

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1198

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-10.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 10.5. STATE AND LOCAL PUBLIC SAFETY

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Indiana first responder" means an individual who:

- (1) is employed by; or**
- (2) serves as a volunteer for;**

a public safety agency and whose duties include responding rapidly to an emergency.

Sec. 3. "Law enforcement officer" means any of the following:

- (1) A state police officer, enforcement officer of the alcohol and tobacco commission, or conservation officer.**
- (2) A county, city, or town police officer.**
- (3) A police officer appointed by a state educational institution under IC 21-39-4 or school corporation under IC 20-26-16.**
- (4) A gaming agent under IC 4-33-4.5 or a gaming control officer under IC 4-33-20.**

Sec. 4. As used in this chapter, "PSAP" refers to a public safety answering point:

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- (1) that operates on a twenty-four (24) hour basis; and
- (2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.

Sec. 5. "Public safety agency" means a state or local:

- (1) law enforcement agency;
- (2) fire protection agency (including a volunteer fire department);
- (3) PSAP;
- (4) emergency management agency; or
- (5) correctional institution.

Sec. 6. "Public safety telecommunicator" means an individual who answers or dispatches 911 emergency calls on behalf of a public safety agency.

Chapter 2. Indiana First Responders

Sec. 1. The state of Indiana designates the following individuals to be Indiana first responders:

- (1) A law enforcement officer.
- (2) A firefighter, including a volunteer firefighter.
- (3) A corrections officer.
- (4) A public safety telecommunicator.
- (5) An emergency medical technician, emergency medical responder, or paramedic.
- (6) An individual performing emergency management services subject to the order or control of, or under a request of, the state or local government, including a volunteer health practitioner registered under IC 10-14-3.5.
- (7) Any individual serving in an employee or volunteer capacity for a public safety agency, whose duties include rapid emergency response.

Chapter 3. Effect

Sec. 1. The designation of an individual as an Indiana first responder under this article does not affect the individual's terms of employment or volunteer status, including:

- (1) assigned duties and responsibilities;
- (2) contract terms;
- (3) personnel classification;
- (4) merit or nonmerit employee status; or
- (5) eligibility or lack of eligibility for compensation, reimbursement, benefits, allowances, or worker's compensation.

SECTION 2. IC 16-31-6-1, AS AMENDED BY P.L.77-2012,



SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A certified emergency medical technician who provides emergency medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the emergency medical technician is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the emergency medical technician.

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

(c) Except as provided in subsections (a) and (b), a certified emergency medical technician or a licensed paramedic who provides emergency medical services is not liable for transporting any person to an appropriate health care facility when the emergency medical technician or the licensed paramedic makes a good faith judgment that the emergency patient or the emergency patient's primary caregiver lacks the capacity to make an informed decision about the patient's:

(1) safety; or

(2) need for medical attention;

and the emergency patient is reasonably likely to suffer disability or death without the medical intervention available at the facility.

SECTION 3. IC 34-30-2-68 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 68. IC 16-31-6-1 (Concerning ambulance attendants and certified emergency medical technicians who render emergency ambulance services **and certified emergency medical technicians or licensed paramedics who provide emergency medical services**).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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