

HOUSE BILL No. 1070

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6-10.5; IC 10-13-2-6; IC 36-8-26.

Synopsis: Police department budgets. Requires a police department of a county, city, or town (unit) to report crime data to the criminal justice division of the state police department (current law only requires the reporting of crime data if requested by the division). Prohibits a unit from reducing the police department's budget except in one of the following circumstances: (1) A unit that has a shortfall in property tax revenue within the two calendar years preceding the most recent certified budget and decreases the budgets of all of its departments by the same percentage for the ensuing year. (2) A unit's violent crime decreases each year during the five years preceding the current year, for a total decrease in violent crime of at least 20% over the five year period.

Effective: July 1, 2021.

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January 4, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1070

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 5-2-6-10.5, AS AMENDED BY P.L.30-2019,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 10.5. (a) If an entitlement jurisdiction, eligible
4 entity, or a local government entity:

5 (1) accepts funds under section 10 of this chapter that the institute
6 has designated as public funds; and

7 (2) fails to comply with any requirement of the grant or funding;
8 the institute shall deobligate funds to the entitlement jurisdiction,
9 eligible entity, or local government entity.

10 (b) ~~If The institute may deobligate funds to a police department,~~
11 a public official, or public agency ~~dealing with crime or criminals or~~
12 ~~with delinquency or delinquents:~~ **required to fulfill the duties listed**
13 **in IC 10-13-2-6(d) that:**

14 (1) accepts funds under section 10 of this chapter that the institute
15 has designated as public funds; and

16 (2) fails to comply with its duties under ~~IC 10-13-2-6(a)~~
17 **IC 10-13-2-6(d)** (data reporting).



the institute may deobligate funds to the public official or public agency.

(c) The institute may reinstate funds under:

(1) subsection (a) if the entitlement jurisdiction, eligible entity, or local government entity complies with the requirements of the grant or funding within six (6) months of the deobligation of funds; or

(2) subsection (b) if the **police department**, public official, or public agency complies with its duties under ~~IC 10-13-2-6(a)~~ **IC 10-13-2-6(d)** within six (6) months of the deobligation of funds.

(d) If:

(1) an entitlement jurisdiction, eligible entity, or a local government entity does not comply with the requirements of the grant or funding within six (6) months of the deobligation of funds; or

(2) a **police department**, public official, or public agency does not comply with its duties under ~~IC 10-13-2-6(a)~~ **IC 10-13-2-6(d)** within six (6) months of the deobligation of funds;

the institute may reallocate the funds.

SECTION 2. IC 10-13-2-6, AS AMENDED BY P.L.15-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) **"Police department" as used in this section, means a:**

(1) city or town police department; or

(2) county sheriff's department.

(b) **"Public official" as used in this section, means an individual who holds an elected or appointed office of state or local government.**

(c) **A police department or police department public official shall fulfill the duties listed in subsection (d). If requested by the division, any other public official or public agency dealing with crime or criminals or with delinquency or delinquents shall fulfill the duties listed in subsection (d).**

~~(a) (d) If requested by the division, a public official or public agency dealing with crime or criminals or with delinquency or delinquents shall do the following:~~ **The duties referred to in subsection (c) are as follows:**

(1) Install and maintain records needed for reporting data required by the division.

(2) Report to the division, as and when prescribed, all data requested.



(3) Report to the division all uniform crime data from the federal Uniform Crime Reporting Program using the National Incident Based Reporting System (NIBRS) format as required by the division.

(4) Give the accredited agents of the division access to the records for the purpose of inspection.

(5) Cooperate with the division to the end that its duties may be properly performed.

~~(b)~~ **(e) An A public official or employee of a public official** required ~~under this chapter~~ **under this section** to furnish reports, information, or statistics to the ~~criminal justice data~~ division ~~or a person employed by the official~~ is not liable in any action arising out of having furnished the information in a manner as may be required by this chapter or the rules adopted under this chapter.

~~(c)~~ **(f)** If a public official or public agency fails to comply with ~~its~~ **the duties under listed in** subsection ~~(a); (d)~~, the division shall notify the Indiana criminal justice institute of the noncompliance in any manner approved by the Indiana criminal justice institute.

SECTION 3. IC 36-8-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 26. Police Department Budgets

Sec. 1. "Division" means the criminal justice data division of the state police department established under IC 10-13-2-2.

Sec. 2. "NIBRS" means the National Incident Based Reporting System (NIBRS) of the federal Uniform Crime Reporting Program.

Sec. 3. "Police department" means:

- (1) a city or town police department; or**
- (2) a county sheriff's department.**

Sec. 4. "Violent crime" means the offenses of:

- (1) murder;**
- (2) rape;**
- (3) robbery; and**
- (4) aggravated assault;**

as those offenses are defined by the federal Uniform Crime Reporting Program with regard to the NIBRS.

Sec. 5. A unit may reduce the budget of the unit's police department only if the unit satisfies the requirements of section 6 or 7 of this chapter.

Sec. 6. (a) This section applies to a unit that has experienced a significant shortfall in property tax revenue:

- (1) below the civil taxing unit's property tax levy approved by**



the department of local government finance under IC 6-1.1-17; and
 (2) not more than two (2) calendar years preceding the date of the most recent certified budget, tax rate, and levy under IC 6-1.1-17-16.

(b) The unit may decrease the budget of the unit's police department for the ensuing calendar year if the unit decreases the budgets of all departments of the unit for the ensuing calendar year by the same percentage, expressing the decrease in each department budget:

(1) as a percentage of the department's budget for the preceding calendar year; and

(2) rounded to the nearest one-tenth of one percent (0.1%).

Sec. 7. (a) A unit may reduce the police department's budget for the ensuing calendar year if:

(1) the police department of the unit has reported to the division for the six (6) calendar years preceding the ensuing calendar year all uniform crime data from the federal Uniform Crime Reporting Program using the NIBRS format as required under IC 10-13-2-6; and

(2) the unit can show both of the following, using the reported uniform crime data under subdivision (1):

(A) The number of violent crimes reported as occurring within the unit decreased during each of the five (5) calendar years preceding the current calendar year.

(B) The number of violent crimes reported as occurring within the unit in the year preceding the current calendar year is at least twenty percent (20%) less than the number of violent crimes reported as occurring within the unit in the calendar year preceding the current calendar year by six (6) years.

(b) This subsection applies only to a county other than Marion County. The calculation under subsection (a) shall include only violent crimes reported as occurring within the unincorporated area of the county.

(c) This subsection applies only to the excluded cities of Beech Grove, Lawrence, Speedway, or Southport in Marion County. The calculation under subsection (a) shall include only violent crimes reported as occurring within the boundaries of the excluded city.

(d) This subsection applies only to Indianapolis-Marion County. The calculation under subsection (a) shall include only violent crimes reported as occurring within Marion County and outside



- 1 the boundaries of the excluded cities of Beech Grove, Lawrence,
- 2 Speedway, and Southport.

