

HOUSE BILL No. 1128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 10-11-2-30.5; IC 16-18-4-6.5; IC 21-17-5-4.5; IC 21-39-4-5.5; IC 36-2-13-9.5; IC 36-8-2.8.

Synopsis: Mental health assessment of law enforcement officers. Requires the law enforcement training board (board) to establish psychological fitness for duty policies, procedures, and standards for law enforcement officers (officers). Specifies certain topics and issues to be considered by the board when establishing psychological fitness for duty policies, procedures, and standards. Requires officers to undergo a psychological fitness for duty examination after one or more of the following events: (1) An officer's return from military deployment. (2) An officer's exposure to a bloodborne pathogen. (3) An officer's discharge of any firearm during a use of force incident. Requires certain persons and entities responsible for the hiring or appointment of officers to require a psychological fitness for duty evaluation for an officer after certain specified events.

Effective: Upon passage.

Jackson, Harris

January 7, 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. 1128

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 5-2-1-9, AS AMENDED BY P.L.86-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 9. (a) The board shall adopt in accordance
4 with IC 4-22-2 all necessary rules to carry out the provisions of this
5 chapter. The rules, which shall be adopted only after necessary and
6 proper investigation and inquiry by the board, shall include the
7 establishment of the following:

8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.

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

16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (B) Identification of human and sexual trafficking.
 2 (C) Communicating with traumatized persons.
 3 (D) Therapeutically appropriate investigative techniques.
 4 (E) Collaboration with federal law enforcement officials.
 5 (F) Rights of and protections afforded to victims.
 6 (G) Providing documentation that satisfies the Declaration of
 7 Law Enforcement Officer for Victim of Trafficking in Persons
 8 (Form I-914, Supplement B) requirements established under
 9 federal law.
 10 (H) The availability of community resources to assist human
 11 and sexual trafficking victims.
- 12 (b) A law enforcement officer appointed after July 5, 1972, and
 13 before July 1, 1993, may not enforce the laws or ordinances of the state
 14 or any political subdivision unless the officer has, within one (1) year
 15 from the date of appointment, successfully completed the minimum
 16 basic training requirements established under this chapter by the board.
 17 If a person fails to successfully complete the basic training
 18 requirements within one (1) year from the date of employment, the
 19 officer may not perform any of the duties of a law enforcement officer
 20 involving control or direction of members of the public or exercising
 21 the power of arrest until the officer has successfully completed the
 22 training requirements. This subsection does not apply to any law
 23 enforcement officer appointed before July 6, 1972, or after June 30,
 24 1993.
- 25 (c) Military leave or other authorized leave of absence from law
 26 enforcement duty during the first year of employment after July 6,
 27 1972, shall toll the running of the first year, which shall be calculated
 28 by the aggregate of the time before and after the leave, for the purposes
 29 of this chapter.
- 30 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 31 enforcement officer appointed to a law enforcement department or
 32 agency after June 30, 1993, may not:
- 33 (1) make an arrest;
 34 (2) conduct a search or a seizure of a person or property; or
 35 (3) carry a firearm;
- 36 unless the law enforcement officer successfully completes, at a board
 37 certified law enforcement academy or at a law enforcement training
 38 center under section 10.5 or 15.2 of this chapter, the basic training
 39 requirements established by the board under this chapter.
- 40 (e) This subsection does not apply to:
- 41 (1) a gaming agent employed as a law enforcement officer by the
 42 Indiana gaming commission; or



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

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

6 Before a law enforcement officer appointed after June 30, 1993,
7 completes the basic training requirements, the law enforcement officer
8 may exercise the police powers described in subsection (d) if the
9 officer successfully completes the pre-basic course established in
10 subsection (f). Successful completion of the pre-basic course authorizes
11 a law enforcement officer to exercise the police powers described in
12 subsection (d) for one (1) year after the date the law enforcement
13 officer is appointed.

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

16 (1) law enforcement officers;

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

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

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

31 (g) Subject to subsection (h), the board shall adopt rules under
32 IC 4-22-2 to establish a mandatory inservice training program for
33 police officers and police reserve officers (as described in
34 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
35 satisfactorily completed basic training and has been appointed to a law
36 enforcement department or agency on either a full-time or part-time
37 basis is not eligible for continued employment unless the officer
38 satisfactorily completes the mandatory inservice training requirements
39 established by rules adopted by the board. Inservice training must
40 include training in interacting with persons with mental illness,
41 addictive disorders, intellectual disabilities, autism, developmental
42 disabilities, and Alzheimer's disease or related senile dementia, to be



1 provided by persons approved by the secretary of family and social
2 services and the board, and training concerning human and sexual
3 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
4 The board may approve courses offered by other public or private
5 training entities, including postsecondary educational institutions, as
6 necessary in order to ensure the availability of an adequate number of
7 inservice training programs. The board may waive an officer's inservice
8 training requirements if the board determines that the officer's reason
9 for lacking the required amount of inservice training hours is due to
10 either an emergency situation or the unavailability of courses.

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

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

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

24 If the board does not satisfy the requirements of this subsection, the
25 modification or addition is void. This subsection does not authorize the
26 board to eliminate any inservice training subject matter required under
27 subsection (g).

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

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

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

36 (3) Law enforcement officers successfully completing the
37 requirements of the program are eligible for appointment only in
38 towns employing the town marshal system (IC 36-5-7) and having
39 not more than one (1) marshal and two (2) deputies.

40 (4) The limitation imposed by subdivision (3) does not apply to an
41 officer who has successfully completed the mandated basic
42 training program.



- 1 (5) The time limitations imposed by subsections (b) and (c) for
 2 completing the training are also applicable to the town marshal
 3 basic training program.
- 4 (6) The program must require training in interacting with
 5 individuals with autism.
- 6 (j) The board shall adopt rules under IC 4-22-2 to establish an
 7 executive training program. The executive training program must
 8 include training in the following areas:
- 9 (1) Liability.
 10 (2) Media relations.
 11 (3) Accounting and administration.
 12 (4) Discipline.
 13 (5) Department policy making.
 14 (6) Lawful use of force.
 15 (7) Department programs.
 16 (8) Emergency vehicle operation.
 17 (9) Cultural diversity.
- 18 (k) A police chief shall apply for admission to the executive training
 19 program within two (2) months of the date the police chief initially
 20 takes office. A police chief must successfully complete the executive
 21 training program within six (6) months of the date the police chief
 22 initially takes office. However, if space in the executive training
 23 program is not available at a time that will allow completion of the
 24 executive training program within six (6) months of the date the police
 25 chief initially takes office, the police chief must successfully complete
 26 the next available executive training program that is offered after the
 27 police chief initially takes office.
- 28 (l) A police chief who fails to comply with subsection (k) may not
 29 continue to serve as the police chief until completion of the executive
 30 training program. For the purposes of this subsection and subsection
 31 (k), "police chief" refers to:
- 32 (1) the police chief of any city;
 33 (2) the police chief of any town having a metropolitan police
 34 department; and
 35 (3) the chief of a consolidated law enforcement department
 36 established under IC 36-3-1-5.1.
- 37 A town marshal is not considered to be a police chief for these
 38 purposes, but a town marshal may enroll in the executive training
 39 program.
- 40 (m) A fire investigator in the division of fire and building safety
 41 appointed after December 31, 1993, is required to comply with the
 42 basic training standards established under this chapter.



1 (n) The board shall adopt rules under IC 4-22-2 to establish a
2 program to certify handgun safety courses, including courses offered
3 in the private sector, that meet standards approved by the board for
4 training probation officers in handgun safety as required by
5 IC 11-13-1-3.5(3).

6 (o) The board shall adopt rules under IC 4-22-2 to establish a
7 refresher course for an officer who:

8 (1) is hired by an Indiana law enforcement department or agency
9 as a law enforcement officer;

10 (2) has not been employed as a law enforcement officer for:

11 (A) at least two (2) years; and

12 (B) less than six (6) years before the officer is hired under
13 subdivision (1); and

14 (3) completed at any time a basic training course certified or
15 recognized by the board before the officer is hired under
16 subdivision (1).

17 (p) An officer to whom subsection (o) applies must successfully
18 complete the refresher course described in subsection (o) not later than
19 six (6) months after the officer's date of hire, or the officer loses the
20 officer's powers of:

21 (1) arrest;

22 (2) search; and

23 (3) seizure.

24 (q) The board shall adopt rules under IC 4-22-2 to establish a
25 refresher course for an officer who:

26 (1) is appointed by an Indiana law enforcement department or
27 agency as a reserve police officer; and

28 (2) has not worked as a reserve police officer for at least two (2)
29 years after:

30 (A) completing the pre-basic course; or

31 (B) leaving the individual's last appointment as a reserve
32 police officer.

33 An officer to whom this subsection applies must successfully complete
34 the refresher course established by the board in order to work as a
35 reserve police officer.

36 (r) This subsection applies to an individual who, at the time the
37 individual completes a board certified or recognized basic training
38 course, has not been appointed as a law enforcement officer by an
39 Indiana law enforcement department or agency. If the individual is not
40 employed as a law enforcement officer for at least two (2) years after
41 completing the basic training course, the individual must successfully
42 retake and complete the basic training course as set forth in subsection



1 (d).

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

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

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

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

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

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

18 (2) the agent successfully completes any other training courses
19 established by the Indiana gaming commission in conjunction
20 with the board.

21 (u) This subsection applies only to a securities enforcement officer
22 designated as a law enforcement officer by the securities
23 commissioner. A securities enforcement officer may exercise the police
24 powers described in subsection (d) if:

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

27 (2) the securities enforcement officer successfully completes any
28 other training courses established by the securities commissioner
29 in conjunction with the board.

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

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

35 (2) If the authorized size of the department or town marshal
36 system is more than ten (10) members but less than fifty-one (51)
37 members, the term refers to:

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

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

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



1 system is more than fifty (50) members, the term refers to:

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

3 (B) each position held by the members of the police
4 department or town marshal system in the next two (2) ranks
5 and pay grades immediately below the police chief or town
6 marshal.

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

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

12 (2) the officer successfully completes any other training courses
13 established by the department of correction in conjunction with
14 the board.

15 **(x) The board shall establish policies, procedures, and standards**
16 **designed to evaluate a law enforcement officer's psychological**
17 **fitness for duty after a return from military deployment, an**
18 **exposure to a bloodborne pathogen, or the discharge of any**
19 **firearm by a law enforcement officer during the course of a use of**
20 **force incident. Policies, procedures, and standards established**
21 **under this subsection must do the following:**

22 **(1) Establish policies and procedures concerning the ordering**
23 **of a psychological fitness for duty evaluation for a law**
24 **enforcement officer required to undergo an evaluation.**

25 **(2) Require consideration of the following when assessing a**
26 **law enforcement officer's psychological fitness for duty:**

27 **(A) The frequency and severity of personnel complaints**
28 **alleging excessive force, inappropriate verbal conduct, or**
29 **any conduct indicative of an inability to exercise**
30 **self-control or self-discipline.**

31 **(B) Abrupt and negative changes in customary behavior or**
32 **an inability to reliably perform any essential function of an**
33 **assigned position.**

34 **(C) Irrational verbal conduct or behaviors including**
35 **delusions or hallucinations.**

36 **(D) Suicidal statements, behaviors, or expressions of**
37 **mental instability.**

38 **(E) Unexplained fatigue, tiredness, or hyperactivity.**

39 **(F) Sudden weight gain or weight loss, or a diagnosis of a**
40 **life threatening eating disorder.**

41 **(G) Dramatic and negative changes in, or inattention to,**
42 **personal hygiene.**



- 1 **(H) Inappropriate or illegal use of alcohol, medications, or**
 2 **other drugs.**
 3 **(I) Memory lapses or losses.**
 4 **(J) Inappropriate impatience, impulsiveness, or loss of**
 5 **temper.**
 6 **(K) Any pattern of conduct suggesting:**
 7 **(i) an inability to defuse; or**
 8 **(ii) a desire to aggravate;**
 9 **a tense, volatile, or potentially violent situation.**
 10 **(L) Unexplained, inappropriate, or excessive tardiness or**
 11 **absenteeism.**
 12 **(M) Any other factor or combination of factors indicative**
 13 **of psychological distress as determined by the board or a**
 14 **mental health professional responsible for conducting a**
 15 **psychological fitness for duty evaluation.**
 16 **(3) Specify that all memoranda produced for or by a**
 17 **psychological fitness for duty evaluation are confidential.**
 18 **(4) Establish appropriate policies and procedures to ensure**
 19 **the secure storage and maintenance of all memoranda**
 20 **prepared for or by a psychological fitness for duty evaluation.**
 21 **(5) Specify education and credential prerequisites for mental**
 22 **health professionals responsible for performing a**
 23 **psychological fitness for duty evaluation under this**
 24 **subsection.**
 25 **(6) Prohibit the use of a psychological fitness for duty**
 26 **evaluation for:**
 27 **(A) the diagnosis of a suspected mental health illness or**
 28 **condition; or**
 29 **(B) any other purpose unrelated to the evaluation of a law**
 30 **enforcement officer's psychological fitness for duty.**
 31 **(7) Establish disciplinary policies and procedures for law**
 32 **enforcement officers who refuse to comply with a request to**
 33 **undergo a psychological fitness for duty evaluation when**
 34 **required under this subsection.**
 35 **(8) Establish policies and procedures that allow for the**
 36 **reasonable accommodation of a law enforcement officer who**
 37 **is:**
 38 **(A) not deemed psychologically fit for duty after**
 39 **undergoing a psychological fitness for duty evaluation; and**
 40 **(B) recommended for a return to normal duty:**
 41 **(i) by the person responsible for conducting the law**
 42 **enforcement officer's psychological fitness for duty**



- 1 evaluation; and
- 2 (ii) after the completion of a remedial or rehabilitative
- 3 regimen, if applicable.
- 4 (9) Establish policies and procedures that allow for the
- 5 termination of a law enforcement officer who:
- 6 (A) has been found to be psychologically unfit for duty
- 7 after completing a psychological fitness for duty
- 8 examination;
- 9 (B) is not recommended for a return to normal duty by the
- 10 person responsible for conducting the law enforcement
- 11 officer's psychological fitness for duty examination; and
- 12 (C) cannot be reasonably accommodated by a modified or
- 13 alternate form of employment.
- 14 (10) Establish any other policy, procedure, or standard
- 15 deemed necessary by the board in order to implement this
- 16 subsection.

17 The board shall implement this subsection not later than July 1,
 18 2021. The board shall adopt emergency rules in the manner
 19 provided under IC 4-22-2-37.1 in order to implement this
 20 subsection. An emergency rule adopted by the board under this
 21 subsection expires on the date the emergency rule is amended or
 22 repealed by a later rule adopted under IC 4-22-2-24 through
 23 IC 4-22-2-36 or July 1, 2022, whichever is earlier. The board shall
 24 adopt rules under IC 4-22-2 to implement this section not later
 25 than July 1, 2022.

26 SECTION 2. IC 10-11-2-30.5 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: Sec. 30.5. (a) The department shall
 29 require a police employee to undergo a psychological fitness for
 30 duty examination after one (1) or more of the following events:

- 31 (1) A return from military deployment.
- 32 (2) An exposure to a bloodborne pathogen.
- 33 (3) The discharge of any firearm by the police employee
- 34 during the course of a use of force incident.
- 35 (b) The psychological fitness for duty examination described
- 36 under subsection (a) must comply with the policies, procedures,
- 37 and standards established by the law enforcement training board
- 38 under IC 5-2-1-9(x).
- 39 (c) A police employee's participation in:
 - 40 (1) a wellness program, as described in section 30 of this
 - 41 chapter;
 - 42 (2) private counseling or therapy; or



1 **(3) a critical incident stress management service (as defined**
 2 **under IC 36-8-2.5);**
 3 **does not exempt a police employee from undergoing a**
 4 **psychological fitness for duty examination when required under**
 5 **subsection (a).**

6 SECTION 3. IC 16-18-4-6.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: **Sec. 6.5. (a) A police officer appointed by the**
 9 **governing board of a hospital must undergo a psychological fitness**
 10 **for duty examination after one (1) or more of the following events:**

- 11 **(1) A return from military deployment.**
 12 **(2) An exposure to a bloodborne pathogen.**
 13 **(3) The discharge of any firearm by the police officer during**
 14 **the course of a use of force incident.**

15 **(b) The psychological fitness for duty examination described**
 16 **under subsection (a) must comply with the policies, procedures,**
 17 **and standards established by the law enforcement training board**
 18 **under IC 5-2-1-9(x).**

19 **(c) A police officer's participation in:**

- 20 **(1) a public or private wellness program;**
 21 **(2) private counseling or therapy; or**
 22 **(3) a critical incident stress management service (as defined**
 23 **under IC 36-8-2.5);**

24 **does not exempt a police officer from undergoing a psychological**
 25 **fitness for duty examination when required under subsection (a).**

26 SECTION 4. IC 21-17-5-4.5 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: **Sec. 4.5. (a) A police officer appointed by the**
 29 **governing board of an educational institution as described under**
 30 **section 1 of this chapter must undergo a psychological fitness for**
 31 **duty examination after one (1) or more of the following events:**

- 32 **(1) A return from military deployment.**
 33 **(2) An exposure to a bloodborne pathogen.**
 34 **(3) The discharge of any firearm by the police officer during**
 35 **the course of a use of force incident.**

36 **(b) The psychological fitness for duty examination described**
 37 **under subsection (a) must comply with the policies, procedures,**
 38 **and standards created by the law enforcement training board**
 39 **under IC 5-2-1-9(x).**

40 **(c) A police officer's participation in:**

- 41 **(1) a public or private wellness program;**
 42 **(2) private counseling or therapy; or**



1 **(3) a critical incident stress management service (as defined**
 2 **under IC 36-8-2.5);**

3 **does not exempt a police officer from undergoing a psychological**
 4 **fitness for duty examination when required under subsection (a).**

5 SECTION 5. IC 21-39-4-5.5 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: **Sec. 5.5. (a) A police officer appointed under**
 8 **this chapter must undergo a psychological fitness for duty**
 9 **examination after one (1) or more of the following events:**

10 **(1) A return from military deployment.**

11 **(2) An exposure to a bloodborne pathogen.**

12 **(3) The discharge of any firearm by the police officer during**
 13 **the course of a use of force incident.**

14 **(b) The psychological fitness for duty examination described**
 15 **under subsection (a) must comply with the policies, procedures,**
 16 **and standards established by the law enforcement training board**
 17 **under IC 5-2-1-9(x).**

18 **(c) A police officer's participation in:**

19 **(1) a public or private wellness program;**

20 **(2) private counseling or therapy; or**

21 **(3) a critical incident stress management service (as defined**
 22 **under IC 36-8-2.5);**

23 **does not exempt a police officer from undergoing a psychological**
 24 **fitness for duty examination when required under subsection (a).**

25 SECTION 6. IC 36-2-13-9.5 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: **Sec. 9.5. (a) A sheriff, first or chief deputy**
 28 **sheriff (appointed under IC 36-2-16-4), or deputy sheriff**
 29 **(appointed under IC 36-2-16-4) must undergo a psychological**
 30 **fitness for duty examination after one (1) or more of the following**
 31 **events:**

32 **(1) A return from military deployment.**

33 **(2) An exposure to a bloodborne pathogen.**

34 **(3) The discharge of any firearm by the individual during the**
 35 **course of a use of force incident.**

36 **(b) The psychological fitness for duty examination described**
 37 **under subsection (a) must comply with the policies, procedures,**
 38 **and standards established by the law enforcement training board**
 39 **under IC 5-2-1-9(x).**

40 **(c) A sheriff's, first or chief deputy sheriff's, or deputy sheriff's**
 41 **participation in:**

42 **(1) a public or private wellness program;**



- 1 (2) private counseling or therapy; or
- 2 (3) a critical incident stress management service (as defined
- 3 under IC 36-8-2.5);
- 4 **does not exempt a sheriff, first or chief deputy sheriff, or deputy**
- 5 **sheriff, as applicable, from undergoing a psychological fitness for**
- 6 **duty examination when required under subsection (a).**

7 SECTION 7. IC 36-8-2.8 IS ADDED TO THE INDIANA CODE
 8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]:

10 **Chapter 2.8. Psychological Fitness for Duty Examinations**

11 **Sec. 1. As used in this chapter, "law enforcement officer" means**
 12 **an appointed officer or employee hired by and on the payroll of the**
 13 **state, any of the state's political subdivisions, or a public or private**
 14 **postsecondary educational institution whose board of trustees has**
 15 **established a police department under IC 21-17-5-2 or IC 21-39-4-2**
 16 **who is granted lawful authority to enforce all or some of the penal**
 17 **laws of the state of Indiana and who possesses, with respect to**
 18 **those laws, the power to effect arrests for offenses committed in the**
 19 **officer's or employee's presence.**

20 **Sec. 2. A law enforcement officer shall undergo a psychological**
 21 **fitness for duty examination after one (1) or more of the following**
 22 **events:**

- 23 (1) A return from military deployment.
- 24 (2) An exposure to a bloodborne pathogen.
- 25 (3) The discharge of any firearm by the law enforcement
- 26 officer during the course of a use of force incident.

27 **Sec. 3. The psychological fitness for duty examination described**
 28 **under section 2 of this chapter must comply with the policies,**
 29 **procedures, and standards established by the law enforcement**
 30 **training board under IC 5-2-1-9(x).**

31 **Sec. 4. A law enforcement officer's participation in:**

- 32 (1) a wellness program;
- 33 (2) private counseling or therapy; or
- 34 (3) a critical incident stress management service (as defined
- 35 under IC 36-8-2.5);

36 **does not exempt a law enforcement officer from undergoing a**
 37 **psychological fitness for duty examination when required under**
 38 **section 2 of this chapter.**

39 SECTION 8. An emergency is declared for this act.

