



January 18, 2022

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## HOUSE BILL No. 1274

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DIGEST OF HB 1274 (Updated January 18, 2022 10:05 am - DI 140)

**Citations Affected:** IC 4-13.1; IC 5-14; IC 34-13; IC 34-30.

**Synopsis:** Volunteer cyber civilian corps. Establishes the Indiana cyber civilian corps program (program). Provides that the program includes civilian volunteers who have expertise in addressing cybersecurity incidents and may volunteer at the invitation of the office of technology (office) to provide rapid response assistance to a client in need of expert assistance during a recognition of a potential vulnerability that could lead to a cybersecurity incident. Requires the office to develop and administer the program. Provides that the work product of a cyber civilian corps volunteer or advisor, including any information voluntarily submitted to the volunteer or advisor, is exempt from disclosure. Provides that a cyber civilian corps volunteer or advisor is immune from tort liability for an injury to a person or damage to property that occurred while deployed and acting on behalf of the office if certain conditions are met.

**Effective:** July 1, 2022.

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### Judy, Frye R, Bartels, Morris

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January 10, 2022, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 18, 2022, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1274—LS 7071/DI 131





January 18, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## HOUSE BILL No. 1274

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 4-13.1-1-1.1 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2022]: **Sec. 1.1. "Advisory board" means the**  
4 **Indiana cyber civilian corps program advisory board established**  
5 **by IC 4-13.1-4-8.**

6 SECTION 2. IC 4-13.1-1-1.2 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2022]: **Sec. 1.2. "Client" means a:**  
9 (1) **state agency (as defined in IC 4-1-10-2);**  
10 (2) **political subdivision (as defined in IC 36-1-2-13); or**  
11 (3) **state educational institution (as defined in IC 21-7-13-32);**  
12 **that has requested and is using the rapid response assistance of the**  
13 **Indiana cyber civilian corps program under the direction of the**  
14 **office.**

15 SECTION 3. IC 4-13.1-1-1.4 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2022]: **Sec. 1.4. "Cyber civilian corps" means**

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1 the Indiana cyber civilian corps program established by  
 2 IC 4-13.1-4 in which a civilian volunteer who has expertise in  
 3 addressing cybersecurity incidents may volunteer at the invitation  
 4 of the office to provide rapid response assistance to a client in need  
 5 of expert assistance during a cybersecurity incident.

6 SECTION 4. IC 4-13.1-1-1.6 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2022]: **Sec. 1.6. "Cyber civilian corps**  
 9 **advisor" or "advisor" means an individual who has entered into a**  
 10 **volunteer agreement with the office to serve as a nondeployable**  
 11 **advisor in the Indiana cyber civilian corps program.**

12 SECTION 5. IC 4-13.1-1-1.7 IS ADDED TO THE INDIANA  
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2022]: **Sec. 1.7. "Cyber civilian corps**  
 15 **volunteer" means an individual who has entered into a volunteer**  
 16 **agreement with the office to serve as a deployable volunteer in the**  
 17 **Indiana cyber civilian corps program.**

18 SECTION 6. IC 4-13.1-1-4.5 IS ADDED TO THE INDIANA  
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2022]: **Sec. 4.5. "State police department"**  
 21 **refers to the state police department established by IC 10-11-2-4.**

22 SECTION 7. IC 4-13.1-1-6 IS ADDED TO THE INDIANA CODE  
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 24 1, 2022]: **Sec. 6. "Volunteer agreement" means a contract entered**  
 25 **into between the office and a cyber civilian corps volunteer or**  
 26 **cyber civilian corp advisor as described in IC 4-13.1-4-3.**

27 SECTION 8. IC 4-13.1-2-2, AS AMENDED BY P.L.134-2021,  
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2022]: **Sec. 2. (a) The office shall do the following:**

- 30 (1) Develop and maintain overall strategy and architecture for the  
 31 use of information technology in state government.
- 32 (2) Review state agency budget requests and proposed contracts  
 33 relating to information technology at the request of the budget  
 34 agency.
- 35 (3) Coordinate state information technology master planning.
- 36 (4) Maintain an inventory of significant information technology  
 37 resources and expenditures.
- 38 (5) Maintain a repository of cybersecurity incidents.
- 39 (6) Manage a computer gateway to carry out or facilitate public,  
 40 educational, and governmental functions.
- 41 (7) Provide technical staff support services for state agencies.
- 42 (8) Provide services that may be requested by the following:



- 1 (A) The judicial department of state government.  
 2 (B) The legislative department of state government.  
 3 (C) A state educational institution.  
 4 (D) A political subdivision (as defined in IC 36-1-2-13).  
 5 (E) A body corporate and politic created by statute.  
 6 (F) An entity created by the state.  
 7 (9) Monitor trends and advances in information technology.  
 8 (10) Review projects, architecture, security, staffing, and  
 9 expenditures.  
 10 (11) Develop and maintain policies, procedures, and guidelines  
 11 for the effective and secure use of information technology in state  
 12 government.  
 13 (12) Advise the state personnel department on guidelines for  
 14 information technology staff for state agencies.  
 15 (13) Conduct periodic management reviews of information  
 16 technology activities within state agencies upon request.  
 17 (14) Seek funding for technology services from the following:  
 18 (A) Grants.  
 19 (B) Federal sources.  
 20 (C) Gifts, donations, and bequests.  
 21 (D) Partnerships with other governmental entities or the  
 22 private sector.  
 23 (E) Appropriations.  
 24 (F) Any other source of funds.  
 25 (15) Perform other information technology related functions and  
 26 duties as directed by the governor.  
 27 **(16) Develop and administer the Indiana cyber civilian corps**  
 28 **program established by IC 4-13.1-4.**  
 29 (b) The office may adopt rules under IC 4-22-2 that are necessary  
 30 or appropriate in carrying out its powers and duties.  
 31 SECTION 9. IC 4-13.1-4 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2022]:  
 34 **Chapter 4. Indiana Cyber Civilian Corps Program**  
 35 **Sec. 1. (a) The Indiana cyber civilian corps program is**  
 36 **established.**  
 37 **(b) The office shall develop and administer the cyber civilian**  
 38 **corps.**  
 39 **Sec. 2. The office may invite and appoint an individual who has**  
 40 **expertise in addressing cybersecurity incidents to serve as a cyber**  
 41 **civilian corps volunteer or advisor for the purposes of establishing**  
 42 **and implementing the requirements described in this chapter.**



1           **Sec. 3. The office shall enter into a contract with any individual**  
2 **who chooses to accept an invitation from the office to serve as a**  
3 **cyber civilian corps volunteer or advisor and meets the qualifying**  
4 **criteria for the positions determined by the advisory board. The**  
5 **contract, at a minimum, must include the following provisions:**

6           **(1) Requirement that the cyber civilian corps volunteer or**  
7 **advisor maintain the confidentiality of information relating to**  
8 **a client.**

9           **(2) Protection from the disclosure of any confidential**  
10 **information acquired by the cyber civilian corps volunteer or**  
11 **advisor through participation in the cyber civilian corps.**

12           **(3) Requirement that the cyber civilian corps volunteer or**  
13 **advisor avoid any conflict of interest that may arise from a**  
14 **particular deployment or participation.**

15           **(4) Requirement that the cyber civilian corps volunteer or**  
16 **advisor comply with any existing office security policies and**  
17 **procedures regarding information technology resources.**

18           **(5) Requirement that the cyber civilian corps volunteer or**  
19 **advisor consent to any background screening considered**  
20 **appropriate by the office as described in section 4 of this**  
21 **chapter.**

22           **(6) Requirement that the cyber civilian corps volunteer or**  
23 **advisor attest that the cyber civilian corps volunteer or**  
24 **advisor meets any standards of expertise that may be**  
25 **established by the office.**

26           **Sec. 4. (a) When an individual accepts an invitation to serve as**  
27 **a cyber civilian corps volunteer or advisor as described in section**  
28 **3 of this chapter, the office shall request, at a minimum, that a**  
29 **national criminal history background check (as defined in**  
30 **IC 10-13-3-12) be performed on the individual.**

31           **(b) An individual who accepts an invitation to the cyber civilian**  
32 **corps shall give written consent in the volunteer agreement for the**  
33 **state police department to conduct the criminal history check**  
34 **required under this section. The office shall require the individual**  
35 **to submit the individual's fingerprints to the state police**  
36 **department and the Federal Bureau of Investigation for the**  
37 **criminal history check required under this section.**

38           **(c) The state police department shall perform a criminal history**  
39 **check as described in subsection (a) for all individuals who wish to**  
40 **participate as a cyber civilian corps volunteer or advisor. The**  
41 **office shall make the request on a form in a manner prescribed by**  
42 **the state police department.**



1 (d) The state police department shall conduct the criminal  
2 history check requested by the office in a reasonable time and  
3 provide a report of the results to the office. The report must  
4 indicate that the individual is cleared or not cleared to become a  
5 cyber civilian corps volunteer or advisor.

6 (e) If an individual is cleared to become a cyber civilian corps  
7 volunteer or advisor as described in subsection (d), any subsequent  
8 fingerprints of the individual submitted pursuant to this section  
9 shall be reviewed by the state police department and the state  
10 police department shall provide a report to the office that indicates  
11 if the individual is still cleared or is no longer cleared to continue  
12 as a part of the cyber civilian corps.

13 (f) If a criminal history check results in a previous criminal  
14 history, the individual may appeal to the advisory board for  
15 nondeployable cyber civilian corps advisor status.

16 (g) The cyber civilian corps volunteer or advisor may not  
17 engage in training until either the criminal background check or  
18 appeal regarding the criminal background check process has been  
19 completed.

20 Sec. 5. (a) A cyber civilian corps volunteer or advisor is not an  
21 agent, employee, or independent contractor of the state of Indiana  
22 for any purpose and has no authority to bind the state of Indiana  
23 with regard to third parties.

24 (b) The state of Indiana is not liable to a cyber civilian corps  
25 volunteer or advisor for personal injury or property damage  
26 suffered by the cyber civilian corps volunteer or advisor through  
27 participation in the cyber civilian corps.

28 Sec. 6. (a) The office and the state of Indiana are immune from  
29 tort liability for acts or omissions by a cyber civilian corps  
30 volunteer or advisor as provided in this chapter.

31 (b) A cyber civilian corps volunteer or advisor is immune from  
32 tort liability for an injury to a person or damage to property that  
33 occurred while deployed or participating and acting on behalf of  
34 the office if all of the following conditions are met:

35 (1) The cyber civilian corps volunteer or advisor is acting or  
36 reasonably believes that the volunteer or advisor is acting  
37 within the scope of the cyber civilian corps volunteer's or  
38 advisor's authority.

39 (2) The cyber civilian corps volunteer's or advisor's conduct  
40 does not amount to gross negligence or willful or wanton  
41 misconduct that is the proximate cause of the injury or  
42 damage.



1           **(3) The cyber civilian corps volunteer's or advisor's conduct**  
2           **is not a material breach of the volunteer agreement during**  
3           **that deployment or participation.**

4           **(c) If a claim is made or a civil action is commenced against a**  
5           **cyber civilian corps volunteer or advisor for injuries to a person or**  
6           **property caused by the negligence of the cyber civilian corps**  
7           **volunteer or advisor that occurred while in the course of the cyber**  
8           **civilian corps volunteer's or advisor's deployment or participation**  
9           **on behalf of the office and while acting within the scope of the**  
10           **cyber civilian corps volunteer's or advisor's authority, the office**  
11           **may:**

12           **(1) pay for, engage, or furnish services of an attorney to**  
13           **advise the cyber civilian corps volunteer or advisor as to the**  
14           **claim and may appear for and represent the cyber civilian**  
15           **volunteer or advisor in the action; or**

16           **(2) compromise, settle, and pay the claim before or after the**  
17           **commencement of a civil action.**

18           **(d) If a judgment for damages is awarded against a cyber**  
19           **civilian corps volunteer or advisor as a result of a civil action for**  
20           **personal injuries or property damage caused by the cyber civilian**  
21           **corps volunteer or advisor while in the course of the cyber civilian**  
22           **corps volunteer's or advisor's deployment or participation and**  
23           **while acting within the scope of the cyber civilian corps volunteer's**  
24           **or advisor's authority, the office may indemnify the cyber civilian**  
25           **corps volunteer or advisor or pay, settle, or compromise the**  
26           **judgment.**

27           **(e) If a criminal action is commenced against a cyber civilian**  
28           **corps volunteer or advisor as a result of the conduct of the cyber**  
29           **civilian corps volunteer or advisor in the course of the cyber**  
30           **civilian corps volunteer's or advisor's deployment or participation,**  
31           **the office may:**

32           **(1) pay for, engage, or furnish the services of an attorney to**  
33           **advise the cyber civilian corps volunteer or advisor as to the**  
34           **action; and**

35           **(2) appear for and represent the cyber civilian corps**  
36           **volunteer or advisor in the action;**

37           **if the cyber civilian corps volunteer or advisor had a reasonable**  
38           **basis for believing that the cyber civilian corps volunteer or**  
39           **advisor was acting within the scope of the cyber civilian corps**  
40           **volunteer's or advisor's authority at the time of the alleged**  
41           **conduct. A cyber civilian corps volunteer or advisor who has**  
42           **incurred legal expenses for conduct described in this subsection**





1 may obtain reimbursement for the expenses described in this  
2 section.

3 (f) This section does not impose liability on the office or the state  
4 of Indiana.

5 Sec. 7. (a) Upon the occurrence of:

6 (1) a cybersecurity incident, a client must notify the state  
7 police department; or

8 (2) a recognition of a potential vulnerability that could lead to  
9 a cybersecurity incident, a client may request the office to  
10 deploy at least one (1) cyber civilian corps volunteer to  
11 provide rapid response assistance to the client.

12 (b) The office may, at its discretion, initiate:

13 (1) the deployment of a cyber civilian corps volunteer; or

14 (2) the nondeployment of a cyber civilian corps advisor;

15 upon the recognition of a potential vulnerability that could lead to  
16 a cybersecurity incident at the request of the client.

17 (c) Acceptance of a deployment by a cyber civilian corps  
18 volunteer under this chapter must be made in writing. A cyber  
19 civilian corps volunteer may decline to accept deployment for any  
20 reason.

21 (d) To initiate the deployment of a cyber civilian corps  
22 volunteer, the office shall indicate in writing that the cyber civilian  
23 corps volunteer is authorized to provide assistance. A single  
24 writing may initiate the deployment of at least one (1) cyber  
25 civilian corps volunteer.

26 (e) The office shall maintain a writing initiating the deployment  
27 of a cyber civilian corps volunteer to provide assistance to a client  
28 for six (6) years from the time of deployment or for the time  
29 required under the office's record retention policies, whichever is  
30 longer.

31 (f) The deployment of a cyber civilian corps volunteer to provide  
32 assistance to a client must be for seven (7) days unless the writing  
33 initiating the deployment contains a different period.

34 (g) At the discretion of the office, the deployment of a cyber  
35 civilian corps volunteer may be extended in writing in the same  
36 manner as the initial deployment.

37 Sec. 8. (a) The Indiana cyber civilian corps program advisory  
38 board is established within the office.

39 (b) The advisory board is composed of the following:

40 (1) The adjutant general or the adjutant general's designee.

41 (2) The director of information technology services employed  
42 by a state agency or a political subdivision that is appointed



1 by the chief information officer or the director's designee.

2 (3) The superintendent of the state police department or the  
3 superintendent's designee.

4 (4) The director of the Indiana economic development  
5 corporation or the director's designee.

6 (5) A mayor or county commissioner appointed by the  
7 governor.

8 (c) The advisory board shall review and make recommendations  
9 to the office regarding the policies and procedures used by the  
10 office in implementing this chapter.

11 (d) The advisory board shall meet at least two (2) times a year.

12 (e) The advisory board shall review and make recommendations  
13 regarding individuals applying for the nondeployable advisor  
14 status.

15 **Sec. 9. (a) After consultation with the advisory board, the chief  
16 information officer shall do all of the following:**

17 (1) Approve the set of tools that the cyber civilian corps may  
18 use in response to a potential cybersecurity incident.

19 (2) Determine the standards of expertise necessary for an  
20 individual to become a member of the civilian cyber corps.

21 (3) Establish and maintain a formal process to track civilian  
22 cyber corps volunteer and advisor trainings and compliance  
23 with standards as determined by the office.

24 (b) After consultation with the advisory board, the office shall  
25 publish guidelines for the operation of the cyber civilian corps  
26 program. At a minimum, the published guidelines must include the  
27 following:

28 (1) An explanation of the standards the office will use to  
29 determine whether an individual may serve as a cyber civilian  
30 corps volunteer or advisor and an explanation of the process  
31 by which an individual may become a cyber civilian corps  
32 volunteer or advisor.

33 (2) An explanation of the requirements the office will impose  
34 when a client requests and receives the assistance of the cyber  
35 civilian corps.

36 (3) An explanation of the process by which the cyber civilian  
37 corps will select and prioritize who should receive assistance.

38 (c) The office may enter into a contract with a client as a  
39 condition to providing assistance through the cyber civilian corps.

40 (d) The office may provide appropriate training to individuals  
41 who wish to participate in the cyber civilian corps and to existing  
42 cyber civilian corps volunteers and advisors.



1           (e) The office may provide compensation for actual and  
2 necessary travel and subsistence expenses incurred by a cyber  
3 civilian corps volunteer on a deployment at the discretion of the  
4 office.

5           (f) The office may establish a fee schedule to those who wish to  
6 use the assistance of the cyber civilian corps. The office may recoup  
7 expenses through the fees but not generate a profit.

8           (g) Information voluntarily given to the cyber civilian corps  
9 command center or obtained under this chapter that would  
10 identify or provide as a means of identifying a person that may, as  
11 a result of disclosure of the information:

12           (1) cause the person or client to become a victim of a  
13 cybersecurity incident; or

14           (2) disclose a person's or client's cybersecurity plans or  
15 cybersecurity related practices, procedures, methods, results,  
16 organizational information system infrastructure, hardware,  
17 or software;

18 is exempt from disclosure under IC 5-14-3-4.

19           (h) The work product of a cyber civilian corps volunteer or  
20 advisor described in this chapter is exempt from disclosure under  
21 IC 5-14-3-4.

22           SECTION 10. IC 5-14-3-4, AS AMENDED BY P.L.197-2021,  
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2022]: Sec. 4. (a) The following public records are excepted  
25 from section 3 of this chapter and may not be disclosed by a public  
26 agency, unless access to the records is specifically required by a state  
27 or federal statute or is ordered by a court under the rules of discovery:

28           (1) Those declared confidential by state statute.

29           (2) Those declared confidential by rule adopted by a public  
30 agency under specific authority to classify public records as  
31 confidential granted to the public agency by statute.

32           (3) Those required to be kept confidential by federal law.

33           (4) Records containing trade secrets.

34           (5) Confidential financial information obtained, upon request,  
35 from a person. However, this does not include information that is  
36 filed with or received by a public agency pursuant to state statute.

37           (6) Information concerning research, including actual research  
38 documents, conducted under the auspices of a state educational  
39 institution, including information:

40           (A) concerning any negotiations made with respect to the  
41 research; and

42           (B) received from another party involved in the research.



- 1 (7) Grade transcripts and license examination scores obtained as  
 2 part of a licensure process.
- 3 (8) Those declared confidential by or under rules adopted by the  
 4 supreme court of Indiana.
- 5 (9) Patient medical records and charts created by a provider,  
 6 unless the patient gives written consent under IC 16-39 or as  
 7 provided under IC 16-41-8.
- 8 (10) Application information declared confidential by the Indiana  
 9 economic development corporation under IC 5-28.
- 10 (11) A photograph, a video recording, or an audio recording of an  
 11 autopsy, except as provided in IC 36-2-14-10.
- 12 (12) A Social Security number contained in the records of a  
 13 public agency.
- 14 (13) The following information that is part of a foreclosure action  
 15 subject to IC 32-30-10.5:
- 16 (A) Contact information for a debtor, as described in  
 17 IC 32-30-10.5-8(d)(1)(B).
- 18 (B) Any document submitted to the court as part of the debtor's  
 19 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 20 (14) The following information obtained from a call made to a  
 21 fraud hotline established under IC 36-1-8-8.5:
- 22 (A) The identity of any individual who makes a call to the  
 23 fraud hotline.
- 24 (B) A report, transcript, audio recording, or other information  
 25 concerning a call to the fraud hotline.
- 26 However, records described in this subdivision may be disclosed  
 27 to a law enforcement agency, a private university police  
 28 department, the attorney general, the inspector general, the state  
 29 examiner, or a prosecuting attorney.
- 30 (b) Except as otherwise provided by subsection (a), the following  
 31 public records shall be excepted from section 3 of this chapter at the  
 32 discretion of a public agency:
- 33 (1) Investigatory records of law enforcement agencies or private  
 34 university police departments. For purposes of this chapter, a law  
 35 enforcement recording is not an investigatory record. Law  
 36 enforcement agencies or private university police departments  
 37 may share investigatory records with a:
- 38 (A) person who advocates on behalf of a crime victim,  
 39 including a victim advocate (as defined in IC 35-37-6-3.5) or  
 40 a victim service provider (as defined in IC 35-37-6-5), for the  
 41 purposes of providing services to a victim or describing  
 42 services that may be available to a victim; and



- 1 (B) school corporation (as defined by IC 20-18-2-16(a)),  
 2 charter school (as defined by IC 20-24-1-4), or nonpublic  
 3 school (as defined by IC 20-18-2-12) for the purpose of  
 4 enhancing the safety or security of a student or a school  
 5 facility;  
 6 without the law enforcement agency or private university police  
 7 department losing its discretion to keep those records confidential  
 8 from other records requesters. However, certain law enforcement  
 9 records must be made available for inspection and copying as  
 10 provided in section 5 of this chapter.
- 11 (2) The work product of an attorney representing, pursuant to  
 12 state employment or an appointment by a public agency:
- 13 (A) a public agency;  
 14 (B) the state; or  
 15 (C) an individual.
- 16 (3) Test questions, scoring keys, and other examination data used  
 17 in administering a licensing examination, examination for  
 18 employment, or academic examination before the examination is  
 19 given or if it is to be given again.
- 20 (4) Scores of tests if the person is identified by name and has not  
 21 consented to the release of the person's scores.
- 22 (5) The following:
- 23 (A) Records relating to negotiations between:
- 24 (i) the Indiana economic development corporation;  
 25 (ii) the ports of Indiana;  
 26 (iii) the Indiana state department of agriculture;  
 27 (iv) the Indiana finance authority;  
 28 (v) an economic development commission;  
 29 (vi) the Indiana White River state park development  
 30 commission;  
 31 (vii) a local economic development organization that is a  
 32 nonprofit corporation established under state law whose  
 33 primary purpose is the promotion of industrial or business  
 34 development in Indiana, the retention or expansion of  
 35 Indiana businesses, or the development of entrepreneurial  
 36 activities in Indiana; or  
 37 (viii) a governing body of a political subdivision;  
 38 with industrial, research, or commercial prospects, if the  
 39 records are created while negotiations are in progress.  
 40 However, this clause does not apply to records regarding  
 41 research that is prohibited under IC 16-34.5-1-2 or any other  
 42 law.



- 1 (B) Notwithstanding clause (A), the terms of the final offer of  
2 public financial resources communicated by the Indiana  
3 economic development corporation, the ports of Indiana, the  
4 Indiana finance authority, an economic development  
5 commission, the Indiana White River state park development  
6 commission, or a governing body of a political subdivision to  
7 an industrial, a research, or a commercial prospect shall be  
8 available for inspection and copying under section 3 of this  
9 chapter after negotiations with that prospect have terminated.
- 10 (C) When disclosing a final offer under clause (B), the Indiana  
11 economic development corporation shall certify that the  
12 information being disclosed accurately and completely  
13 represents the terms of the final offer.
- 14 (D) Notwithstanding clause (A), an incentive agreement with  
15 an incentive recipient shall be available for inspection and  
16 copying under section 3 of this chapter after the date the  
17 incentive recipient and the Indiana economic development  
18 corporation execute the incentive agreement regardless of  
19 whether negotiations are in progress with the recipient after  
20 that date regarding a modification or extension of the incentive  
21 agreement.
- 22 (6) Records that are intra-agency or interagency advisory or  
23 deliberative material, including material developed by a private  
24 contractor under a contract with a public agency, that are  
25 expressions of opinion or are of a speculative nature, and that are  
26 communicated for the purpose of decision making.
- 27 (7) Diaries, journals, or other personal notes serving as the  
28 functional equivalent of a diary or journal.
- 29 (8) Personnel files of public employees and files of applicants for  
30 public employment, except for:
- 31 (A) the name, compensation, job title, business address,  
32 business telephone number, job description, education and  
33 training background, previous work experience, or dates of  
34 first and last employment of present or former officers or  
35 employees of the agency;
- 36 (B) information relating to the status of any formal charges  
37 against the employee; and
- 38 (C) the factual basis for a disciplinary action in which final  
39 action has been taken and that resulted in the employee being  
40 suspended, demoted, or discharged.
- 41 However, all personnel file information shall be made available  
42 to the affected employee or the employee's representative. This



- 1 subdivision does not apply to disclosure of personnel information  
 2 generally on all employees or for groups of employees without the  
 3 request being particularized by employee name.
- 4 (9) Minutes or records of hospital medical staff meetings.
- 5 (10) Administrative or technical information that would  
 6 jeopardize a record keeping system, voting system, voter  
 7 registration system, or security system.
- 8 (11) Computer programs, computer codes, computer filing  
 9 systems, and other software that are owned by the public agency  
 10 or entrusted to it and portions of electronic maps entrusted to a  
 11 public agency by a utility.
- 12 (12) Records specifically prepared for discussion or developed  
 13 during discussion in an executive session under IC 5-14-1.5-6.1.  
 14 However, this subdivision does not apply to that information  
 15 required to be available for inspection and copying under  
 16 subdivision (8).
- 17 (13) The work product of the legislative services agency under  
 18 personnel rules approved by the legislative council.
- 19 (14) The work product of individual members and the partisan  
 20 staffs of the general assembly.
- 21 (15) The identity of a donor of a gift made to a public agency if:  
 22 (A) the donor requires nondisclosure of the donor's identity as  
 23 a condition of making the gift; or  
 24 (B) after the gift is made, the donor or a member of the donor's  
 25 family requests nondisclosure.
- 26 (16) Library or archival records:  
 27 (A) which can be used to identify any library patron; or  
 28 (B) deposited with or acquired by a library upon a condition  
 29 that the records be disclosed only:  
 30 (i) to qualified researchers;  
 31 (ii) after the passing of a period of years that is specified in  
 32 the documents under which the deposit or acquisition is  
 33 made; or  
 34 (iii) after the death of persons specified at the time of the  
 35 acquisition or deposit.
- 36 However, nothing in this subdivision shall limit or affect contracts  
 37 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 38 (17) The identity of any person who contacts the bureau of motor  
 39 vehicles concerning the ability of a driver to operate a motor  
 40 vehicle safely and the medical records and evaluations made by  
 41 the bureau of motor vehicles staff or members of the driver  
 42 licensing medical advisory board regarding the ability of a driver



- 1 to operate a motor vehicle safely. However, upon written request  
 2 to the commissioner of the bureau of motor vehicles, the driver  
 3 must be given copies of the driver's medical records and  
 4 evaluations.
- 5 (18) School safety and security measures, plans, and systems,  
 6 including emergency preparedness plans developed under 511  
 7 IAC 6.1-2-2.5.
- 8 (19) A record or a part of a record, the public disclosure of which  
 9 would have a reasonable likelihood of threatening public safety  
 10 by exposing a vulnerability to terrorist attack. A record described  
 11 under this subdivision includes the following:
- 12 (A) A record assembled, prepared, or maintained to prevent,  
 13 mitigate, or respond to an act of terrorism under IC 35-47-12-1  
 14 (before its repeal), an act of agricultural terrorism under  
 15 IC 35-47-12-2 (before its repeal), or a felony terrorist offense  
 16 (as defined in IC 35-50-2-18).
  - 17 (B) Vulnerability assessments.
  - 18 (C) Risk planning documents.
  - 19 (D) Needs assessments.
  - 20 (E) Threat assessments.
  - 21 (F) Intelligence assessments.
  - 22 (G) Domestic preparedness strategies.
  - 23 (H) The location of community drinking water wells and  
 24 surface water intakes.
  - 25 (I) The emergency contact information of emergency  
 26 responders and volunteers.
  - 27 (J) Infrastructure records that disclose the configuration of  
 28 critical systems such as voting system and voter registration  
 29 system critical infrastructure, and communication, electrical,  
 30 ventilation, water, and wastewater systems.
  - 31 (K) Detailed drawings or specifications of structural elements,  
 32 floor plans, and operating, utility, or security systems, whether  
 33 in paper or electronic form, of any building or facility located  
 34 on an airport (as defined in IC 8-21-1-1) that is owned,  
 35 occupied, leased, or maintained by a public agency, or any part  
 36 of a law enforcement recording that captures information  
 37 about airport security procedures, areas, or systems. A record  
 38 described in this clause may not be released for public  
 39 inspection by any public agency without the prior approval of  
 40 the public agency that owns, occupies, leases, or maintains the  
 41 airport. Both of the following apply to the public agency that  
 42 owns, occupies, leases, or maintains the airport:





- 1 (i) The public agency is responsible for determining whether  
 2 the public disclosure of a record or a part of a record,  
 3 including a law enforcement recording, has a reasonable  
 4 likelihood of threatening public safety by exposing a  
 5 security procedure, area, system, or vulnerability to terrorist  
 6 attack.
- 7 (ii) The public agency must identify a record described  
 8 under item (i) and clearly mark the record as "confidential  
 9 and not subject to public disclosure under  
 10 IC 5-14-3-4(b)(19)(J) without approval of (insert name of  
 11 submitting public agency)". However, in the case of a law  
 12 enforcement recording, the public agency must clearly mark  
 13 the record as "confidential and not subject to public  
 14 disclosure under IC 5-14-3-4(b)(19)(K) without approval of  
 15 (insert name of the public agency that owns, occupies,  
 16 leases, or maintains the airport)".
- 17 (L) The home address, home telephone number, and  
 18 emergency contact information for any:
- 19 (i) emergency management worker (as defined in  
 20 IC 10-14-3-3);
- 21 (ii) public safety officer (as defined in IC 35-47-4.5-3);
- 22 (iii) emergency medical responder (as defined in  
 23 IC 16-18-2-109.8); or
- 24 (iv) advanced emergency medical technician (as defined in  
 25 IC 16-18-2-6.5).
- 26 This subdivision does not apply to a record or portion of a record  
 27 pertaining to a location or structure owned or protected by a  
 28 public agency in the event that an act of terrorism under  
 29 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism  
 30 under IC 35-47-12-2 (before its repeal), or a felony terrorist  
 31 offense (as defined in IC 35-50-2-18) has occurred at that location  
 32 or structure, unless release of the record or portion of the record  
 33 would have a reasonable likelihood of threatening public safety  
 34 by exposing a vulnerability of other locations or structures to  
 35 terrorist attack.
- 36 (20) The following personal information concerning a customer  
 37 of a municipally owned utility (as defined in IC 8-1-2-1):
- 38 (A) Telephone number.
- 39 (B) Address.
- 40 (C) Social Security number.
- 41 (21) The following personal information about a complainant  
 42 contained in records of a law enforcement agency:



- 1 (A) Telephone number.
- 2 (B) The complainant's address. However, if the complainant's
- 3 address is the location of the suspected crime, infraction,
- 4 accident, or complaint reported, the address shall be made
- 5 available for public inspection and copying.
- 6 (22) Notwithstanding subdivision (8)(A), the name,
- 7 compensation, job title, business address, business telephone
- 8 number, job description, education and training background,
- 9 previous work experience, or dates of first employment of a law
- 10 enforcement officer who is operating in an undercover capacity.
- 11 (23) Records requested by an offender, an agent, or a relative of
- 12 an offender that:
  - 13 (A) contain personal information relating to:
    - 14 (i) a correctional officer (as defined in IC 5-10-10-1.5);
    - 15 (ii) a probation officer;
    - 16 (iii) a community corrections officer;
    - 17 (iv) a law enforcement officer (as defined in
    - 18 IC 35-31.5-2-185);
    - 19 (v) a judge (as defined in IC 33-38-12-3);
    - 20 (vi) the victim of a crime; or
    - 21 (vii) a family member of a correctional officer, probation
    - 22 officer, community corrections officer, law enforcement
    - 23 officer (as defined in IC 35-31.5-2-185), judge (as defined
    - 24 in IC 33-38-12-3), or victim of a crime; or
  - 25 (B) concern or could affect the security of a jail or correctional
  - 26 facility.
- 27 For purposes of this subdivision, "agent" means a person who is
- 28 authorized by an offender to act on behalf of, or at the direction
- 29 of, the offender, and "relative" has the meaning set forth in
- 30 IC 35-42-2-1(b). However, the term "agent" does not include an
- 31 attorney in good standing admitted to the practice of law in
- 32 Indiana.
- 33 (24) Information concerning an individual less than eighteen (18)
- 34 years of age who participates in a conference, meeting, program,
- 35 or activity conducted or supervised by a state educational
- 36 institution, including the following information regarding the
- 37 individual or the individual's parent or guardian:
  - 38 (A) Name.
  - 39 (B) Address.
  - 40 (C) Telephone number.
  - 41 (D) Electronic mail account address.
- 42 (25) Criminal intelligence information.



- 1 (26) The following information contained in a report of unclaimed  
 2 property under IC 32-34-1.5-18 or in a claim for unclaimed  
 3 property under IC 32-34-1.5-48:
- 4 (A) Date of birth.
  - 5 (B) Driver's license number.
  - 6 (C) Taxpayer identification number.
  - 7 (D) Employer identification number.
  - 8 (E) Account number.
- 9 (27) Except as provided in subdivision (19) and sections 5.1 and  
 10 5.2 of this chapter, a law enforcement recording. However, before  
 11 disclosing the recording, the public agency must comply with the  
 12 obscuring requirements of sections 5.1 and 5.2 of this chapter, if  
 13 applicable.
- 14 (28) Records relating to negotiations between a state educational  
 15 institution and another entity concerning the establishment of a  
 16 collaborative relationship or venture to advance the research,  
 17 engagement, or educational mission of the state educational  
 18 institution, if the records are created while negotiations are in  
 19 progress. The terms of the final offer of public financial resources  
 20 communicated by the state educational institution to an industrial,  
 21 a research, or a commercial prospect shall be available for  
 22 inspection and copying under section 3 of this chapter after  
 23 negotiations with that prospect have terminated. However, this  
 24 subdivision does not apply to records regarding research  
 25 prohibited under IC 16-34.5-1-2 or any other law.
- 26 **(29) The work product of a cyber civilian corps volunteer or**  
 27 **cyber civilian corps advisor, including any information**  
 28 **voluntarily submitted to the volunteer or advisor as described**  
 29 **in IC 4-13.1-4-9.**
- 30 (c) Nothing contained in subsection (b) shall limit or affect the right  
 31 of a person to inspect and copy a public record required or directed to  
 32 be made by any statute or by any rule of a public agency.
  - 33 (d) Notwithstanding any other law, a public record that is classified  
 34 as confidential, other than a record concerning an adoption or patient  
 35 medical records, shall be made available for inspection and copying  
 36 seventy-five (75) years after the creation of that record.
  - 37 (e) Only the content of a public record may form the basis for the  
 38 adoption by any public agency of a rule or procedure creating an  
 39 exception from disclosure under this section.
  - 40 (f) Except as provided by law, a public agency may not adopt a rule  
 41 or procedure that creates an exception from disclosure under this  
 42 section based upon whether a public record is stored or accessed using



- 1 paper, electronic media, magnetic media, optical media, or other
- 2 information storage technology.
- 3 (g) Except as provided by law, a public agency may not adopt a rule
- 4 or procedure nor impose any costs or liabilities that impede or restrict
- 5 the reproduction or dissemination of any public record.
- 6 (h) Notwithstanding subsection (d) and section 7 of this chapter:
- 7 (1) public records subject to IC 5-15 may be destroyed only in
- 8 accordance with record retention schedules under IC 5-15; or
- 9 (2) public records not subject to IC 5-15 may be destroyed in the
- 10 ordinary course of business.
- 11 SECTION 11. IC 34-13-3-3, AS AMENDED BY P.L.166-2021,
- 12 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2022]: Sec. 3. (a) A governmental entity or an employee
- 14 acting within the scope of the employee's employment is not liable if
- 15 a loss results from the following:
- 16 (1) The natural condition of unimproved property.
- 17 (2) The condition of a reservoir, dam, canal, conduit, drain, or
- 18 similar structure when used by a person for a purpose that is not
- 19 foreseeable.
- 20 (3) The temporary condition of a public thoroughfare or extreme
- 21 sport area that results from weather.
- 22 (4) The condition of an unpaved road, trail, or footpath, the
- 23 purpose of which is to provide access to a recreation or scenic
- 24 area.
- 25 (5) The design, construction, control, operation, or normal
- 26 condition of an extreme sport area, if all entrances to the extreme
- 27 sport area are marked with:
- 28 (A) a set of rules governing the use of the extreme sport area;
- 29 (B) a warning concerning the hazards and dangers associated
- 30 with the use of the extreme sport area; and
- 31 (C) a statement that the extreme sport area may be used only
- 32 by persons operating extreme sport equipment.
- 33 This subdivision shall not be construed to relieve a governmental
- 34 entity from liability for the continuing duty to maintain extreme
- 35 sports areas in a reasonably safe condition.
- 36 (6) The initiation of a judicial or an administrative proceeding.
- 37 (7) The performance of a discretionary function; however, the
- 38 provision of medical or optical care as provided in IC 34-6-2-38
- 39 shall be considered as a ministerial act.
- 40 (8) The adoption and enforcement of or failure to adopt or
- 41 enforce:
- 42 (A) a law (including rules and regulations); or



- 1 (B) in the case of a public school or charter school, a policy;  
 2 unless the act of enforcement constitutes false arrest or false  
 3 imprisonment.
- 4 (9) An act or omission performed in good faith and without  
 5 malice under the apparent authority of a statute which is invalid  
 6 if the employee would not have been liable had the statute been  
 7 valid.
- 8 (10) The act or omission of anyone other than the governmental  
 9 entity or the governmental entity's employee.
- 10 (11) The issuance, denial, suspension, or revocation of, or failure  
 11 or refusal to issue, deny, suspend, or revoke any permit, license,  
 12 certificate, approval, order, or similar authorization, where the  
 13 authority is discretionary under the law.
- 14 (12) Failure to make an inspection, or making an inadequate or  
 15 negligent inspection, of any property, other than the property of  
 16 a governmental entity, to determine whether the property  
 17 complied with or violates any law or contains a hazard to health  
 18 or safety.
- 19 (13) Entry upon any property where the entry is expressly or  
 20 impliedly authorized by law.
- 21 (14) Misrepresentation if unintentional.
- 22 (15) Theft by another person of money in the employee's official  
 23 custody, unless the loss was sustained because of the employee's  
 24 own negligent or wrongful act or omission.
- 25 (16) Injury to the property of a person under the jurisdiction and  
 26 control of the department of correction if the person has not  
 27 exhausted the administrative remedies and procedures provided  
 28 by section 7 of this chapter.
- 29 (17) Injury to the person or property of a person under supervision  
 30 of a governmental entity and who is:
- 31 (A) on probation; or  
 32 (B) assigned to an alcohol and drug services program under  
 33 IC 12-23, a minimum security release program under  
 34 IC 11-10-8, a pretrial conditional release program under  
 35 IC 35-33-8, or a community corrections program under  
 36 IC 11-12.
- 37 (18) Design of a highway (as defined in IC 9-13-2-73), toll road  
 38 project (as defined in IC 8-15-2-4(4)), tollway (as defined in  
 39 IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the  
 40 claimed loss occurs at least twenty (20) years after the public  
 41 highway, toll road project, tollway, or project was designed or  
 42 substantially redesigned; except that this subdivision shall not be



- 1 construed to relieve a responsible governmental entity from the  
 2 continuing duty to provide and maintain public highways in a  
 3 reasonably safe condition.
- 4 (19) Development, adoption, implementation, operation,  
 5 maintenance, or use of an enhanced emergency communication  
 6 system.
- 7 (20) Injury to a student or a student's property by an employee of  
 8 a school corporation if the employee is acting reasonably under a:  
 9 (A) discipline policy adopted under IC 20-33-8-12; or  
 10 (B) restraint and seclusion plan adopted under IC 20-20-40-14.
- 11 (21) An act or omission performed in good faith under the  
 12 apparent authority of a court order described in IC 35-46-1-15.1  
 13 or IC 35-46-1-15.3 that is invalid, including an arrest or  
 14 imprisonment related to the enforcement of the court order, if the  
 15 governmental entity or employee would not have been liable had  
 16 the court order been valid.
- 17 (22) An act taken to investigate or remediate hazardous  
 18 substances, petroleum, or other pollutants associated with a  
 19 brownfield (as defined in IC 13-11-2-19.3) unless:  
 20 (A) the loss is a result of reckless conduct; or  
 21 (B) the governmental entity was responsible for the initial  
 22 placement of the hazardous substances, petroleum, or other  
 23 pollutants on the brownfield.
- 24 (23) The operation of an off-road vehicle (as defined in  
 25 IC 14-8-2-185) by a nongovernmental employee, or by a  
 26 governmental employee not acting within the scope of the  
 27 employment of the employee, on a public highway in a county  
 28 road system outside the corporate limits of a city or town, unless  
 29 the loss is the result of an act or omission amounting to:  
 30 (A) gross negligence;  
 31 (B) willful or wanton misconduct; or  
 32 (C) intentional misconduct.
- 33 This subdivision shall not be construed to relieve a governmental  
 34 entity from liability for the continuing duty to maintain highways  
 35 in a reasonably safe condition for the operation of motor vehicles  
 36 licensed by the bureau of motor vehicles for operation on public  
 37 highways.
- 38 (24) Any act or omission rendered in connection with a request,  
 39 investigation, assessment, or opinion provided under  
 40 IC 36-9-28.7.
- 41 **(25) Any act or omission rendered in connection with an**  
 42 **Indiana cyber civilian corps program deployment provided**



1           **under IC 4-13.1-4.**  
2           (b) This subsection applies to a cause of action that accrues during  
3 a period of a state disaster emergency declared under IC 10-14-3-12 to  
4 respond to COVID-19, if the state of disaster emergency was declared  
5 after February 29, 2020, and before April 1, 2022. A governmental  
6 entity or an employee acting within the scope of the employee's  
7 employment is not liable for an act or omission arising from COVID-19  
8 unless the act or omission constitutes gross negligence, willful or  
9 wanton misconduct, or intentional misrepresentation. If a claim  
10 described in this subsection is:  
11           (1) a claim for injury or death resulting from medical malpractice;  
12           and  
13           (2) not barred by the immunity provided under this subsection;  
14 the claimant is required to comply with all of the provisions of  
15 IC 34-18 (medical malpractice act).  
16           SECTION 12. IC 34-30-2-3.1 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2022]: **Sec. 3.1. IC 4-13.1-4-6 (Concerning**  
19 **acts or omissions of an Indiana cyber civilian corps program**  
20 **volunteer or advisor).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1274, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1274 as introduced.)

FRYE R

Committee Vote: Yeas 9, Nays 0

