



Reprinted
February 28, 2024

ENGROSSED HOUSE BILL No. 1104

DIGEST OF HB 1104 (Updated February 27, 2024 3:25 pm - DI 143)

Citations Affected: IC 10-21; IC 20-26; IC 20-34; IC 36-8.

Synopsis: School safety. Provides that a school safety plan developed by a school corporation or charter school must establish an armed intruder drill protocol. Requires safe school committees to develop a
(Continued next page)

Effective: July 1, 2024.

Davis, McNamara, Criswell, Pfaff
(SENATE SPONSORS — DEERY, CARRASCO)

January 8, 2024, read first time and referred to Committee on Education.
January 18, 2024, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
January 25, 2024, amended, reported — Do Pass.
January 29, 2024, read second time, ordered engrossed.
January 30, 2024, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 7, 2024, read first time and referred to Committee on Education and Career Development.
February 15, 2024, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 22, 2024, reported favorably — Do Pass.
February 27, 2024, read second time, amended, ordered engrossed.

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Digest Continued

policy that considers the effect of armed intruder drills on the safety and mental health of students, faculty, and staff. Prohibits an armed intruder drill that includes sensory components or activities from: (1) requiring student participation; or (2) taking place during regular school hours if a majority of the student body is present on school property. Allows a school corporation or charter school that: (1) employs a school resource officer; or (2) enters into a contract or a memorandum of understanding with a local law enforcement agency, private entity, or nonprofit corporation to employ a school resource officer; to participate in the 1977 fund. Provides that a school resource officer hired or rehired after June 30, 2024, who is a member of the 1977 fund shall remain in the 1977 fund. Provides that a school resource officer may become a member of the 1977 fund by meeting certain age and training requirements. Makes corresponding changes.



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February 28, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1104

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

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

- 1 SECTION 1. IC 10-21-1-10, AS ADDED BY P.L.150-2023,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 10. (a) A school corporation shall develop a
4 school safety plan in accordance with subsection (c) for review as
5 described in section 11 of this chapter.
6 (b) Each charter school shall develop a school safety plan in
7 accordance with subsection (c) for review as described in section 11 of
8 this chapter. A charter school in operation on July 1, 2023, shall
9 comply with this subsection on or before July 1, 2024.
10 (c) The school safety plan:
11 (1) must be developed by a school safety specialist and the
12 school's safe school committee, including a school resource
13 officer if one (1) is employed by the school corporation or charter
14 school, in consultation with the:
15 (A) law enforcement agency; and
16 (B) fire department;
17 that have jurisdiction over the particular school building;

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- 1 (2) must:
 2 (A) protect against outside and internal threats to the physical
 3 safety of students, faculty, staff, and the public, including
 4 unsafe conditions, crime prevention, school violence, bullying
 5 and cyberbullying, criminal organization activity, child abuse
 6 and child sexual abuse, mental health and behavioral health,
 7 suicide awareness and prevention, **violence prevention and**
 8 **training, situational awareness**, and other issues that prevent
 9 the maintenance of a safe school;
 10 (B) prevent unauthorized access to school property and
 11 interior areas or rooms, including the management of
 12 authorized visitors on school property, before, during, and
 13 after regular school hours;
 14 (C) secure schools against natural and manmade disasters,
 15 including all emergency preparedness drill requirements set
 16 forth in IC 20-34-3-20;
 17 **(D) establish an armed intruder drill protocol that:**
 18 **(i) provides accommodations for students who have**
 19 **mobility restrictions, sensory needs, or auditory or visual**
 20 **limitations;**
 21 **(ii) emphasizes the practical nature of the drill;**
 22 **(iii) provides access to mental health services on school**
 23 **grounds following the conclusion of a drill;**
 24 **(iv) provides advance notice of a drill to parents or legal**
 25 **guardians of students who attend the school; and**
 26 **(v) provides alternative exercises for students who are**
 27 **unable to participate in a drill;**
 28 ~~(D)~~ (E) include a site vulnerability assessment for each school
 29 building;
 30 ~~(E)~~ (F) not later than July 1, 2025, include the establishment
 31 of a multi-disciplinary threat assessment team;
 32 ~~(F)~~ (G) include measures to expedite notification of first
 33 responders and access to school property for first responders;
 34 and
 35 ~~(G)~~ (H) include any additional requirements required by the
 36 Indiana state board of education;
 37 (3) must be provided to a member of the board if a member
 38 requests the school safety plan;
 39 (4) must be available for inspection by the department of
 40 education's division of school building physical security and
 41 safety (as established by IC 20-19-3-14);
 42 (5) must be provided to the law enforcement agency and the fire



1 department that have jurisdiction over the school corporation or
 2 charter school;

3 (6) must include an attestation that:

4 (A) a copy of the floor plans for each building located on the
 5 school's property were provided to the law enforcement agency
 6 and the fire department that have jurisdiction over the school
 7 corporation or charter school that clearly indicates each
 8 entrance and exit, the interior rooms and hallways, and the
 9 location of any hazardous materials located in the building; or
 10 (B) the school corporation or charter school has conducted
 11 critical incidence digital mapping for each school building
 12 within the school corporation or the buildings that are operated
 13 by a charter school, including providing the critical incidence
 14 digital mapping information to:

- 15 (i) the law enforcement agency and fire department that
 16 have jurisdiction over the mapped school buildings; and
 17 (ii) the statewide 911 system described in IC 36-8-16.7-22
 18 through the public safety answer point, or "PSAP",
 19 described in IC 36-8-16.7-20 that has jurisdiction over the
 20 mapped school buildings; and

21 (7) must be filed with the county school safety commission under
 22 section 12 of this chapter having jurisdiction over the school
 23 corporation or charter school.

24 (d) For purposes of IC 5-14-3, the entities specified in subsection (c)
 25 that receive information under this section shall keep the information
 26 compiled and retained under this section confidential and shall
 27 withhold the information from public disclosure.

28 SECTION 2. IC 10-21-1-14, AS ADDED BY P.L.150-2023,
 29 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2024]: Sec. 14. (a) Each school operated by a school
 31 corporation shall establish a safe school committee. The committee
 32 may be a subcommittee of the committee that develops the strategic
 33 and continuous school improvement and achievement plan under
 34 IC 20-31-5. Each committee may include at least one (1) member who
 35 is a member of the support staff of the school or school corporation
 36 career and technical education school.

37 (b) Each school operated by a charter school shall establish a safe
 38 school committee. A charter school in operation on July 1, 2023, shall
 39 comply with this subsection not later than July 1, 2024.

40 (c) The safe school committee shall actively participate in and assist
 41 with the development of the school safety plan.

42 (d) The department of education, the school corporation's or charter



1 school's school safety specialist or specialists, and a school resource
 2 officer, if one (1) is employed by the school corporation or charter
 3 school, shall provide materials and guidelines to assist a safe school
 4 committee in developing a policy for a particular school that addresses
 5 the following issues:

- 6 (1) Implementation of the school safety plan.
 7 (2) Addressing outside and internal threats to the physical safety
 8 of students, faculty, staff, and the public, including unsafe
 9 conditions, crime prevention, school violence, bullying and
 10 cyberbullying, criminal organization activity, child abuse and
 11 child sexual abuse, mental health and behavioral health, suicide
 12 awareness and prevention, **violence prevention and training,**
 13 **situational awareness,** and other issues that prevent the
 14 maintenance of a safe school.
 15 (3) Addressing the professional development needs for faculty
 16 and staff to implement methods that decrease problems identified
 17 under subdivision (2).
 18 (4) Identifying and implementing methods to encourage:
 19 (A) involvement by the community, families, and students;
 20 (B) development of relationships between students and school
 21 faculty and staff; and
 22 (C) use of problem solving teams.

23 **(5) Consideration of the effect of armed intruder drills on the**
 24 **safety and mental health of students, faculty, and staff.**

25 (e) The guidelines developed under subsection (d) must include age
 26 appropriate, **research trauma informed, evidence** based information
 27 **(as defined in 34 U.S.C. 10554(4))** that assists school corporations or
 28 charter schools and safe school committees in:

- 29 (1) developing and implementing bullying and cyberbullying
 30 prevention programs;
 31 (2) establishing investigation and reporting procedures related to
 32 bullying and cyberbullying; and
 33 (3) adopting discipline rules that comply with IC 20-33-8-13.5.

34 (f) In addition to developing guidelines under subsection (d), the
 35 department of education shall establish categories of types of bullying
 36 incidents to allow school corporations to use the categories in making
 37 reports under IC 20-20-8-8 and IC 20-34-6-1.

38 (g) The materials and guidelines provided under subsection (d) must
 39 include the model educational materials and model response policies
 40 and reporting procedures on child abuse and child sexual abuse
 41 developed or identified under IC 20-19-3-11.

42 SECTION 3. IC 20-26-5-42.5, AS ADDED BY P.L.218-2023,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 42.5. (a) Notwithstanding any other law or
3 provision, a public school, including a charter school, or a state
4 accredited nonpublic school may not conduct a training or drill for an
5 employee of the school that includes as any part of the training or drill
6 **sensory components or activities (as defined in IC 20-34-3-27) or**
7 the expelling of any type of projectile at the employee unless:

8 (1) the school informs the employee of the use of **sensory**
9 **components or activities (as defined in IC 20-34-3-27) or the**
10 **use of** projectiles in the training or drill; and

11 (2) the employee provides the school with written consent to
12 participate in training or a drill involving the use of **sensory**
13 **components or activities (as defined in IC 20-34-3-27) or the**
14 **use of** projectiles.

15 (b) Notwithstanding any other law or provision, a public school,
16 charter school, or state accredited nonpublic school may not conduct
17 or approve of any training or a drill for a student of the school that
18 includes as any part of the training or drill the expelling of any type of
19 projectile at a student.

20 SECTION 4. IC 20-34-3-20, AS AMENDED BY P.L.150-2023,
21 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2024]: Sec. 20. (a) The governing body of a school
23 corporation and an organizer of a charter school shall require each
24 school in the governing body's jurisdiction or organizer's responsibility
25 to conduct periodic emergency preparedness drills during the school
26 year in compliance with rules adopted under IC 4-22-2 by the state
27 board.

28 (b) Each school and attendance center shall conduct at least:

29 (1) one (1) tornado preparedness drill; and

30 (2) one (1) manmade occurrence disaster drill;

31 during each semester.

32 (c) At least one (1) manmade occurrence disaster drill required
33 under subsection (b) must be an ~~active shooter~~ **armed intruder** drill
34 and must be conducted **in conformity with the requirements of**
35 **section 27 of this chapter and** within ninety (90) calendar days after
36 the beginning of the school year.

37 (d) Each:

38 (1) state accredited nonpublic school; and

39 (2) charter school;

40 must conduct at least one (1) ~~active shooter~~ **armed intruder** drill **in**
41 **conformity with the requirements of section 27 of this chapter**
42 during each school year.



1 (e) Notwithstanding rules established by the state fire marshal under
 2 IC 12-17-12-19, a drill conducted under subsection (b) may be
 3 conducted instead of a periodic or monthly fire evacuation drill
 4 requirement established by the state fire marshal. However, a drill
 5 conducted under subsection (b) may not be made:

- 6 (1) instead of more than two (2) periodic or monthly fire
 7 evacuation drills in a particular school semester; and
 8 (2) in two (2) consecutive months.

9 (f) The governing body of a school corporation or an organizer of a
 10 charter school may direct schools to conduct emergency preparedness
 11 drills in addition to those required under subsection (b).

12 (g) The governing body of a school corporation or organizer of a
 13 charter school shall require each principal to file a certified statement
 14 that all drills have been conducted as required under this section.

15 SECTION 5. IC 20-34-3-27 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2024]: **Sec. 27. (a) As used in this section, "sensory components
 18 or activities" refers to aspects of an armed intruder drill intended
 19 to simulate a real armed intruder scenario that include:**

- 20 (1) simulations of gunfire;
 21 (2) simulations of gunshot wounds or other injuries;
 22 (3) the use of a prop firearm;
 23 (4) the use of a pellet gun; or
 24 (5) participation in the drill by law enforcement personnel
 25 with drawn firearms.

26 (b) **An armed intruder drill conducted under section 20 of this
 27 chapter that includes sensory components or activities may not:**

- 28 (1) require student participation; or
 29 (2) take place during regular school hours if a majority of the
 30 student body is present on school property.

31 SECTION 6. IC 36-8-8-1, AS AMENDED BY P.L.102-2023,
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 1. This chapter applies to:

- 34 (1) full-time police officers hired or rehired after April 30, 1977,
 35 in all municipalities, or who converted their benefits under
 36 IC 19-1-17.8-7 (repealed September 1, 1981);
 37 (2) full-time fully paid firefighters hired or rehired after April 30,
 38 1977, or who converted their benefits under IC 19-1-36.5-7
 39 (repealed September 1, 1981);
 40 (3) a police matron hired or rehired after April 30, 1977, and
 41 before July 1, 1996, who is a member of a police department in a
 42 second or third class city on March 31, 1996;



- 1 (4) a park ranger who:
 2 (A) completed at least the number of weeks of training at the
 3 Indiana law enforcement academy or a comparable law
 4 enforcement academy in another state that were required at the
 5 time the park ranger attended the Indiana law enforcement
 6 academy or the law enforcement academy in another state;
 7 (B) graduated from the Indiana law enforcement academy or
 8 a comparable law enforcement academy in another state; and
 9 (C) is employed by the parks department of a city having a
 10 population of more than one hundred ten thousand (110,000)
 11 and less than one hundred fifty thousand (150,000);
 12 (5) a full-time fully paid firefighter who is covered by this chapter
 13 before the effective date of consolidation and becomes a member
 14 of the fire department of a consolidated city under IC 36-3-1-6.1,
 15 provided that the firefighter's service as a member of the fire
 16 department of a consolidated city is considered active service
 17 under this chapter;
 18 (6) except as otherwise provided, a full-time fully paid firefighter
 19 who is hired or rehired after the effective date of the consolidation
 20 by a consolidated fire department established under
 21 IC 36-3-1-6.1;
 22 (7) a full-time police officer who is covered by this chapter before
 23 the effective date of consolidation and becomes a member of the
 24 consolidated law enforcement department as part of the
 25 consolidation under IC 36-3-1-5.1, provided that the officer's
 26 service as a member of the consolidated law enforcement
 27 department is considered active service under this chapter;
 28 (8) except as otherwise provided, a full-time police officer who is
 29 hired or rehired after the effective date of the consolidation by a
 30 consolidated law enforcement department established under
 31 IC 36-3-1-5.1;
 32 (9) a veteran described in IC 36-8-4.7; ~~and~~
 33 (10) a full-time police officer or full-time fully paid firefighter
 34 who is employed by an airport authority; **and**
 35 **(11) a full-time school resource officer;**
 36 except as provided by section 7 of this chapter.
 37 SECTION 7. IC 36-8-8-2, AS AMENDED BY P.L.102-2023,
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2024]: Sec. 2. As used in this chapter, "employer" means:
 40 (1) a municipality that established a 1925 or 1953 fund or that
 41 participates in the 1977 fund under section 3 or 18 of this chapter;
 42 (2) a unit that established a 1937 fund or that participates in the



- 1 1977 fund under section 3 or 18 of this chapter;
- 2 (3) a consolidated city that consolidated the fire departments of
- 3 units that:
- 4 (A) established a 1937 fund; or
- 5 (B) participated in the 1977 fund;
- 6 before the units' consolidation into the fire department of a
- 7 consolidated city established by IC 36-3-1-6.1;
- 8 (4) a consolidated city that establishes a consolidated law
- 9 enforcement department under IC 36-3-1-5.1; ~~or~~
- 10 (5) an airport authority that participates in the 1977 fund under
- 11 section 3 of this chapter; **or**
- 12 **(6) a school corporation or charter school that participates in**
- 13 **the 1977 fund under section 3 of this chapter.**

14 SECTION 8. IC 36-8-8-2.1, AS AMENDED BY P.L.102-2023,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 2.1. (a) As used in this chapter, "local board"
 17 means the following:

- 18 (1) For a unit that established a 1925 fund for its police officers,
- 19 the local board described in IC 36-8-6-2.
- 20 (2) For a unit that established a 1937 fund for its firefighters, the
- 21 local board described in IC 36-8-7-3.
- 22 (3) For a consolidated city that established a 1953 fund for its
- 23 police officers, the local board described in IC 36-8-7.5-2.
- 24 (4) For a unit, other than a consolidated city, that did not establish
- 25 a 1925 fund for its police officers or a 1937 fund for its
- 26 firefighters, the local board described in subsection (b) or (c).
- 27 (5) For an airport authority, the board of an airport authority.
- 28 **(6) For a school resource officer, the local board described in**
- 29 **subdivisions (1) through (4) that manages the fund established**
- 30 **in the unit or the consolidated city in which the:**

- 31 **(A) territory of the school corporation; or**
- 32 **(B) charter school;**
- 33 **is located. However, if more than one (1) local board is applicable**
- 34 **under this subdivision, the governing body of the school**
- 35 **corporation or the equivalent authority for the charter school that**
- 36 **employs or contracts to employ the school resource officer may**
- 37 **choose the applicable local board with respect to the school**
- 38 **resource officer.**

39 (b) If a unit did not establish a 1925 fund for its police officers, a
 40 local board shall be composed in the same manner described in
 41 IC 36-8-6-2(b). However, if there is not a retired member of the
 42 department, no one shall be appointed to that position until such time



1 as there is a retired member.

2 (c) If a unit did not establish a 1937 fund for its firefighters, a local
3 board shall be composed in the same manner described in
4 IC 36-8-7-3(b). However, if there is not a retired member of the
5 department, no one shall be appointed to that position until such time
6 as there is a retired member.

7 SECTION 9. IC 36-8-8-2.2 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2024]: **Sec. 2.2. As used in this chapter, "school resource officer"
10 has the meaning set forth in IC 20-26-18.2-1.**

11 SECTION 10. IC 36-8-8-3, AS AMENDED BY P.L.102-2023,
12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2024]: Sec. 3. (a) If a town establishes a board of metropolitan
14 police commissioners, or if a town becomes a city, the municipality
15 shall participate in the 1977 fund and shall enroll all full-time police
16 officers and firefighters in the 1977 fund. However, if a police officer
17 or former marshal is a member of the public employees' retirement
18 fund, the police officer or former marshal may continue as a member
19 of that fund instead of the 1977 fund. Notwithstanding the age
20 requirements under section 7(a) of this chapter, a police officer or
21 former marshal employed by a municipality at the time the
22 municipality enters the 1977 fund under this section shall be a member
23 of the 1977 fund unless the police officer or former marshal elects to
24 continue as a member of the public employees' retirement fund. A
25 person may become a member of the 1977 fund under this subsection
26 without meeting the age limitation under section 7(a) of this chapter
27 only if the person satisfies:

28 (1) any aptitude, physical agility, or physical and mental standards
29 established by a local board under IC 36-8-3.2; and

30 (2) the minimum standards that are:

31 (A) adopted by the system board under section 19 of this
32 chapter; and

33 (B) in effect on the date the person becomes a member of the
34 1977 fund.

35 Credit for prior service of a person who becomes a member of the 1977
36 fund under this subsection shall be determined under section 18 or 18.1
37 of this chapter. No service credit beyond that allowed under section 18
38 or 18.1 of this chapter may be recognized under the 1977 fund.

39 (b) If a unit did not establish a 1937 fund for its firefighters, the unit
40 may participate in the public employees' retirement fund or it may
41 participate in the 1977 fund. If a unit established a 1937 fund for its
42 firefighters, the unit is and shall remain a participant in the 1977 fund.



1 (c) A unit that:
 2 (1) has not established a pension fund for its firefighters; or
 3 (2) is participating in the public employees' retirement fund under
 4 subsection (b);
 5 may participate in the 1977 fund upon approval by the fiscal body,
 6 notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund
 7 under this subsection must comply with section 21 of this chapter.
 8 However, if a police officer or firefighter is a member of the public
 9 employees' retirement fund, the police officer or firefighter may
 10 continue as a member of that fund instead of the 1977 fund.

11 (d) If a unit that participates in the 1977 fund provides longevity
 12 increases, the amount of the longevity increase provided in a year must
 13 be greater than or equal to the amount of the longevity increase
 14 provided in the previous year.

15 (e) An airport authority may participate in the 1977 fund. An airport
 16 authority that participates in the 1977 fund under this subsection must
 17 comply with section 21 of this chapter. However, if a police officer or
 18 firefighter is a member of the public employees' retirement fund, the
 19 police officer or firefighter may continue as a member of that fund
 20 instead of the 1977 fund.

21 **(f) A school corporation or charter school that:**
 22 **(1) employs a school resource officer; or**
 23 **(2) enters into a contract or memorandum of understanding**
 24 **with a:**
 25 **(A) local law enforcement agency;**
 26 **(B) private entity; or**
 27 **(C) nonprofit corporation;**
 28 **to employ a school resource officer;**
 29 **may participate in the 1977 fund. A school corporation or charter**
 30 **school that participates in the 1977 fund under this subsection or**
 31 **subsection (g) must comply with section 21.5 of this chapter.**
 32 **However, if a school resource officer is a member of the public**
 33 **employees' retirement fund, the school resource officer may**
 34 **continue as a member of that fund instead of the 1977 fund.**

35 **(g) A school resource officer hired or rehired after June 30,**
 36 **2024, who is a member of the 1977 fund shall remain in the 1977**
 37 **fund.**

38 SECTION 11. IC 36-8-8-18, AS AMENDED BY P.L.170-2023,
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]: Sec. 18. (a) Except as provided in subsection (b), if a
 41 unit, ~~or~~ an airport authority, **a school corporation, or a charter school**
 42 becomes a participant in the 1977 fund, credit for prior service by



1 police officers (including prior service as a full-time, fully paid town
 2 marshal, full-time, fully paid deputy town marshal, full-time, fully paid
 3 conservancy district marshal, or full-time, fully paid deputy
 4 conservancy district marshal by a police officer employed by a
 5 metropolitan board of police commissioners), **or** by firefighters, **or by**
 6 **school resource officers** before the date of participation may be given
 7 by the system board only if:

8 (1) the amount necessary to fund the police officer's, **or**
 9 firefighter's, **or school resource officer's** prior service liability is
 10 contributed to the 1977 fund under an agreement that specifies
 11 how much the unit, **or the** airport authority, **school corporation,**
 12 **or charter school** is to contribute, if any, and how much the
 13 police officer, **or** firefighter, **or school resource officer** is to
 14 contribute, if any; and

15 (2) the amount that the police officers, **or** firefighters, **or school**
 16 **resource officers** would have contributed if they had been
 17 members of the 1977 fund during their prior service is paid to the
 18 1977 fund under an agreement that specifies how much the unit,
 19 **or the** airport authority, **school corporation, or charter school** is
 20 to contribute, if any, and how much the police officer, **or**
 21 firefighter, **or school resource officer** is to contribute, if any.

22 If the requirements of subdivisions (1) and (2) are not met, a fund
 23 member is entitled to credit only for years of service after the date of
 24 participation. Contributions under subdivisions (1) and (2) must be
 25 paid in a lump sum or in installments over a period of not more than
 26 thirty (30) years, the amount and period to be determined by the system
 27 board. The periods determined by the system board under subdivisions
 28 (1) and (2) for any installment payments may differ between the unit,
 29 **or the** airport authority, **the school corporation, or the charter school**
 30 and the police officers, **or** firefighters, **or school resource officers** and
 31 between subdivisions (1) and (2).

32 (b) If a unit becomes a participant in the 1977 fund under section
 33 3(c) of this chapter, if an airport authority becomes a participant in the
 34 1977 fund under section 3(e) of this chapter, **if a school corporation**
 35 **or charter school becomes a member of the 1977 fund under**
 36 **section 3(f) of this chapter**, or if a firefighter becomes a member of
 37 the 1977 fund under section 7(g) of this chapter, credit for prior service
 38 before the date of participation or membership shall be given by the
 39 system board as follows:

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



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

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

17 (A) The amount necessary to fund the member's prior service
 18 liability is contributed to the 1977 fund under an agreement
 19 that specifies how much the unit, ~~or the~~ airport authority,
 20 **school corporation, or charter school** is to contribute, if any,
 21 and how much the member is to contribute, if any.
 22 Contributions must be paid in a lump sum or in installments as
 23 provided in clause (C). The amount of contributions must be
 24 based on the actual salary earned by a first class patrolman or
 25 a first class firefighter at the time the unit, ~~or the~~ airport
 26 authority, **the school corporation, or the charter school**
 27 becomes a participant in the 1977 fund, or the police officer,
 28 ~~or~~ firefighter, **or school resource officer** becomes a member
 29 of the 1977 fund, or if no such salary designation exists, the
 30 actual salary earned by the police officer, ~~or~~ firefighter, **or**
 31 **school resource officer**.

32 (B) The amount the police officer, ~~or~~ firefighter, **or school**
 33 **resource officer** would have contributed if the police officer,
 34 ~~or~~ firefighter, **or school resource officer** had been a member
 35 of the 1977 fund during the police officer's, ~~or~~ firefighter's, **or**
 36 **school resource officer's** prior service must be fully paid
 37 under an agreement that specifies how much the unit, ~~or the~~
 38 airport authority, **the school corporation, or the charter**
 39 **school** is to pay, if any, and how much the member is to pay,
 40 if any. Contributions must be paid in a lump sum or in
 41 installments as provided in clause (C). The amount of
 42 contributions must be based on the police officer's, ~~or~~



- 1 firefighter's, **or school resource officer's** actual salary earned
 2 during that period before service can be credited under this
 3 section.
- 4 (C) Any amortization schedule for contributions paid under
 5 clause (A) and contributions to be paid under clause (B) must
 6 include interest at a rate determined by the system board. The
 7 board shall determine the term of any amortization schedule
 8 authorized under clauses (A) and (B), not to exceed ten (10)
 9 years. The terms of the various amortization schedules
 10 authorized under clauses (A) and (B) may differ.
- 11 (3) For a member who will not accrue twenty (20) years of service
 12 credit in the 1977 fund by the time the member reaches the
 13 earliest retirement age under the fund at the time of the member's
 14 date of participation in the 1977 fund, credit for such prior service
 15 shall be given only if:
- 16 (A) The amount necessary to fund the member's prior service
 17 liability is contributed to the 1977 fund under an agreement
 18 that specifies how much the unit, ~~or~~ the airport authority, **the**
 19 **school corporation, or the charter school** is to contribute, if
 20 any, and how much the member is to contribute, if any.
 21 Contributions must be paid in a lump sum or in installments as
 22 provided in clause (C). The amount of contributions must be
 23 based on the actual salary earned by a first class patrolman or
 24 a first class firefighter at the time the unit, ~~or~~ the airport
 25 authority, **the school corporation, or the charter school**
 26 becomes a participant in the 1977 fund, or the police officer,
 27 ~~or~~ firefighter, **or school resource officer** becomes a member
 28 of the 1977 fund, or if no such salary designation exists, the
 29 actual salary earned by the police officer, ~~or~~ firefighter, **or**
 30 **school resource officer**. The limit on credit for prior service
 31 does not apply to a firefighter if the firefighter was a member
 32 of the 1937 fund or 1977 fund whose participation was
 33 terminated due to the creation of a new fire protection district
 34 under IC 36-8-11-5 and who subsequently became a member
 35 of the 1977 fund. A firefighter who was a member of or
 36 reentered the 1937 fund or 1977 fund whose participation was
 37 terminated due to the creation of a new fire protection district
 38 under IC 36-8-11-5 is entitled to full credit for prior service in
 39 an amount equal to the firefighter's years of service before
 40 becoming a member of or reentering the 1977 fund. Service
 41 may only be credited for time as a full-time, fully paid police
 42 officer, firefighter, ~~or~~ emergency medical technician under



1 section 7(g) of this chapter, **or school resource officer.**

2 (B) The amount the police officer, ~~or~~ firefighter, **or school**
 3 **resource officer** would have contributed if the police officer,
 4 ~~or~~ firefighter, **or school resource officer** had been a member
 5 of the 1977 fund during the police officer's, ~~or~~ firefighter's, **or**
 6 **school resource officer's** prior service must be fully paid
 7 under an agreement that specifies how much the unit, ~~or~~ the
 8 airport authority, **the school corporation, or the charter**
 9 **school** is to pay and how much the member is to pay.
 10 Contributions must be paid in a lump sum or in installments as
 11 provided in clause (C). The amount of contributions must be
 12 based on the police officer's, ~~or~~ firefighter's, **or school**
 13 **resource officer's** actual salary earned during that period
 14 before service can be credited under this section.

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

22 (4) If, at the time a unit, ~~or~~ an airport authority, **a school**
 23 **corporation, or a charter school** entered the 1977 fund, a fund
 24 member received the maximum prior service credit allowed by
 25 subdivision (3) and, at a later date, the earliest retirement age was
 26 lowered, the unit, ~~or~~ the airport authority, **the school**
 27 **corporation, or the charter school** or the fund member, or both,
 28 ~~the unit, or airport authority, and the fund member,~~ may
 29 contribute to the 1977 fund on the fund member's behalf an
 30 additional amount that is determined in the same manner as under
 31 subdivision (3) with respect to the additional prior service, if any,
 32 available as a result of the lower retirement age. If the additional
 33 amount described in this subdivision is paid in accordance with
 34 the requirements of subdivision (3), the fund member shall
 35 receive the additional service credit necessary for the fund
 36 member to retire at the lower earliest retirement age.

37 (c) This subsection applies to a unit that:

38 (1) becomes a participant in the 1977 fund under section 3(c) of
 39 this chapter; and

40 (2) is a fire protection district created under IC 36-8-11 that
 41 includes a township or a municipality that had a 1937 fund.

42 A firefighter who continues uninterrupted service with a unit covered



1 by this subsection and who participated in the township or municipality
 2 1937 fund is entitled to receive service credit for such service in the
 3 1977 fund. However, credit for such service is limited to the amount
 4 accrued by the firefighter in the 1937 fund or the amount necessary to
 5 allow the firefighter to accrue twenty (20) years of service credit in the
 6 1977 fund by the time the firefighter becomes fifty-two (52) years of
 7 age, whichever is less.

8 (d) A unit to which subsection (c) applies shall contribute into the
 9 1977 fund the amount necessary to fund the amount of past service
 10 determined in accordance with subsection (c), amortized over a period
 11 not to exceed ten (10) years with interest at a rate determined by the
 12 system board.

13 (e) If the township or municipality has accumulated money in its
 14 1937 fund, any amount accumulated that exceeds the present value of
 15 all projected future benefits from the 1937 plan shall be paid by the
 16 township or municipality to the unit for the sole purpose of making the
 17 contributions determined in subsection (d).

18 (f) To the extent permitted by the Internal Revenue Code and the
 19 applicable regulations, the 1977 fund may accept, on behalf of a fund
 20 member who is purchasing permissive service credit under this chapter,
 21 a rollover of a distribution from any of the following:

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

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

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

40 SECTION 12. IC 36-8-8-18.1, AS AMENDED BY P.L.170-2023,
 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 18.1. (a) As used in this section, "police officer"



1 includes a former full-time, fully paid:

- 2 (1) town marshal;
 3 (2) deputy town marshal;
 4 (3) conservancy district marshal; or
 5 (4) deputy conservancy district marshal;

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

8 (b) If a unit, ~~or~~ an airport authority, **a school corporation, or a**
 9 **charter school** becomes a participant in the 1977 fund and the unit, ~~or~~
 10 the airport authority, **the school corporation, or the charter school**
 11 previously covered police officers, firefighters, ~~or~~ emergency medical
 12 technicians, **or school resource officers** in PERF, or if the employees
 13 of the unit become members of the 1977 fund under section 7(g) of this
 14 chapter, the following provisions apply:

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

- 21 (A) creditable service;
 22 (B) the average of the annual compensation; and
 23 (C) the amount credited to the annuity savings account;

24 of the transferring member as of the day before the transfer under
 25 IC 5-10.2 and IC 5-10.3.

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

30 (3) The amount the unit, ~~or~~ the airport authority, **the school**
 31 **corporation, or the charter school** and the member must
 32 contribute to the 1977 fund under section 18 of this chapter, if any
 33 service credit is to be given under that section, will be reduced by
 34 the amounts transferred to the 1977 fund by the system board
 35 under subdivision (2).

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

41 (5) Credit for prior service in PERF of a member, other than as a
 42 police officer, a firefighter, ~~or~~ an emergency medical technician,



1 **or a school resource officer** remains in PERF and may not be
2 credited under the 1977 fund.

3 SECTION 13. IC 36-8-8-21.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2024]: **Sec. 21.5. (a) This section applies to a**
6 **school resource officer that becomes or remains a member of the**
7 **1977 fund under section 3(f) or 3(g) of this chapter.**

8 **(b) A school resource officer is a member of the 1977 fund if the**
9 **school resource officer:**

10 **(1) meets the age limitation under section 7(a) of this chapter;**

11 **(2) passes the baseline statewide physical and mental**
12 **examinations required under section 19 of this chapter; and**

13 **(3) meets the training requirements under IC 20-26-18.2-1.**

14 **(c) Credit for prior service of a school resource officer who**
15 **becomes a member of the 1977 fund under this section shall be**
16 **determined under section 18 or 18.1 of this chapter. No service**
17 **credit beyond that allowed under section 18 or 18.1 of this chapter**
18 **may be recognized under the 1977 fund.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 16, line 23, delete "without meeting" and insert "**if the school resource officer meets**".

Page 16, line 24, delete "if the school resource officer" and insert "**and**".

and when so amended that said bill do pass.

(Reference is to HB 1104 as introduced.)

BEHNING

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 8, delete "the governing body of a" and insert "**the local board described in subdivisions (1) through (4) that manages the fund established in the unit or the consolidated city in which the:**

(A) territory of the school corporation; or

(B) charter school;

is located. However, if more than one (1) local board is applicable under this subdivision, the governing body of the school corporation or the equivalent authority for the charter school that employs or contracts to employ the school resource officer may choose the applicable local board with respect to the school resource officer."

Page 8, delete lines 9 through 10.

Page 16, line 23, delete "officer" and insert "**officer:**

(1)".

Page 16, line 24, delete "chapter and" and insert "**chapter;**

(2) passes the baseline statewide physical and mental examinations required under section 19 of this chapter; and

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(3)".

and when so amended that said bill do pass.

(Reference is to HB 1104 as printed January 18, 2024.)

THOMPSON

Committee Vote: yeas 23, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1104, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1104 as printed January 25, 2024.)

RAATZ, Chairperson

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1104, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to EHB 1104 as printed February 16, 2024.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0

SENATE MOTION

Madam President: I move that Engrossed House Bill 1104 be amended to read as follows:

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Page 4, between lines 41 and 42, begin a new paragraph and insert:
"SECTION 3. IC 20-26-5-42.5, AS ADDED BY P.L.218-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 42.5. (a) Notwithstanding any other law or provision, a public school, including a charter school, or a state accredited nonpublic school may not conduct a training or drill for an employee of the school that includes as any part of the training or drill **sensory components or activities (as defined in IC 20-34-3-27) or the expelling of any type of projectile at the employee unless:**

(1) the school informs the employee of the use of **sensory components or activities (as defined in IC 20-34-3-27) or the use of projectiles** in the training or drill; and

(2) the employee provides the school with written consent to participate in training or a drill involving the use of **sensory components or activities (as defined in IC 20-34-3-27) or the use of projectiles.**

(b) Notwithstanding any other law or provision, a public school, charter school, or state accredited nonpublic school may not conduct or approve of any training or a drill for a student of the school that includes as any part of the training or drill the expelling of any type of projectile at a student."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1104 as printed February 23, 2024.)

HUNLEY

