) inches by fourteen (14) inches.

27 (r) "Trade secret" has the meaning set forth in IC 24-2-3-2.

28 (s) "Work product of an attorney" means information compiled
 29 by an attorney in reasonable anticipation of litigation. The term
 30 includes the attorney's:

31 (1) notes and statements taken during interviews of prospective
 32 witnesses; and

33 (2) legal research or records, correspondence, reports, or
 34 memoranda to the extent that each contains the attorney's
 35 opinions, theories, or conclusions.

36 This definition does not restrict the application of any exception under
 37 section 4 of this chapter.

38 SECTION 2. IC 5-14-3-2.2 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2016]: **Sec. 2.2. (a) The following records of a private university**
 41 **police department are public records and subject to this chapter:**

42 (1) A record created or received after July 1, 2016, by a



1 **private university police department, to the extent the record:**

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

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

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

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

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

14 SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.181-2015,
 15 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2016]: Sec. 4. (a) The following public records are excepted
 17 from section 3 of this chapter and may not be disclosed by a public
 18 agency, unless access to the records is specifically required by a state
 19 or federal statute or is ordered by a court under the rules of discovery:

20 (1) Those declared confidential by state statute.

21 (2) Those declared confidential by rule adopted by a public
 22 agency under specific authority to classify public records as
 23 confidential granted to the public agency by statute.

24 (3) Those required to be kept confidential by federal law.

25 (4) Records containing trade secrets.

26 (5) Confidential financial information obtained, upon request,
 27 from a person. However, this does not include information that is
 28 filed with or received by a public agency pursuant to state statute.

29 (6) Information concerning research, including actual research
 30 documents, conducted under the auspices of a state educational
 31 institution, including information:

32 (A) concerning any negotiations made with respect to the
 33 research; and

34 (B) received from another party involved in the research.

35 (7) Grade transcripts and license examination scores obtained as
 36 part of a licensure process.

37 (8) Those declared confidential by or under rules adopted by the
 38 supreme court of Indiana.

39 (9) Patient medical records and charts created by a provider,
 40 unless the patient gives written consent under IC 16-39 or as
 41 provided under IC 16-41-8.

42 (10) Application information declared confidential by the board



- 1 of the Indiana economic development corporation under
 2 IC 5-28-16.
- 3 (11) A photograph, a video recording, or an audio recording of an
 4 autopsy, except as provided in IC 36-2-14-10.
- 5 (12) A Social Security number contained in the records of a
 6 public agency.
- 7 (13) The following information that is part of a foreclosure action
 8 subject to IC 32-30-10.5:
- 9 (A) Contact information for a debtor, as described in
 10 IC 32-30-10.5-8(d)(1)(B).
- 11 (B) Any document submitted to the court as part of the debtor's
 12 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 13 (14) The following information obtained from a call made to a
 14 fraud hotline established under IC 36-1-8-8.5:
- 15 (A) The identity of any individual who makes a call to the
 16 fraud hotline.
- 17 (B) A report, transcript, audio recording, or other information
 18 concerning a call to the fraud hotline.
- 19 However, records described in this subdivision may be disclosed
 20 to a law enforcement agency, **a private university police**
 21 **department**, the attorney general, the inspector general, the state
 22 examiner, or a prosecuting attorney.
- 23 (b) Except as otherwise provided by subsection (a), the following
 24 public records shall be excepted from section 3 of this chapter at the
 25 discretion of a public agency:
- 26 (1) Investigatory records of law enforcement agencies **or private**
 27 **university police departments**. Law enforcement agencies **or**
 28 **private university police departments** may share investigatory
 29 records with a person who advocates on behalf of a crime victim,
 30 including a victim advocate (as defined in IC 35-37-6-3.5) or a
 31 victim service provider (as defined in IC 35-37-6-5), for the
 32 purposes of providing services to a victim or describing services
 33 that may be available to a victim, without the law enforcement
 34 agency **or private university police department** losing its
 35 discretion to keep those records confidential from other records
 36 requesters. However, certain law enforcement records must be
 37 made available for inspection and copying as provided in section
 38 5 of this chapter.
- 39 (2) The work product of an attorney representing, pursuant to
 40 state employment or an appointment by a public agency:
- 41 (A) a public agency;
- 42 (B) the state; or



- 1 (C) an individual.
- 2 (3) Test questions, scoring keys, and other examination data used
- 3 in administering a licensing examination, examination for
- 4 employment, or academic examination before the examination is
- 5 given or if it is to be given again.
- 6 (4) Scores of tests if the person is identified by name and has not
- 7 consented to the release of the person's scores.
- 8 (5) The following:
- 9 (A) Records relating to negotiations between the Indiana
- 10 economic development corporation, the ports of Indiana, the
- 11 Indiana state department of agriculture, the Indiana finance
- 12 authority, an economic development commission, a local
- 13 economic development organization (as defined in
- 14 IC 5-28-11-2(3)), or a governing body of a political
- 15 subdivision with industrial, research, or commercial prospects,
- 16 if the records are created while negotiations are in progress.
- 17 (B) Notwithstanding clause (A), the terms of the final offer of
- 18 public financial resources communicated by the Indiana
- 19 economic development corporation, the ports of Indiana, the
- 20 Indiana finance authority, an economic development
- 21 commission, or a governing body of a political subdivision to
- 22 an industrial, a research, or a commercial prospect shall be
- 23 available for inspection and copying under section 3 of this
- 24 chapter after negotiations with that prospect have terminated.
- 25 (C) When disclosing a final offer under clause (B), the Indiana
- 26 economic development corporation shall certify that the
- 27 information being disclosed accurately and completely
- 28 represents the terms of the final offer.
- 29 (D) Notwithstanding clause (A), an incentive agreement with
- 30 an incentive recipient shall be available for inspection and
- 31 copying under section 3 of this chapter after the date the
- 32 incentive recipient and the Indiana economic development
- 33 corporation execute the incentive agreement regardless of
- 34 whether negotiations are in progress with the recipient after
- 35 that date regarding a modification or extension of the incentive
- 36 agreement.
- 37 (6) Records that are intra-agency or interagency advisory or
- 38 deliberative material, including material developed by a private
- 39 contractor under a contract with a public agency, that are
- 40 expressions of opinion or are of a speculative nature, and that are
- 41 communicated for the purpose of decision making.
- 42 (7) Diaries, journals, or other personal notes serving as the



- 1 functional equivalent of a diary or journal.
- 2 (8) Personnel files of public employees and files of applicants for
3 public employment, except for:
- 4 (A) the name, compensation, job title, business address,
5 business telephone number, job description, education and
6 training background, previous work experience, or dates of
7 first and last employment of present or former officers or
8 employees of the agency;
- 9 (B) information relating to the status of any formal charges
10 against the employee; and
- 11 (C) the factual basis for a disciplinary action in which final
12 action has been taken and that resulted in the employee being
13 suspended, demoted, or discharged.
- 14 However, all personnel file information shall be made available
15 to the affected employee or the employee's representative. This
16 subdivision does not apply to disclosure of personnel information
17 generally on all employees or for groups of employees without the
18 request being particularized by employee name.
- 19 (9) Minutes or records of hospital medical staff meetings.
- 20 (10) Administrative or technical information that would
21 jeopardize a record keeping or security system.
- 22 (11) Computer programs, computer codes, computer filing
23 systems, and other software that are owned by the public agency
24 or entrusted to it and portions of electronic maps entrusted to a
25 public agency by a utility.
- 26 (12) Records specifically prepared for discussion or developed
27 during discussion in an executive session under IC 5-14-1.5-6.1.
28 However, this subdivision does not apply to that information
29 required to be available for inspection and copying under
30 subdivision (8).
- 31 (13) The work product of the legislative services agency under
32 personnel rules approved by the legislative council.
- 33 (14) The work product of individual members and the partisan
34 staffs of the general assembly.
- 35 (15) The identity of a donor of a gift made to a public agency if:
- 36 (A) the donor requires nondisclosure of the donor's identity as
37 a condition of making the gift; or
- 38 (B) after the gift is made, the donor or a member of the donor's
39 family requests nondisclosure.
- 40 (16) Library or archival records:
- 41 (A) which can be used to identify any library patron; or
- 42 (B) deposited with or acquired by a library upon a condition



1 that the records be disclosed only:

2 (i) to qualified researchers;

3 (ii) after the passing of a period of years that is specified in
4 the documents under which the deposit or acquisition is
5 made; or

6 (iii) after the death of persons specified at the time of the
7 acquisition or deposit.

8 However, nothing in this subdivision shall limit or affect contracts
9 entered into by the Indiana state library pursuant to IC 4-1-6-8.

10 (17) The identity of any person who contacts the bureau of motor
11 vehicles concerning the ability of a driver to operate a motor
12 vehicle safely and the medical records and evaluations made by
13 the bureau of motor vehicles staff or members of the driver
14 licensing medical advisory board regarding the ability of a driver
15 to operate a motor vehicle safely. However, upon written request
16 to the commissioner of the bureau of motor vehicles, the driver
17 must be given copies of the driver's medical records and
18 evaluations.

19 (18) School safety and security measures, plans, and systems,
20 including emergency preparedness plans developed under 511
21 IAC 6.1-2-2.5.

22 (19) A record or a part of a record, the public disclosure of which
23 would have a reasonable likelihood of threatening public safety
24 by exposing a vulnerability to terrorist attack. A record described
25 under this subdivision includes:

26 (A) a record assembled, prepared, or maintained to prevent,
27 mitigate, or respond to an act of terrorism under IC 35-47-12-1
28 or an act of agricultural terrorism under IC 35-47-12-2;

29 (B) vulnerability assessments;

30 (C) risk planning documents;

31 (D) needs assessments;

32 (E) threat assessments;

33 (F) intelligence assessments;

34 (G) domestic preparedness strategies;

35 (H) the location of community drinking water wells and
36 surface water intakes;

37 (I) the emergency contact information of emergency
38 responders and volunteers;

39 (J) infrastructure records that disclose the configuration of
40 critical systems such as communication, electrical, ventilation,
41 water, and wastewater systems;

42 (K) detailed drawings or specifications of structural elements,



1 floor plans, and operating, utility, or security systems, whether
 2 in paper or electronic form, of any building or facility located
 3 on an airport (as defined in IC 8-21-1-1) that is owned,
 4 occupied, leased, or maintained by a public agency. A record
 5 described in this clause may not be released for public
 6 inspection by any public agency without the prior approval of
 7 the public agency that owns, occupies, leases, or maintains the
 8 airport. The public agency that owns, occupies, leases, or
 9 maintains the airport:

10 (i) is responsible for determining whether the public
 11 disclosure of a record or a part of a record has a reasonable
 12 likelihood of threatening public safety by exposing a
 13 vulnerability to terrorist attack; and

14 (ii) must identify a record described under item (i) and
 15 clearly mark the record as "confidential and not subject to
 16 public disclosure under IC 5-14-3-4(b)(19)(J) without
 17 approval of (insert name of submitting public agency)"; and
 18 (L) the home address, home telephone number, and emergency
 19 contact information for any:

20 (i) emergency management worker (as defined in
 21 IC 10-14-3-3);

22 (ii) public safety officer (as defined in IC 35-47-4.5-3);

23 (iii) emergency medical responder (as defined in
 24 IC 16-18-2-109.8); or

25 (iv) advanced emergency medical technician (as defined in
 26 IC 16-18-2-6.5).

27 This subdivision does not apply to a record or portion of a record
 28 pertaining to a location or structure owned or protected by a
 29 public agency in the event that an act of terrorism under
 30 IC 35-47-12-1 or an act of agricultural terrorism under
 31 IC 35-47-12-2 has occurred at that location or structure, unless
 32 release of the record or portion of the record would have a
 33 reasonable likelihood of threatening public safety by exposing a
 34 vulnerability of other locations or structures to terrorist attack.

35 (20) The following personal information concerning a customer
 36 of a municipally owned utility (as defined in IC 8-1-2-1):

37 (A) Telephone number.

38 (B) Address.

39 (C) Social Security number.

40 (21) The following personal information about a complainant
 41 contained in records of a law enforcement agency:

42 (A) Telephone number.



- 1 (B) The complainant's address. However, if the complainant's
 2 address is the location of the suspected crime, infraction,
 3 accident, or complaint reported, the address shall be made
 4 available for public inspection and copying.
- 5 (22) Notwithstanding subdivision (8)(A), the name,
 6 compensation, job title, business address, business telephone
 7 number, job description, education and training background,
 8 previous work experience, or dates of first employment of a law
 9 enforcement officer who is operating in an undercover capacity.
- 10 (23) Records requested by an offender that:
- 11 (A) contain personal information relating to:
- 12 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 13 (ii) a law enforcement officer (as defined in
 14 IC 35-31.5-2-185);
 15 (iii) a judge (as defined in IC 33-38-12-3);
 16 (iv) the victim of a crime; or
 17 (v) a family member of a correctional officer, law
 18 enforcement officer (as defined in IC 35-31.5-2-185), judge
 19 (as defined in IC 33-38-12-3), or victim of a crime; or
- 20 (B) concern or could affect the security of a jail or correctional
 21 facility.
- 22 (24) Information concerning an individual less than eighteen (18)
 23 years of age who participates in a conference, meeting, program,
 24 or activity conducted or supervised by a state educational
 25 institution, including the following information regarding the
 26 individual or the individual's parent or guardian:
- 27 (A) Name.
 28 (B) Address.
 29 (C) Telephone number.
 30 (D) Electronic mail account address.
- 31 (25) Criminal intelligence information.
- 32 (26) The following information contained in a report of unclaimed
 33 property under IC 32-34-1-26 or in a claim for unclaimed
 34 property under IC 32-34-1-36:
- 35 (A) date of birth;
 36 (B) driver's license number;
 37 (C) taxpayer identification number;
 38 (D) employer identification number; or
 39 (E) account number.
- 40 (c) Nothing contained in subsection (b) shall limit or affect the right
 41 of a person to inspect and copy a public record required or directed to
 42 be made by any statute or by any rule of a public agency.



1 (d) Notwithstanding any other law, a public record that is classified
2 as confidential, other than a record concerning an adoption or patient
3 medical records, shall be made available for inspection and copying
4 seventy-five (75) years after the creation of that record.

5 (e) Only the content of a public record may form the basis for the
6 adoption by any public agency of a rule or procedure creating an
7 exception from disclosure under this section.

8 (f) Except as provided by law, a public agency may not adopt a rule
9 or procedure that creates an exception from disclosure under this
10 section based upon whether a public record is stored or accessed using
11 paper, electronic media, magnetic media, optical media, or other
12 information storage technology.

13 (g) Except as provided by law, a public agency may not adopt a rule
14 or procedure nor impose any costs or liabilities that impede or restrict
15 the reproduction or dissemination of any public record.

16 (h) Notwithstanding subsection (d) and section 7 of this chapter:

17 (1) public records subject to IC 5-15 may be destroyed only in
18 accordance with record retention schedules under IC 5-15; or

19 (2) public records not subject to IC 5-15 may be destroyed in the
20 ordinary course of business.

21 SECTION 4. IC 5-14-3-5, AS AMENDED BY P.L.1-2012,
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2016]: Sec. 5. (a) If a person is arrested or summoned for an
24 offense, the following information shall be made available for
25 inspection and copying:

26 (1) Information that identifies the person including the person's
27 name, age, and address.

28 (2) Information concerning any charges on which the arrest or
29 summons is based.

30 (3) Information relating to the circumstances of the arrest or the
31 issuance of the summons, such as the:

32 (A) time and location of the arrest or the issuance of the
33 summons;

34 (B) investigating or arresting officer (other than an undercover
35 officer or agent); and

36 (C) investigating or arresting law enforcement agency.

37 (b) If a person is received in a jail or lock-up, the following
38 information shall be made available for inspection and copying:

39 (1) Information that identifies the person including the person's
40 name, age, and address.

41 (2) Information concerning the reason for the person being placed
42 in the jail or lock-up, including the name of the person on whose



1 order the person is being held.

2 (3) The time and date that the person was received and the time
3 and date of the person's discharge or transfer.

4 (4) The amount of the person's bail or bond, if it has been fixed.

5 **(c) This subsection does not apply to a private university police**
6 **department, which is governed instead by subsection (d).** An agency
7 shall maintain a daily log or record that lists suspected crimes,
8 accidents, or complaints, and the following information shall be made
9 available for inspection and copying:

10 (1) The time, substance, and location of all complaints or requests
11 for assistance received by the agency.

12 (2) The time and nature of the agency's response to all complaints
13 or requests for assistance.

14 (3) If the incident involves an alleged crime or infraction:

15 (A) the time, date, and location of occurrence;

16 (B) the name and age of any victim, unless the victim is a
17 victim of a crime under IC 35-42-4 or IC 35-42-3.5;

18 (C) the factual circumstances surrounding the incident; and

19 (D) a general description of any injuries, property, or weapons
20 involved.

21 The information required in this subsection shall be made available for
22 inspection and copying in compliance with this chapter. The record
23 containing the information must be created not later than twenty-four
24 (24) hours after the suspected crime, accident, or complaint has been
25 reported to the agency.

26 **(d) A private university police department shall make available**
27 **for inspection and copying:**

28 **(1) information created or received after July 1, 2016, that is**
29 **described in subsections (a) and (b); and**

30 **(2) information (including the daily log):**

31 **(A) created in compliance with; and**

32 **(B) to the extent that public access is required under;**

33 **20 U.S.C. 1092 and 34 CFR 668.**

34 ~~(e)~~ (e) This chapter does not affect IC 5-2-4, IC 10-13-3, or
35 IC 5-11-1-9.

36 SECTION 5. IC 21-17-5-4, AS ADDED BY P.L.2-2007, SECTION
37 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2016]: Sec. 4. (a) Police officers appointed under this chapter have
39 the following powers:

40 (1) General police powers, including the power to arrest, without
41 process, all persons who commit any offense within the view of
42 the officer.



1 (2) The same common law and statutory powers, privileges, and
 2 immunities, **including the protections and immunities in**
 3 **IC 34-13-3**, as **state police officers**, sheriffs, and constables.
 4 However, the police officers are empowered to serve civil process
 5 only to the extent authorized by the employing governing board.

6 (3) The duty to enforce and to assist the officials of the
 7 educational institutions in the enforcement of the rules and
 8 regulations of the educational institution.

9 (4) The duty to assist and cooperate with other law enforcement
 10 agencies and law enforcement officers.

11 (b) The governing board of an educational institution employing a
 12 police officer may expressly forbid the officer from exercising any
 13 powers otherwise granted to the police officer by law.

14 (c) **If an educational institution, governing board of an**
 15 **educational institution, delegated office or offices of a governing**
 16 **board of an educational institution, or individual employed by the**
 17 **educational institution as a police officer acts in accordance with**
 18 **this chapter or engages in activities related to law enforcement:**

19 (1) **the educational institution, the governing board of an**
 20 **educational institution, and the delegated office or offices of**
 21 **the governing board of an educational institution have the**
 22 **same common law and statutory immunities granted to the**
 23 **state; and**

24 (2) **an individual employed by the educational institution as a**
 25 **police officer has the same common law and statutory**
 26 **immunities granted to a state police officer;**

27 **including the protections and immunities in IC 34-13-3.**

28 (d) **A record of an educational institution's police department is**
 29 **a public record subject to IC 5-14-3, if the record meets the**
 30 **requirements of IC 5-14-3-2.2.**

31 SECTION 6. IC 34-30-2-86.2 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2016]: **Sec. 86.2. IC 21-17-5-4 (Concerning**
 34 **an educational institution, an educational institution governing**
 35 **board, the delegated office or offices of the governing board of an**
 36 **educational institution, and an individual employed by an**
 37 **educational institution as a police officer regarding activities**
 38 **related to enforcement of the law and rules and regulations of the**
 39 **educational institution).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1022 as introduced.)

MAHAN

Committee Vote: Yeas 13, Nays 0

HOUSE MOTION

Mr. Speaker: I move that House Bill 1022 be amended to read as follows:

Page 13, line 42, after "the" delete "immunities listed in IC 34-13-3-3," and insert "**protections and immunities in IC 34-13-3,**".

Page 14, line 13, after "institution," insert "**delegated office or offices of a governing board of an educational institution,**".

Page 14, line 22, delete "immunities listed in IC 34-13-3-3." and insert "**protections and immunities in IC 34-13-3.**".

(Reference is to HB 1022 as printed January 14, 2016.)

COX

HOUSE MOTION

Mr. Speaker: I move that House Bill 1022 be amended to read as follows:

Page 5, between lines 7 and 8, begin a new line blocked left and insert:

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

(Reference is to HB 1022 as printed January 14, 2016.)

BAUER



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1022, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 13, delete lines 36 through 42.

Delete page 14.

and when so amended that said bill do pass.

(Reference is to HB 1022 as reprinted January 20, 2016.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1022 be amended to read as follows:

Page 13, after line 35, begin a new paragraph and insert:

"SECTION 5. IC 21-17-5-4, AS ADDED BY P.L.2-2007, SECTION 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Police officers appointed under this chapter have the following powers:

(1) General police powers, including the power to arrest, without process, all persons who commit any offense within the view of the officer.

(2) The same common law and statutory powers, privileges, and immunities, **including the protections and immunities in IC 34-13-3**, as **state police officers**, sheriffs, and constables. However, the police officers are empowered to serve civil process only to the extent authorized by the employing governing board.

(3) The duty to enforce and to assist the officials of the educational institutions in the enforcement of the rules and regulations of the educational institution.

(4) The duty to assist and cooperate with other law enforcement agencies and law enforcement officers.

(b) The governing board of an educational institution employing a police officer may expressly forbid the officer from exercising any powers otherwise granted to the police officer by law.

(c) **If an educational institution, governing board of an**



educational institution, delegated office or offices of a governing board of an educational institution, or individual employed by the educational institution as a police officer acts in accordance with this chapter or engages in activities related to law enforcement:

(1) the educational institution, the governing board of an educational institution, and the delegated office or offices of the governing board of an educational institution have the same common law and statutory immunities granted to the state; and

(2) an individual employed by the educational institution as a police officer has the same common law and statutory immunities granted to a state police officer;

including the protections and immunities in IC 34-13-3.

(d) A record of an educational institution's police department is a public record subject to IC 5-14-3, if the record meets the requirements of IC 5-14-3-2.2.

SECTION 6. IC 34-30-2-86.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 86.2. IC 21-17-5-4 (Concerning an educational institution, an educational institution governing board, the delegated office or offices of the governing board of an educational institution, and an individual employed by an educational institution as a police officer regarding activities related to enforcement of the law and rules and regulations of the educational institution)."**

(Reference is to EHB 1022 as printed February 24, 2016.)

GLICK

