

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1055

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 5-2-1-9, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
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) A consistent and uniform statewide deadly force policy and training program, that is consistent with state and federal law. Upon adoption by the law enforcement training board, the policy and training program must be implemented, without modification, by all Indiana law enforcement agencies, offices, or departments.
- (2) A consistent and uniform statewide defensive tactics policy and training program, that is consistent with state and federal law. Upon adoption by the law enforcement training board, the policy and training program must be implemented, without modification, by all Indiana law enforcement agencies, offices, or departments.
- (3) A uniform statewide minimum standard for vehicle pursuits consistent with state and federal law.
- (4) 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

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meeting or exceeding the minimum standards established pursuant to this chapter.

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

(6) 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.

(7) 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.

(8) Minimum qualifications for instructors at approved law enforcement training schools.

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

(10) 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.

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

(12) 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.



(13) 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.

(14) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:

- (A) the neurobiology of trauma;
- (B) trauma informed interviewing; and
- (C) investigative techniques.

(15) 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.

(16) Minimum standards regarding best practices for crowd control, protests, and First Amendment activities.

All statewide policies and minimum standards shall be documented in writing and published on the **Indiana law enforcement academy** (ILEA) website. Any policy, standard, or training program implemented, adopted, or promulgated by a vote of the board may only subsequently be modified or rescinded by a two-thirds (2/3) majority vote of the board.

(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.

(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

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(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:

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(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 website website** at least thirty (30) days before the modification or addition takes effect.

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 **and conservancy district 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) **or a conservancy district that employs a conservancy district marshal under IC 14-33-25** and having not more than one (1) marshal and ~~two (2)~~ **six (6)** 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.

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- (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 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 **or a conservancy district marshal** is not considered to be a police chief for these purposes, but a town marshal **or a conservancy district marshal** may enroll in the executive training program.

(m) A fire investigator in the department of homeland security 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(2).

(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

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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.

(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 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) (v) 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.

~~(x)~~ **(w)** This subsection applies only to the sexual assault training described in subsection (a)(14). The board shall:

- (1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and
- (2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

~~(y)~~ **(x)** After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(14) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

~~(z)~~ **(y)** A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training requirements described in subsection (a)(14) by attending a:

- (1) statewide or national training; or
- (2) department hosted local training.

~~(aa)~~ **(z)** Notwithstanding any other provisions of this section, the board is authorized to establish certain required standards of training and procedure.

SECTION 2. IC 9-13-2-92, AS AMENDED BY P.L.262-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

- (1) A state police officer.
- (2) A city, town, or county police officer.
- (3) A sheriff.
- (4) A county coroner in accordance with IC 36-2-14-4.
- (5) A conservation officer.
- (6) An individual assigned duties and limitations under IC 10-11-2-26.
- (7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
- (8) An excise police officer of the alcohol and tobacco commission.
- (9) A gaming control officer employed by the gaming control division under IC 4-33-20.
- (10) A hospital police officer employed by a hospital police department established under IC 16-18-4.**

The term refers to a law enforcement officer having jurisdiction in



Indiana, unless the context clearly refers to a law enforcement officer from another state or a territory or federal district of the United States.

(b) "Law enforcement officer", for purposes of IC 9-30-6 and IC 9-30-7, has the meaning set forth in IC 35-31.5-2-185.

SECTION 3. IC 9-13-2-127, AS AMENDED BY P.L.198-2016, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.
- (6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).
- (7) An excise police officer of the alcohol and tobacco commission.
- (8) A gaming control officer employed by the gaming control division under IC 4-33-20.
- (9) A conservancy district marshal or deputy conservancy district marshal.**

The term refers to a police officer having jurisdiction in Indiana, unless the context clearly refers to a police officer from another state or a territory or federal district of the United States.

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SECTION 4. IC 9-17-2-12, AS AMENDED BY P.L.120-2020, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) This section does not apply to the following:

- (1) A trailer or semitrailer.
- (2) A new motor vehicle or recreational vehicle sold by a dealer licensed under IC 9-32.
- (3) A vehicle transferred or assigned on a certificate of title issued by the bureau.
- (4) A vehicle that is registered under the International Registration Plan.
- (5) A vehicle that is titled in the name of a financial institution, lending institution, or insurance company in Canada and imported by a registered importer, if the registered importer provides:
 - (A) a copy of the registered importer's validation agreement



issued by the United States customs and border protection;
 (B) a copy of the entry summary issued by the United States customs and border protection (CBP form 7501); and
 (C) a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's title information, odometer readings, and number of owners.

(6) A vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, an insurance company, a vehicle rental company, a vehicle leasing company, or a lessee of a vehicle leasing company if the financial institution, lending institution, insurance company, vehicle rental company, vehicle leasing company, or lessee of a vehicle leasing company:

(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

- (i) title information;
- (ii) odometer readings; and
- (iii) number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

(7) A vehicle that is purchased in another state and titled in Indiana by a vehicle rental company or a vehicle leasing company if the vehicle rental company or vehicle leasing company:

(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

- (i) title information;
- (ii) odometer readings; and
- (iii) number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

(b) Subject to subsection (d), an application for a certificate of title for a vehicle may not be accepted by the bureau unless the vehicle has been inspected by one (1) of the following:

- (1) An employee of a dealer licensed under IC 9-32.
- (2) A military police officer assigned to a military post in Indiana.
- (3) A police officer.
- (4) A designated employee of the bureau.
- (5) An employee of a qualified person operating under a contract with the commission.
- (6) An employee of a dealer that is:



(A) licensed as a motor vehicle dealer in a state other than Indiana; and

(B) approved by the bureau.

(c) A person described in subsection (b) inspecting a vehicle shall do the following:

(1) Make a record of inspection upon the application form prepared by the bureau.

(2) Verify the facts set out in the application.

(d) The bureau may accept an inspection performed by a police officer from a jurisdiction outside Indiana if the bureau determines that an inspection performed by an individual described in subsection (b) is unavailable or otherwise insufficient to complete an application for a certificate of title.

(e) A police officer who makes an inspection under this section may charge a fee, subject to the following:

(1) The fee must be established by ordinance adopted by the unit (as defined in IC 36-1-2-23) that employs the police officer.

(2) The fee may not exceed five dollars (\$5).

(3) The revenue from the fee shall be deposited in the following manner:

(A) A special vehicle inspection fund if the police officer making the inspection is a member of the county sheriff's department. The fiscal body of the unit must appropriate the money from the inspection fund only for law enforcement purposes.

(B) A local law enforcement continuing education fund established by IC 5-2-8-2 if the police officer making the inspection is a member of a city or town police department, a town marshal, ~~or~~ a town marshal deputy, **a conservancy district marshal, or a deputy conservancy district marshal.**

SECTION 5. IC 9-22-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. As used in this chapter, "officer" means the following:

(1) A regular member of the state police department.

(2) A regular member of a city or town police department.

(3) A town marshal or town marshal deputy.

(4) A conservancy district marshal or deputy conservancy district marshal.

~~(5)~~ (5) A regular member of the county police force.

~~(6)~~ (6) An individual of an agency designated by ordinance of the fiscal body.

SECTION 6. IC 9-22-3-15, AS AMENDED BY P.L.147-2018,

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SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. (a) If a salvage vehicle is rebuilt for operation upon the highways and ownership is evidenced by a certificate of salvage title, the person that owns the vehicle shall apply to the bureau for a certificate of title with a rebuilt designation. The bureau shall issue a certificate of title under IC 9-17 with a rebuilt designation, subject to the following conditions:

- (1) A state police officer inspects the vehicle and verifies proof of ownership of major component parts used and the source of the major component parts.
- (2) The person that owns the vehicle submits, on a form prescribed by the bureau, a properly executed affidavit from the person that restored the motor vehicle. The affidavit must:
 - (A) include the name, identification number, and source of all component parts that were included in the restoration of the vehicle; and
 - (B) be attached to the certificate of salvage title.
- (3) The person that owns the vehicle surrenders the certificate of salvage title.

A condition under this subsection is in addition to any requirements under IC 9-17.

(b) Except as provided in subsection (c), a certificate of title issued under this section must conspicuously bear the designation:

- (1) "REBUILT VEHICLE" if the vehicle is not a flood damaged vehicle; or
- (2) "REBUILT FLOOD DAMAGED VEHICLE" if the vehicle is a flood damaged vehicle.

(c) An insurance company authorized to do business in Indiana may obtain a certificate of title that does not bear the rebuilt designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage, if any, to a recovered stolen vehicle did not meet the criteria set forth in section 3 of this chapter.

(d) A person that knowingly or intentionally violates this section commits a Class A infraction.

(e) A police officer having jurisdiction in Indiana who makes an inspection under this section may charge a fee subject to the following conditions:

- (1) The fee must be established by an ordinance adopted by the unit (as defined in IC 36-1-2-23) that employs the police officer.
- (2) The fee may not exceed five dollars (\$5).
- (3) Revenue generated by the fee shall be deposited in the

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following manner:

(A) A special vehicle inspection fund if the police officer making the inspection is a member of the county sheriff's department.

(B) A local law enforcement continuing education fund established by IC 5-2-8-2 if the police officer making the inspection is:

(i) a member of a city or town police department;

(ii) a town marshal; ~~or~~

(iii) a town marshal deputy;

(iv) a conservancy district marshal; or

(v) a deputy conservancy district marshal.

SECTION 7. IC 10-10.5-1-3, AS AMENDED BY P.L.64-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. "Law enforcement officer" means any of the following:

(1) A state police officer, enforcement officer of the alcohol and tobacco commission, or conservation officer.

(2) A county, city, town, or tribal police officer.

(3) A police officer appointed by a state educational institution under IC 21-39-4 or school corporation under IC 20-26-16.

(4) A gaming agent under IC 4-33-4.5 or a gaming control officer under IC 4-33-20.

(5) A hospital police officer employed by a hospital police department established under IC 16-18-4.

SECTION 8. IC 10-13-8-5, AS AMENDED BY P.L.64-2022, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. As used in this chapter, "law enforcement officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.

(7) A city police officer.

(8) A city police reserve officer.

(9) A conservation enforcement officer.

(10) A town marshal.

(11) A deputy town marshal.

(12) A probation officer.

(13) A state educational institution police officer appointed under



IC 21-39-4.

(14) A gaming agent of the Indiana gaming commission.

(15) A person employed by a political subdivision (as defined in IC 36-1-2-13) and appointed as a special deputy under IC 36-8-10-10.6.

(16) A school corporation police officer appointed under IC 20-26-16.

(17) A police officer of 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.

(18) A tribal police officer.

(19) A hospital police officer employed by a hospital police department established under IC 16-18-4.

(20) A conservancy district marshal.

(21) A deputy conservancy district marshal.

SECTION 9. IC 10-14-2-5, AS AMENDED BY P.L.158-2013, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is any of the following:

(1) A member of a fire department (as defined in IC 36-8-1-8).

(2) An emergency medical service provider (as defined in IC 16-41-10-1).

(3) A member of a police department (as defined in IC 36-8-1-9).

(4) A correctional officer (as defined in IC 5-10-10-1.5).

(5) A state police officer.

(6) A county police officer.

(7) A police reserve officer.

(8) A county sheriff.

(9) A deputy sheriff.

(10) An excise police officer.

(11) A conservation enforcement officer.

(12) A town marshal.

(13) A deputy town marshal.

(14) A postsecondary educational institution police officer appointed under IC 21-17-5 or IC 21-39-4.

(15) A probation officer.

(16) A paramedic.

(17) A volunteer firefighter (as defined in IC 36-8-12-2).

(18) An emergency medical technician or a paramedic working in a volunteer capacity.

(19) A member of the armed forces of the United States.



- (20) A member of the Indiana Air National Guard.
- (21) A member of the Indiana Army National Guard.
- (22) A member of a state or local emergency management agency.
- (23) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
- (24) A community corrections officer.
- (25) A conservancy district marshal.**
- (26) A deputy conservancy district marshal.**

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:

- (1) the surviving spouse;
- (2) the surviving children if there is no surviving spouse; or
- (3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The agency shall administer this section.

(e) The director may adopt rules under IC 4-22-2 to implement this section.

SECTION 10. IC 14-8-2-72.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 72.5. "District marshal", for purposes of IC 14-33, means a conservancy district marshal appointed under IC 14-33-25-1.**

SECTION 11. IC 14-33-5-18, AS AMENDED BY P.L.16-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) The board may appoint, prescribe the duties, and fix the compensation of the following:

- (1) A secretary.
- (2) A financial clerk.
- (3) An engineer.
- (4) Employees that are necessary for the discharge of duties and responsibilities of the board.

(5) A district marshal and deputy district marshals under IC 14-33-25.

(b) A financial clerk shall execute a surety bond in the manner prescribed by IC 5-4-1.

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(c) The board may make contracts for the following:

- (1) Special and temporary services, including professional counsel.
- (2) Leases of land to a provider of commercial mobile service (as defined in 47 U.S.C. 332) that allows for the construction, use, and maintenance of a tower that is used for telecommunications purposes.

SECTION 12. IC 14-33-5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. The board shall do the following:

- (1) Exercise general supervision of and make regulations for the administration of the affairs of the district.
- (2) Prescribe uniform rules pertaining to investigations and hearings.
- (3) Supervise the fiscal affairs and responsibilities of the district.
- (4) Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the district. The compensation must be reasonable and similar in amount to the compensation allowed employees performing similar service for the state and political subdivisions of the state. The board may delegate to employees authority to perform ministerial acts in all cases except where final action of the board is necessary.
- (5) Keep an accurate and complete record of all district proceedings and record and file all bonds and contracts, assuming responsibility for the custody and preservation of all papers and documents of the district.
- (6) Make an annual report to the court of income and expenses. The report must be submitted not later than thirty (30) days after the annual meeting and may include any of the following:
 - (A) A statement of the progress in accomplishing each purpose for which the district is established.
 - (B) Recommendations for amendment to the district plan.
 - (C) Any matter that the board believes should be brought to the attention of the court for instructions or approval.
- (7) Adopt a seal and certify all official acts.
- (8) Sue and be sued collectively by the legal name " _____ Conservancy District", with service of process made on the chairman of the board. However, costs may not be taxed against the directors individually in an action.
- (9) Invoke any legal, equitable, or special remedy for the enforcement of this article or of any proper action of the board in a court.



- (10) If advisable, establish an advisory committee.
- (11) Exercise the powers granted under this article to accomplish each purpose for which the district is established.
- (12) If a purpose of the district is the construction or maintenance of a levee in cooperation with the United States Secretary of the Army, divide, by resolution, the levee into maintenance sections and make assignment of each section to a director who must be a resident freeholder near the maintenance section. The director shall, upon assignment, supervise and assist in the maintenance of the assigned maintenance section.
- (13) Protect against encroachment by a stream. The board may, alone or in cooperation with state or federal agencies, do whatever is necessary to provide bank stabilization for the protection of the works of improvement of the district.
- (14) Insure property, personnel, and operations of the district against risks and in amounts that the board determines necessary to protect the district.
- (15) If the board employs a district marshal or deputy district marshal under IC 14-33-25, the board must conduct the disciplinary removal and appeals procedure prescribed by IC 14-33-25-2 and IC 36-8-3-4.**

SECTION 13. IC 14-33-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 25. Conservancy District Marshal

Sec. 1. If the:

- (1) board consists of directors in which each director of the board has been elected to the board under IC 14-33-5-2 or IC 14-33-5.4-3; and
- (2) district plan requires the district to assume responsibility for the construction, reconstruction, maintenance, and operation of public streets and alleys within the district;

the board may appoint a conservancy district marshal and fix the district marshal's compensation.

Sec. 2. The district marshal serves at the pleasure of the board. However, before terminating or suspending a district marshal who has been employed by the district for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under IC 5-2-1-9, the board must conduct the disciplinary removal and appeals procedure prescribed by IC 36-8-3-4 for city fire and police departments.

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Sec. 3. The district marshal is the chief police officer of the district and has the powers of other law enforcement officers in enforcing laws. The district marshal or the district marshal's deputy:

- (1) shall arrest without process all persons who commit an offense within the district marshal's or deputy's view, take them before a court having jurisdiction, and detain them in custody until the cause of the arrest has been investigated;**
- (2) shall suppress breaches of the peace;**
- (3) may execute search warrants and arrest warrants; and**
- (4) may pursue and jail persons who commit an offense.**

Sec. 4. (a) The board may by resolution authorize the district marshal to appoint deputy district marshals. The board shall by resolution fix the number of deputy district marshals. Deputy district marshals have the powers and liabilities of the district marshal in enforcing laws.

(b) The board shall fix the amount of bond, compensation, and term of service of deputy district marshals. The district marshal may dismiss a deputy district marshal at any time. However, a deputy district marshal who has been employed by the district for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under IC 5-2-1-9 may be dismissed only if the procedure prescribed by section 2 of this chapter is followed.

Sec. 5. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).

(b) A district may provide the district marshal and active deputy district marshals of the district with body armor for the torso. The district shall replace the body armor for the torso provided under this subsection according to the replacement period recommended by the manufacturer of the body armor for the torso.

(c) The district marshal and active deputy district marshals of the district may not be required to pay for maintenance of the body armor for the torso furnished under this section.

(d) Body armor for the torso provided by a district under this section remains the property of the district. The district may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the district.

SECTION 14. IC 16-18-4-3, AS ADDED BY P.L.199-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. The governing board of a hospital may do the



following for a hospital police department established by the governing board under section 2 of this chapter:

- (1) Appoint hospital police officers.
- (2) Prescribe the duties and direct the conduct of hospital police officers.
- (3) Prescribe distinctive uniforms.
- (4) Provide emergency vehicles.
- (5) For a hospital police department of a nonprofit hospital, prescribe the jurisdiction for the nonprofit hospital police department.**

SECTION 15. IC 16-18-4-7 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 7. (a) For purposes of this section, "property" includes the physical plant of a hospital; the surrounding grounds; and hospital satellite offices and facilities.

(b) A hospital police officer appointed under this chapter may exercise the powers granted under this chapter only upon any property owned, leased, or occupied by the hospital; or pursuant to the terms of an interoperability agreement approved under IC 36-8-26-5.

SECTION 16. IC 16-18-4-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.1. (a) **A hospital police officer employed by a nonprofit hospital may exercise the powers granted under this chapter as follows:**

- (1) **A police officer may exercise the police officer's powers upon real property owned, leased, or occupied by the nonprofit hospital employing the police officer, including the streets passing through and adjacent to the hospital.**
- (2) **This subdivision applies only to a police officer who meets the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer. A nonprofit hospital may extend a police officer's territorial jurisdiction to the entire state, or to any part of the state, if:**
 - (A) **the governing board of the nonprofit hospital adopts a resolution specifically describing the territorial jurisdiction of a police officer appointed under this chapter;**
 - (B) **the governing board of the nonprofit hospital notifies the:**
 - (i) **superintendent of the state police department;**
 - (ii) **sheriff of the county in which the institution is**



primarily located (or the chief of police of the consolidated city, if the institution is primarily located in a consolidated city);

(iii) county sheriff of any county located in the extended territorial jurisdiction; and

(iv) chief of police of any municipality located in the extended territorial jurisdiction;

of the boundaries of the extended territorial jurisdiction; and

(C) the effective date of the extended territorial jurisdiction occurs after December 31, 2023.

The institution shall provide the persons described in subdivision (2)(B)(i) through (2)(B)(iv) with notice of the extended jurisdiction every two (2) years, by January 31 of the second year.

(b) If a hospital police officer appointed under this chapter exercises the police officer's powers outside of the county in which the institution is primarily located or the extended territorial jurisdiction, the police officer shall notify the sheriff (or, in the case of a consolidated city, the chief of police) as soon as practicable.

SECTION 17. IC 35-31.5-2-185, AS AMENDED BY P.L.64-2022, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 185. (a) "Law enforcement officer" means:

(1) a police officer (including a tribal police officer, and a correctional police officer, and a hospital police officer employed by a hospital police department established under IC 16-18-4), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer;

(5) an enforcement officer of the alcohol and tobacco commission;

(6) an enforcement officer of the securities division of the office of the secretary of state; or

(7) a gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1.

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(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.

(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and IC 35-44.1-3-2, includes a school resource officer (as defined in IC 20-26-18.2-1) and a school corporation police officer appointed under IC 20-26-16.

(e) "Law enforcement officer", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.

SECTION 18. IC 35-47-4.5-3, AS AMENDED BY P.L.147-2018, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. As used in this chapter, "public safety officer" means:

- (1) a state police officer;
- (2) a county sheriff;
- (3) a county police officer;
- (4) a correctional officer;
- (5) an excise police officer;
- (6) a county police reserve officer;
- (7) a city police officer;
- (8) a city police reserve officer;
- (9) a conservation enforcement officer;
- (10) a gaming agent;
- (11) a town marshal;
- (12) a deputy town marshal;
- (13) a state educational institution police officer appointed under IC 21-39-4;
- (14) a probation officer;
- (15) a firefighter;
- (16) an emergency medical technician;
- (17) a paramedic;
- (18) a member of a consolidated law enforcement department established under IC 36-3-1-5.1;
- (19) a gaming control officer; ~~or~~
- (20) a community corrections officer;
- (21) a conservancy district marshal; or**
- (22) a deputy conservancy district marshal.**

SECTION 19. IC 35-50-2-11, AS AMENDED BY P.L.4-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "offense" means:

- (1) a felony under IC 35-42 that resulted in death or serious bodily



injury;

(2) kidnapping;

(3) criminal confinement as a Level 2 or Level 3 felony; or

(4) attempted murder.

(c) As used in this section, "police officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A city police officer.

(5) A state educational institution police officer appointed under IC 21-39-4.

(6) A school corporation police officer appointed under IC 20-26-16.

(7) A police officer of 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.

(8) An enforcement officer of the alcohol and tobacco commission.

(9) A conservation officer.

(10) A gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20.

(11) An investigator for the inspector general appointed under IC 4-2-7-2.

(12) A hospital police officer employed by a hospital police department established under IC 16-18-4.

(d) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense.

(e) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed a felony or misdemeanor other than an offense (as defined under subsection (b)) sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person, while committing the felony or misdemeanor, knowingly or intentionally:

(1) pointed a firearm; or

(2) discharged a firearm;

at an individual whom the person knew, or reasonably should have known, was a police officer.



(f) If the person was convicted of:

- (1) the offense under subsection (d); or
- (2) the felony or misdemeanor under subsection (e);

in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(g) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense under subsection (d), the court may sentence the person to an additional fixed term of imprisonment of between five (5) years and twenty (20) years.

(h) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person, while committing a felony or misdemeanor under subsection (e), knowingly or intentionally:

- (1) pointed a firearm; or
- (2) discharged a firearm;

at an individual whom the person knew, or reasonably should have known, was a police officer, the court may sentence the person to an additional fixed term of imprisonment of between five (5) and twenty (20) years.

(i) A person may not be sentenced under subsections (g) and (h) for offenses, felonies, and misdemeanors comprising a single episode of criminal conduct.

SECTION 20. IC 36-1-8.5-4, AS AMENDED BY P.L.64-2022, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. As used in this chapter, "law enforcement officer" means an individual who is employed or was formerly employed as:

- (1) a police officer (including a tribal police officer, ~~and~~ a correctional police officer, **and a hospital police officer employed by a hospital police department established under IC 16-18-4**), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) a deputy of any of the persons specified in subdivision (1);
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer;
- (5) an enforcement officer of the alcohol and tobacco

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commission; or

(6) an enforcement officer of the securities division of the office of the secretary of state.

SECTION 21. IC 36-8-3-4, AS AMENDED BY HEA 1025-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) This section also applies to all:

(1) towns and townships that have full-time, paid police or fire departments; ~~and~~

(2) fire departments of fire protection districts established under IC 36-8-11 and fire protection territories established under IC 36-8-19 that have full-time fire departments; ~~and~~

(3) conservancy districts that have a full-time, paid conservancy district marshal or deputy conservancy district marshal under IC 14-33-25.

For purposes of this section, the appropriate appointing authority of a town, township, ~~or~~ fire department of a fire protection territory or fire protection district, **or conservancy district** is considered the safety board of a town, township, ~~or~~ fire department of a fire protection territory or fire protection district, **or conservancy district**. In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town for police department purposes.

(b) Except as provided in subsection (m), a member of the police or fire department holds office or grade until the member is dismissed or demoted by the safety board. Except as provided in subsection (n), a member may be disciplined by demotion, dismissal, reprimand, forfeiture, or suspension upon either:

(1) conviction in any court of any crime; or

(2) a finding and decision of the safety board that the member has been or is guilty of any one (1) or more of the following:

(A) Neglect of duty.

(B) A violation of rules.

(C) Neglect or disobedience of orders.

(D) Incapacity.

(E) Absence without leave.

(F) Immoral conduct.

(G) Conduct injurious to the public peace or welfare.

(H) Conduct unbecoming an officer.

(I) Another breach of discipline.

The safety board may not consider the political affiliation of the member in making a decision under this section. If a member is suspended or placed on administrative leave under this subsection, the member is entitled to the member's allowances for insurance benefits

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to which the member was entitled before being suspended or placed on administrative leave. In addition, the local unit may provide the member's allowances for any other fringe benefits to which the member was entitled before being suspended or placed on administrative leave.

(c) Before a member of a police or fire department may be suspended in excess of five (5) days without pay, demoted, or dismissed, the safety board shall offer the member an opportunity for a hearing. If a member desires a hearing, the member must request the hearing not more than five (5) days after the notice of the suspension, demotion, or dismissal. Written notice shall be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The hearing conducted under this subsection shall be held not more than thirty (30) days after the hearing is requested by the member, unless a later date is mutually agreed upon by the parties. The notice must state:

- (1) the time and place of the hearing;
- (2) the charges against the member;
- (3) the specific conduct that comprises the charges;
- (4) that the member is entitled to be represented by counsel;
- (5) that the member is entitled to call and cross-examine witnesses;
- (6) that the member is entitled to require the production of evidence; and
- (7) that the member is entitled to have subpoenas issued, served, and executed in the county where the unit is located.

If the corporation counsel or city attorney is a member of the safety board of a city, the counsel or attorney may not participate as a safety board member in a disciplinary hearing concerning a member of either department. The safety board shall determine if a member of the police or fire department who is suspended in excess of five (5) days shall continue to receive the member's salary during the suspension.

(d) Upon an investigation into the conduct of a member of the police or fire department, or upon the trial of a charge preferred against a member of either department, the safety board may compel the attendance of witnesses, examine them under oath, and require the production of books, papers, and other evidence at a meeting of the board. For this purpose, the board may issue subpoenas and have them served and executed in any part of the county where the unit is located. If a witness refuses to testify or to produce books or papers in the witness's possession or under the witness's control, IC 36-4-6-21 controls to the extent applicable. The proper court may compel



compliance with the order by attachment, commitment, or other punishment.

(e) The reasons for the suspension, demotion, or dismissal of a member of the police or fire department shall be entered as specific findings of fact upon the records of the safety board. A member who is suspended for a period exceeding five (5) days, demoted, or dismissed may appeal the decision to the circuit or superior court of the county in which the unit is located. However, a member may not appeal any other decision.

(f) An appeal under subsection (e) must be taken by filing in court, within thirty (30) days after the date the decision is rendered, a verified complaint stating in concise manner the general nature of the charges against the member, the decision of the safety board, and a demand for the relief asserted by the member. A bond must also be filed that guarantees the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs adjudged against the plaintiff. The bond must be approved as bonds for costs are approved in other cases. The unit must be named as the sole defendant, and the plaintiff shall have a summons issued as in other cases against the unit. Neither the safety board nor the members of it may be made parties defendant to the complaint, but all are bound by service upon the unit and the judgment rendered by the court.

(g) In an appeal under subsection (e), no pleading is required by the unit to the complaint, but the allegations are considered denied. The unit may file a motion to dismiss the appeal for failure to perfect it within the time and in the manner required by this section. If more than one (1) person was included in the same charges and in the same decision of dismissal by the safety board, then one (1) or more of the persons may join as plaintiffs in the same complaint, but only the persons that appeal from the decision are affected by it. The decision of the safety board is final and conclusive upon all persons not appealing. The decision appealed from is not stayed or affected pending the final determination of the appeal, but remains in effect unless modified or reversed by the final judgment of the court.

(h) A decision of the safety board is considered prima facie correct, and the burden of proof is on the party appealing. All appeals shall be tried by the court. The appeal shall be heard de novo only upon any new issues related to the charges upon which the decision of the safety board was made. The charges are considered to be denied by the accused person. Within ten (10) days after the service of summons the safety board shall file in court a complete transcript of all papers, entries, and other parts of the record relating to the particular case.



Inspection of these documents by the person affected, or by the person's agent, must be permitted by the safety board before the appeal is filed, if requested. Each party may produce evidence relevant to the issues that it desires, and the court shall review the record and decision of the safety board upon appeal.

(i) The court shall make specific findings and state the conclusions of law upon which its decision is made. If the court finds that the decision of the safety board appealed from should in all things be affirmed, its judgment should state that, and judgment for costs shall be rendered against the party appealing. If the court finds that the decision of the safety board appealed from should not be affirmed in all things, then the court shall make a general finding, setting out sufficient facts to show the nature of the proceeding and the court's decision on it. The court shall either:

- (1) reverse the decision of the safety board; or
- (2) order the decision of the safety board to be modified.

(j) The final judgment of the court may be appealed by either party. Upon the final disposition of the appeal by the courts, the clerk shall certify and file a copy of the final judgment of the court to the safety board, which shall conform its decisions and records to the order and judgment of the court. If the decision is reversed or modified, then the safety board shall pay to the party entitled to it any salary or wages withheld from the party pending the appeal and to which the party is entitled under the judgment of the court.

(k) Either party shall be allowed a change of venue from the court or a change of judge in the same manner as such changes are allowed in civil cases. The Indiana Rules of Trial Procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this section.

(l) An appeal takes precedence over other pending litigation and shall be tried and determined by the court as soon as practical.

(m) Except as provided in IC 36-5-2-13, the executive may reduce in grade any member of the police or fire department who holds an upper level policy making position. The reduction in grade may be made without adhering to the requirements of subsections (b) through (l). However, a member may not be reduced in grade to a rank below that which the member held before the member's appointment to the upper level policy making position.

(n) If the member is subject to criminal charges, the board may place the member on administrative leave until the disposition of the criminal charges in the trial court. Any other action by the board is stayed until the disposition of the criminal charges in the trial court. An



administrative leave under this subsection may be with or without pay, as determined by the board. If the member is placed on leave without pay, the board, in its discretion, may award back pay if the member is exonerated in the criminal matter.

SECTION 22. IC 36-8-3-4.1, AS AMENDED BY HEA 1025-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.1. (a) This section also applies to all:

- (1) towns and townships that have full-time, paid police or fire departments; ~~and~~
- (2) fire departments of fire protection districts established under IC 36-8-11 and fire protection territories established under IC 36-8-19 that have full-time fire departments; ~~and~~
- (3) conservancy districts that have a full-time, paid conservancy district marshal or deputy conservancy district marshal under IC 14-33-25.**

For purposes of this section, the appropriate appointing authority of a town, township, ~~or~~ fire department of a fire protection territory or fire protection district, **or conservancy district** is considered the safety board of a town, ~~or~~ township, ~~or~~ fire department of a fire protection territory or fire protection district **or conservancy district**. In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town.

(b) In addition to the disciplinary powers of the safety board, the chief of the department may, without a hearing, reprimand or suspend without pay a member, including a police radio or signal alarm operator or a fire alarm operator, for a maximum of five (5) working days. For the purposes of this section, eight (8) hours of paid time constitutes one (1) working day. If a chief reprimands a member in writing or suspends a member, the chief shall, within forty-eight (48) hours, notify the board in writing of the action and the reasons for the action. A member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the board review the reprimand or suspension and either uphold or reverse the chief's decision. At its discretion, the board may hold a hearing during this review. If the board holds a hearing, written notice must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under section 4(c) of this chapter. If the decision is reversed, the member who was suspended is entitled to any wages withheld as a result of the suspension.

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SECTION 23. IC 36-8-4-2, AS AMENDED BY P.L.28-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. **(a) Members of the police and fire departments are not subject to residency requirements but must:**

- (1) have adequate means of transportation into the jurisdiction served by the member's department; and
- (2) maintain telephone service to communicate with the department.

(b) A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police or fire department to comply with the following:

- (1) Reside within the county in which the city is located;**
- (2) Have adequate means of transportation into the city;**
- (3) Maintain telephone service to communicate with the city;**

(c) This subsection applies to a city that:

- (1) has a population of less than seven thousand five hundred (7,500); and**
- (2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.**

A city may require, in addition to the requirements of subsection (b), that a member of the police or fire department reside within the city until the member has served in the department for five (5) years.

(d) An ordinance adopted under subsection (b) or described in subsection (c)(2) may not require a member of a city's police or fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 24. IC 36-8-4.3-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3. A police officer or firefighter who is a member of the police or fire department of a special service district is not subject to residency requirements but must:**

- (1) have adequate means of transportation into the jurisdiction served by the member's department; and**
- (2) maintain telephone service to communicate with the department.**

SECTION 25. IC 36-8-4.5-4, AS AMENDED BY P.L.171-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. **A member of a town police or fire department must reside within: is not subject to residency requirements but must:**

- (1) the county in which the town is located;**

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(2) a county that is contiguous to the county in which the town is located; or

(3) a county that is noncontiguous to the county in which the town is located but is not more than fifty (50) miles from the closest boundary of the town where the police or fire department is located:

(1) have adequate means of transportation into the jurisdiction served by the member's department; and

(2) maintain telephone service to communicate with the department.

SECTION 26. IC 36-8-4.5-5 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 5: A town with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the town police or fire department to satisfy all of the following:

(1) Reside within:

(A) the county in which the town is located; or

(B) a distance from the town stated in the ordinance:

(2) Have adequate means of transportation into the town:

(3) Maintain in the member's residence telephone service with the town:

SECTION 27. IC 36-8-4.5-6 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 6: This section applies to a town that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this section before September 1, 1984:

A town may require, in addition to the requirements of section 5 of this chapter, that a member of the police or fire department reside within the town until the member has served in the department for five (5) years:

SECTION 28. IC 36-8-4.5-7 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 7: An ordinance adopted under section 5 or 6 of this chapter may not require a member of a town police or fire department to comply with section 5(1) of this chapter if the member resides:

(1) outside the county; or

(2) a distance outside the town greater than stated in the ordinance;

on the date the ordinance is adopted:

SECTION 29. IC 36-8-4.5-8 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 8: Notwithstanding any other law, a member appointed to a town police department under IC 36-5-7 or IC 36-8-9 before July 1, 2008, may not be required to reside within:

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- (1) the county in which the town is located; or
- (2) a county that is contiguous to the county in which the town is located;

if the member resided within a county that is noncontiguous to the county in which the town is located on July 1, 2008.

SECTION 30. IC 36-8-8-18, AS AMENDED BY P.L.43-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) Except as provided in subsection (b), if a unit becomes a participant in the 1977 fund, credit for prior service by police officers (including prior service as a full-time, fully paid town marshal, or full-time, fully paid deputy town marshal, **full-time, fully paid conservancy district marshal, or full-time, fully paid deputy conservancy district marshal** by a police officer employed by a metropolitan board of police commissioners) or by firefighters before the date of participation may be given by the system board only if:

- (1) the amount necessary to fund the police officer's or firefighter's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit is to contribute, if any, and how much the police officer or firefighter is to contribute, if any; and
- (2) the amount that the police officers or firefighters would have contributed if they had been members of the 1977 fund during their prior service is paid to the 1977 fund under an agreement that specifies how much the unit is to contribute, if any, and how much the police officer or firefighter is to contribute, if any.

If the requirements of subdivisions (1) and (2) are not met, a fund member is entitled to credit only for years of service after the date of participation. Contributions under subdivisions (1) and (2) must be paid in a lump sum or in installments over a period of not more than thirty (30) years, the amount and period to be determined by the system board. The periods determined by the system board under subdivisions (1) and (2) for any installment payments may differ between the unit and the police officers or firefighters and between subdivisions (1) and (2).

(b) If a unit becomes a participant in the 1977 fund under section 3(c) of this chapter, or if a firefighter becomes a member of the 1977 fund under section 7(g) of this chapter, credit for prior service before the date of participation or membership shall be given by the system board as follows:

- (1) For a member who will accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's



date of participation in the 1977 fund and who participated in PERF as a police officer, a firefighter, or an emergency medical technician, the member will be given credit in the 1977 fund for one-third (1/3) of the member's years of participation in PERF as a police officer, a firefighter, or an emergency medical technician.

(2) For a member who will accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund and who did not participate in a pension plan as a police officer, a firefighter, or an emergency medical technician, the member will be given credit in the 1977 fund for one-third (1/3) of the member's years of prior service with the unit as a police officer, a firefighter, or an emergency medical technician only if:

(A) The amount necessary to fund the member's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit is to contribute, if any, and how much the member is to contribute, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the actual salary earned by a first class patrolman or a first class firefighter at the time the unit becomes a participant in the 1977 fund, or the police officer or firefighter becomes a member of the 1977 fund, or if no such salary designation exists, the actual salary earned by the police officer or firefighter.

(B) The amount the police officer or firefighter would have contributed if the police officer or firefighter had been a member of the 1977 fund during the police officer's or firefighter's prior service must be fully paid under an agreement that specifies how much the unit is to pay, if any, and how much the member is to pay, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the police officer's or firefighter's actual salary earned during that period before service can be credited under this section.

(C) Any amortization schedule for contributions paid under clause (A) and contributions to be paid under clause (B) must include interest at a rate determined by the system board. The board shall determine the term of any amortization schedule authorized under clauses (A) and (B), not to exceed ten (10) years. The terms of the various amortization schedules



authorized under clauses (A) and (B) may differ.

(3) For a member who will not accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund, credit for such prior service shall be given only if:

(A) The amount necessary to fund the member's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit is to contribute, if any, and how much the member is to contribute, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the actual salary earned by a first class patrolman or a first class firefighter at the time the unit becomes a participant in the 1977 fund, or the police officer or firefighter becomes a member of the 1977 fund, or if no such salary designation exists, the actual salary earned by the police officer or firefighter. The limit on credit for prior service does not apply to a firefighter if the firefighter was a member of the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 and who subsequently became a member of the 1977 fund. A firefighter who was a member of or reentered the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 is entitled to full credit for prior service in an amount equal to the firefighter's years of service before becoming a member of or reentering the 1977 fund. Service may only be credited for time as a full-time, fully paid police officer, firefighter, or emergency medical technician under section 7(g) of this chapter.

(B) The amount the police officer or firefighter would have contributed if the police officer or firefighter had been a member of the 1977 fund during the police officer's or firefighter's prior service must be fully paid under an agreement that specifies how much the unit is to pay and how much the member is to pay. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the police officer's or firefighter's actual salary earned during that period before service can be credited under this section.

(C) Any amortization schedule for contributions paid under



clause (A) and contributions to be paid under clause (B) must include interest at a rate determined by the system board. The board shall determine the term of any amortization schedule authorized under clauses (A) and (B), not to exceed ten (10) years. The terms of the various amortization schedules authorized under clauses (A) and (B) may differ.

(4) If, at the time a unit entered the 1977 fund, a fund member received the maximum prior service credit allowed by subdivision (3) and, at a later date, the earliest retirement age was lowered, the unit or the fund member, or both, may contribute to the 1977 fund on the fund member's behalf an additional amount that is determined in the same manner as under subdivision (3) with respect to the additional prior service, if any, available as a result of the lower retirement age. If the additional amount described in this subdivision is paid in accordance with the requirements of subdivision (3), the fund member shall receive the additional service credit necessary for the fund member to retire at the lower earliest retirement age.

(c) This subsection applies to a unit that:

- (1) becomes a participant in the 1977 fund under section 3(c) of this chapter; and
- (2) is a fire protection district created under IC 36-8-11 that includes a township or a municipality that had a 1937 fund.

A firefighter who continues uninterrupted service with a unit covered by this subsection and who participated in the township or municipality 1937 fund is entitled to receive service credit for such service in the 1977 fund. However, credit for such service is limited to the amount accrued by the firefighter in the 1937 fund or the amount necessary to allow the firefighter to accrue twenty (20) years of service credit in the 1977 fund by the time the firefighter becomes fifty-two (52) years of age, whichever is less.

(d) A unit to which subsection (c) applies shall contribute into the 1977 fund the amount necessary to fund the amount of past service determined in accordance with subsection (c), amortized over a period not to exceed ten (10) years with interest at a rate determined by the system board.

(e) If the township or municipality has accumulated money in its 1937 fund, any amount accumulated that exceeds the present value of all projected future benefits from the 1937 plan shall be paid by the township or municipality to the unit for the sole purpose of making the contributions determined in subsection (d).

(f) To the extent permitted by the Internal Revenue Code and the



applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing permissive service credit under this chapter, a rollover of a distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(g) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing permissive service credit under this chapter, a trustee to trustee transfer from any of the following:

- (1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

SECTION 31. IC 36-8-8-18.1, AS AMENDED BY P.L.27-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.1. (a) As used in this section, "police officer" includes a former full-time, fully paid:

- (1) town marshal;
- (2) ~~or full-time, fully paid~~ deputy town marshal;
- (3) **conservancy district marshal; or**
- (4) **deputy conservancy district marshal;**

who is employed as a police officer by a metropolitan board of police commissioners.

(b) If a unit becomes a participant in the 1977 fund and the unit previously covered police officers, firefighters, or emergency medical technicians in PERF, or if the employees of the unit become members of the 1977 fund under section 7(g) of this chapter, the following provisions apply:

- (1) A minimum benefit applies to members electing to transfer or being transferred to the 1977 fund from PERF. The minimum benefit, payable at age fifty-two (52), for such a member equals the actuarial equivalent of the vested retirement benefit payable to the member upon normal retirement under IC 5-10.2-4-1 as of the day before the transfer, based solely on:



(A) creditable service;
 (B) the average of the annual compensation; and
 (C) the amount credited to the annuity savings account;
 of the transferring member as of the day before the transfer under
 IC 5-10.2 and IC 5-10.3.

(2) The system board shall transfer from PERF to the 1977 fund
 the amount credited to the annuity savings accounts that is
 necessary for the purchase of service credit and the present value
 of benefits attributable to the transferring members.

(3) The amount the unit and the member must contribute to the
 1977 fund under section 18 of this chapter, if any service credit
 is to be given under that section, will be reduced by the amounts
 transferred to the 1977 fund by the system board under
 subdivision (2).

(4) Credit for prior service in PERF of a member as a police
 officer, a firefighter, or an emergency medical technician is
 waived in PERF. Any credit for that service under the 1977 fund
 shall only be given in accordance with section 18 of this chapter.

(5) Credit for prior service in PERF of a member, other than as a
 police officer, a firefighter, or an emergency medical technician,
 remains in PERF and may not be credited under the 1977 fund.

SECTION 32. IC 36-8-11-28 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2023]: **Sec. 28. A firefighter who is a member
 of the fire department of a fire protection district is not subject to
 residency requirements but must:**

- (1) have adequate means of transportation into the
 jurisdiction served by the member's fire department; and
- (2) maintain telephone service to communicate with the
 member's fire department.

SECTION 33. IC 36-8-13.5-4, AS AMENDED BY P.L.171-2019,
 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2023]: **Sec. 4. A member of a township fire department (as
 defined in IC 36-8-2.2-3) ~~must reside within:~~ is not subject to
 residency requirements but must:**

- (1) the county in which the township is located;
- (2) a county that is contiguous to the county in which the
 township is located; or
- (3) a county that is noncontiguous to the county in which the
 township is located but is not more than fifty (50) miles from the
 closest boundary of the township where the fire department is
 located.



- (1) have adequate means of transportation into the jurisdiction served by the member's township fire department; and
- (2) maintain telephone service to communicate with the township fire department.

SECTION 34. IC 36-8-13.5-5 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 5: A township with a population of less than seven thousand five hundred (7,500) may adopt a resolution that requires a member of the township fire department to satisfy all of the following:

- (1) Reside within:
 - (A) the county in which the township is located; or
 - (B) a distance from the township stated in the resolution.
- (2) Have adequate means of transportation into the township.
- (3) Maintain in the member's residence telephone service with the township.

SECTION 35. IC 36-8-13.5-6 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 6: This section applies to a township that:

- (1) has a population of less than seven thousand five hundred (7,500); and
- (2) adopted a resolution to establish the requirements described in this section before September 1, 1984.

A township may require, in addition to the requirements of section 5 of this chapter, that a member of the township fire department reside within the township until the member has served in the department for five (5) years.

SECTION 36. IC 36-8-13.5-7 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 7: A resolution adopted under section 5 or 6 of this chapter may not require a member of a township fire department to comply with section 5(1) of this chapter if the member resides:

- (1) outside the county; or
- (2) a distance outside the township greater than stated in the resolution;

on the date the resolution is adopted.

SECTION 37. IC 36-8-19-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 17. A firefighter who is a member of the fire department of a fire protection territory is not subject to residency requirements but must:**

- (1) have adequate means of transportation into the jurisdiction served by the member's fire department; and
- (2) maintain telephone service to communicate with the member's fire department.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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