

# HOUSE BILL No. 1314

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-1-2; IC 5-10-10-4; IC 36-8-3.

**Synopsis:** Police reserve officers. Provides that town police reserve officers are eligible for a line of duty death benefit from the special death benefit fund. Provides that, after December 31, 2016, a county, city, or town shall furnish without charge to a police reserve officer (officer) who is injured or contracts an illness in the course of or as the result of performing duties as an officer all necessary physician, surgical, hospital, and nursing services and supplies, and that this obligation supersedes any obligations that another medical insurance carrier has to pay the officer's medical expenses. Provides that, after December 31, 2016, a county, city, or town shall provide to an officer who is unable to pursue the officer's usual vocation as the result of an injury or illness occurring in the course of or as the result of the performance of duties as an officer a weekly amount equal to the Indiana minimum wage computed on the basis of a 40 hour work week for a maximum of 260 weeks. Provides that a county, city, or town may meet its obligations by purchasing policies of group insurance, establishing a plan of self-insurance, or participating in the medical treatment and burial expense provisions of the worker's compensation and occupational diseases law.

**Effective:** July 1, 2016.

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## Mayfield

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January 12, 2016, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1314

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 5-2-1-2, AS AMENDED BY P.L.115-2015,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 2. For the purposes of this chapter, and unless the  
4 context clearly denotes otherwise, the following definitions apply  
5 throughout this chapter:

6 (1) "Law enforcement officer" means an appointed officer or  
7 employee hired by and on the payroll of the state, any of the  
8 state's political subdivisions, or a public or private postsecondary  
9 educational institution whose board of trustees has established a  
10 police department under IC 21-17-5-2 or IC 21-39-4-2 who is  
11 granted lawful authority to enforce all or some of the penal laws  
12 of the state of Indiana and who possesses, with respect to those  
13 laws, the power to effect arrests for offenses committed in the  
14 officer's or employee's presence. However, the following are  
15 expressly excluded from the term "law enforcement officer" for  
16 the purposes of this chapter:

17 (A) A constable.



- 1 (B) A special officer whose powers and duties are described  
 2 in IC 36-8-3-7 or a special deputy whose powers and duties are  
 3 described in IC 36-8-10-10.6.
- 4 (C) A county police reserve officer who receives compensation  
 5 for lake patrol duties under ~~IC 36-8-3-20(f)(4)~~.  
 6 **IC 36-8-3-20(f)(3)**.
- 7 (D) A conservation reserve officer who receives compensation  
 8 for lake patrol duties under IC 14-9-8-27.
- 9 (E) An employee of the gaming commission whose powers  
 10 and duties are described in IC 4-32.2-9.
- 11 (F) A correctional police officer described in IC 11-8-9.
- 12 (2) "Board" means the law enforcement training board created by  
 13 this chapter.
- 14 (3) "Executive training program" means the police chief executive  
 15 training program developed by the board under section 9 of this  
 16 chapter.
- 17 (4) "Law enforcement training council" means one (1) of the  
 18 confederations of law enforcement agencies recognized by the  
 19 board and organized for the sole purpose of sharing training,  
 20 instructors, and related resources.
- 21 (5) "Training regarding the lawful use of force" includes  
 22 classroom and skills training in the proper application of hand to  
 23 hand defensive tactics, use of firearms, and other methods of:
- 24 (A) overcoming unlawful resistance; or  
 25 (B) countering other action that threatens the safety of the  
 26 public or a law enforcement officer.
- 27 (6) "Hiring or appointing authority" means:  
 28 (A) the chief executive officer, board, or other entity of a  
 29 police department or agency with authority to appoint and hire  
 30 law enforcement officers; or  
 31 (B) the governor, mayor, board, or other entity with the  
 32 authority to appoint a chief executive officer of a police  
 33 department or agency.
- 34 (7) "Crisis intervention team" refers to a local coalition with a  
 35 goal of improving the manner in which law enforcement and the  
 36 community respond to crisis situations in which an individual is  
 37 experiencing a mental health or addictive disorder crisis.
- 38 SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.62-2015,  
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2016]: Sec. 4. As used in this chapter, "public safety officer"  
 41 means any of the following:  
 42 (1) A state police officer.



- 1 (2) A county sheriff.  
 2 (3) A county police officer.  
 3 (4) A correctional officer.  
 4 (5) An excise police officer.  
 5 (6) A county police reserve officer.  
 6 (7) A city **or town** police reserve officer.  
 7 (8) A conservation enforcement officer.  
 8 (9) A town marshal.  
 9 (10) A deputy town marshal.  
 10 (11) A probation officer.  
 11 (12) A state educational institution police officer appointed under  
 12 IC 21-39-4.  
 13 (13) A police officer whose employer purchases coverage under  
 14 section 4.5 of this chapter.  
 15 (14) An emergency medical services provider (as defined in  
 16 IC 16-41-10-1) who is:  
 17 (A) employed by a political subdivision (as defined in  
 18 IC 36-1-2-13); and  
 19 (B) not eligible for a special death benefit under IC 36-8-6-20,  
 20 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.  
 21 (15) A firefighter who is employed by the fire department of a  
 22 state university.  
 23 (16) A firefighter whose employer purchases coverage under  
 24 section 4.5 of this chapter.  
 25 (17) A member of a consolidated law enforcement department  
 26 established under IC 36-3-1-5.1.  
 27 (18) A gaming agent of the Indiana gaming commission.  
 28 (19) A person who is:  
 29 (A) employed by a political subdivision (as defined in  
 30 IC 36-1-2-13); and  
 31 (B) appointed as a special deputy under IC 36-8-10-10.6.  
 32 (20) A school corporation police officer appointed under  
 33 IC 20-26-16.  
 34 (21) A gaming control officer of the Indiana gaming commission.  
 35 (22) An eligible chaplain who meets the requirements of section  
 36 4.7 of this chapter.  
 37 (23) A community corrections officer.  
 38 (24) An eligible emergency medical services provider who meets  
 39 the requirements of section 4.8 of this chapter.  
 40 SECTION 3. IC 36-8-3-20, AS AMENDED BY P.L.100-2015,  
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2016]: Sec. 20. (a) This section applies to counties and towns



- 1 as well as cities.
- 2 (b) A unit may provide by ordinance for any number of police  
3 reserve officers.
- 4 (c) Police reserve officers shall be appointed by the same authority  
5 that appoints regular members of the department.
- 6 (d) Police reserve officers may be designated by another name  
7 specified by ordinance.
- 8 (e) Police reserve officers may not be members of the regular police  
9 department but have all of the same police powers as regular members,  
10 except as limited by the rules of the department. Each department may  
11 adopt rules to limit the authority of police reserve officers.
- 12 (f) To the extent that money is appropriated for a purpose listed in  
13 this subsection, police reserve officers may receive any of the  
14 following:
- 15 (1) A uniform allowance.
- 16 (2) Compensation for time lost from other employment because  
17 of court appearances.
- 18 ~~(3) Insurance for life, accident, and sickness coverage.~~
- 19 ~~(4)~~ (3) In the case of county police reserve officers, compensation  
20 for lake patrol duties that the county sheriff assigns and approves  
21 for compensation.
- 22 (g) Police reserve officers are not eligible to participate in any  
23 pension program provided for regular members of the department.
- 24 (h) A police reserve officer may not be appointed until the officer  
25 has completed the training and probationary period specified by rules  
26 of the department.
- 27 (i) A police reserve officer appointed by the department after June  
28 30, 1993, may not:
- 29 (1) make an arrest;
- 30 (2) conduct a search or a seizure of a person or property; or
- 31 (3) carry a firearm;
- 32 unless the police reserve officer successfully completes a pre-basic  
33 course under IC 5-2-1-9(f).
- 34 ~~(j) A police reserve officer may be covered by the medical treatment  
35 and burial expense provisions of the worker's compensation law  
36 (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases  
37 law (IC 22-3-7). If compensability of the injury is an issue, the  
38 administrative procedures of IC 22-3-2 through IC 22-3-6 and  
39 IC 22-3-7 shall be used to determine the issue.~~
- 40 ~~(k)~~ (j) A police reserve officer carrying out lake patrol duties under  
41 this chapter is immune from liability under IC 34-30-12,  
42 notwithstanding the payment of compensation to the officer.



1           ⊕ (k) After June 30, 2015, a police reserve officer who has  
 2 satisfactorily completed pre-basic training and has been appointed to  
 3 a law enforcement department or agency on either a full-time or  
 4 part-time basis is not eligible for continued employment unless the  
 5 police reserve officer satisfactorily completes the mandatory inservice  
 6 training requirements established by rules adopted by the law  
 7 enforcement training board (created by IC 5-2-1-3). Inservice training  
 8 must include training in interacting with persons with mental illness,  
 9 addictive disorders, intellectual disabilities, autism, developmental  
 10 disabilities, and Alzheimer's disease or related senile dementia, to be  
 11 provided by persons approved by the secretary of family and social  
 12 services and the board. The inservice training must also concern human  
 13 and sexual trafficking and high risk missing persons (as defined in  
 14 IC 5-2-17-1). The board may approve courses offered by other public  
 15 or private training entities, including postsecondary educational  
 16 institutions, as necessary in order to ensure the availability of an  
 17 adequate number of inservice training programs. The board may waive  
 18 a police reserve officer's inservice training requirements if the board  
 19 determines that the police reserve officer's reason for lacking the  
 20 required amount of inservice training hours is due to either of the  
 21 following:

- 22           (1) An emergency situation.
- 23           (2) The unavailability of courses.

24           **(l) After December 31, 2016, a unit shall:**

25           **(1) provide the coverage specified in section 22 of this chapter;**  
 26           **and**  
 27           **(2) pay the amounts specified in section 23 of this chapter;**  
 28           **for a police reserve officer who is injured or contracts an illness in**  
 29           **the course of or as the result of performing duties as a police**  
 30           **reserve officer.**

31           **(m) A unit may purchase policies of group insurance or**  
 32           **establish a plan of self-insurance to meet its obligations under**  
 33           **section 22 or 23 of this chapter. The establishment of a**  
 34           **self-insurance program under section 22 or 23 of this chapter is**  
 35           **subject to the approval of the unit's fiscal body. Expenses incurred**  
 36           **for premiums for insurance or for other charges or expenses under**  
 37           **sections 22 and 23 of this chapter shall be paid out of the unit's**  
 38           **general fund in the same manner as other expenses of the unit are**  
 39           **paid.**

40           SECTION 4. IC 36-8-3-22 IS ADDED TO THE INDIANA CODE  
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 42 1, 2016]: **Sec. 22. (a) This section applies after December 31, 2016,**



1 to a police reserve officer who is injured or contracts an illness in  
 2 the course of or as the result of performing duties as a police  
 3 reserve officer.

4 (b) A unit shall furnish without charge to a police reserve officer  
 5 the physician, surgical, hospital, and nursing services and supplies  
 6 the physician or surgeon in charge determines is necessary,  
 7 including:

8 (1) medical and surgical care;

9 (2) medicines and laboratory, curative, and palliative agents  
 10 and means;

11 (3) x-ray, diagnostic, and therapeutic service, including during  
 12 a recovery period; and

13 (4) hospital and special nursing care, if the physician or  
 14 surgeon in charge considers it necessary for proper recovery.

15 (c) A unit that has paid for the care of a police reserve officer  
 16 under subsection (b) has a cause of action for reimbursement of the  
 17 amount paid under subsection (b) against any third party against  
 18 whom the police reserve officer has a cause of action for an injury  
 19 sustained because of, or an illness caused by, the third party. The  
 20 unit's cause of action is in addition to, and not in lieu of, a cause of  
 21 action of the police reserve officer against the third party.

22 (d) A unit's obligation under this section supersedes any  
 23 obligations that another medical insurance carrier has to pay the  
 24 police reserve officer's expenses.

25 (e) In addition to purchasing policies of group insurance or  
 26 establishing a plan of self-insurance under section 20(m) of this  
 27 chapter, a unit may meet its obligation under this section by  
 28 covering police reserve officers under the medical treatment and  
 29 burial expense provisions of the worker's compensation law  
 30 (IC 22-3-2 through IC 22-3-6) and the worker's occupational  
 31 diseases law (IC 22-3-7). If compensability of the injury is an issue,  
 32 the administrative procedures of IC 22-3-2 through IC 22-3-6 and  
 33 IC 22-3-7 shall be used to determine the issue.

34 SECTION 5. IC 36-8-3-23 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 36 1, 2016]: Sec. 23. (a) This section applies after December 31, 2016,  
 37 to a police reserve officer who is unable to pursue the officer's  
 38 usual vocation as the result of an injury or illness occurring in the  
 39 course of or as the result of the performance of duties as a police  
 40 reserve officer.

41 (b) A unit shall pay a police reserve officer a weekly amount  
 42 that may not be less than the Indiana minimum wage established



1 under IC 22-2-2 and computed on the basis of a forty (40) hour  
2 work week.

3 (c) A unit shall pay the police reserve officer the weekly amount  
4 described in subsection (b) for the lesser of:

5 (1) the period the police reserve officer is unable to pursue the  
6 officer's usual vocation; or

7 (2) two hundred sixty (260) weeks.

