

HOUSE BILL No. 1345

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 20-26-18.2-1.

Synopsis: Law enforcement and school resource officers. Requires law enforcement training on disproportionate minority contact and cultural diversity awareness. (Current law requires a course of study on cultural diversity awareness.) Requires that certain law enforcement training must be provided by licensed psychologists or social workers. Requires all the following: (1) That the mandatory law enforcement training on human and sexual trafficking must include the topic of identification of sexual exploitation of children. (2) That law enforcement training must include instruction on youth development, the impact of demographics and cultural influences on youth development, age appropriate interactions, conflict resolution and deescalation techniques, and alternatives to arrest. (3) That the mandatory inservice training for law enforcement officers must include two hours of refresher training on certain topics concerning youth. (4) That the town marshal basic training program must include training on interacting with youth. Establishes additional instruction topics required for school resource officer training.

Effective: July 1, 2016.

Lawson L, Mahan

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



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. 1345

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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.117-2015,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 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 **disproportionate**
4 **minority contact and** cultural diversity awareness, including
5 training on the U nonimmigrant visa created through the federal
6 Victims of Trafficking and Violence Protection Act of 2000 (P.L.
7 106-386) that must be required for each person accepted for
8 training at a law enforcement training school or academy. **The**
9 **course of study on disproportionate minority contact and**
10 **cultural diversity awareness study** must include an understanding
11 of cultural issues related to race, religion, gender, age, domestic
12 violence, national origin, and physical and mental disabilities.

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

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

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

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

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

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

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

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

34 to be provided by **persons a psychologist licensed under**
35 **IC 25-33 or a social worker licensed under IC 25-23.6 who is**
36 approved by the secretary of family and social services and the
37 board. The training must include an overview of the crisis
38 intervention teams.

39 (10) Minimum standards for a course of study on human and
40 sexual trafficking that must be required for each person accepted
41 for training at a law enforcement training school or academy and
42 for inservice training programs for law enforcement officers. The



- 1 course must cover the following topics:
- 2 (A) Examination of the human and sexual trafficking laws
- 3 (IC 35-42-3.5).
- 4 (B) Identification of:
- 5 (i) human and sexual trafficking; and
- 6 (ii) **sexual exploitation of children.**
- 7 (C) Communicating with traumatized persons.
- 8 (D) Therapeutically appropriate investigative techniques.
- 9 (E) Collaboration with federal law enforcement officials.
- 10 (F) Rights of and protections afforded to victims.
- 11 (G) Providing documentation that satisfies the Declaration of
- 12 Law Enforcement Officer for Victim of Trafficking in Persons
- 13 (Form I-914, Supplement B) requirements established under
- 14 federal law.
- 15 (H) The availability of community resources to assist human
- 16 and sexual trafficking victims.
- 17 **(11) Minimum standards for a course of study on youths,**
- 18 **including adolescents, that must be required for each person**
- 19 **accepted for training at a law enforcement training school or**
- 20 **academy for law enforcement officers. The course must cover**
- 21 **the following topics:**
- 22 **(A) Youth development, including normative,**
- 23 **compromised, and traumatized brain development.**
- 24 **(B) Impact of demographics and cultural influences on**
- 25 **youth development.**
- 26 **(C) Age appropriate interactions.**
- 27 **(D) Conflict resolution and deescalation techniques.**
- 28 **(E) Alternatives to arrest.**
- 29 (b) A law enforcement officer appointed after July 5, 1972, and
- 30 before July 1, 1993, may not enforce the laws or ordinances of the state
- 31 or any political subdivision unless the officer has, within one (1) year
- 32 from the date of appointment, successfully completed the minimum
- 33 basic training requirements established under this chapter by the board.
- 34 If a person fails to successfully complete the basic training
- 35 requirements within one (1) year from the date of employment, the
- 36 officer may not perform any of the duties of a law enforcement officer
- 37 involving control or direction of members of the public or exercising
- 38 the power of arrest until the officer has successfully completed the
- 39 training requirements. This subsection does not apply to any law
- 40 enforcement officer appointed before July 6, 1972, or after June 30,
- 41 1993.
- 42 (c) Military leave or other authorized leave of absence from law



1 enforcement duty during the first year of employment after July 6,
 2 1972, shall toll the running of the first year, which shall be calculated
 3 by the aggregate of the time before and after the leave, for the purposes
 4 of this chapter.

5 (d) Except as provided in subsections (e), (l), (r), and (s), a law
 6 enforcement officer appointed to a law enforcement department or
 7 agency after June 30, 1993, may not:

- 8 (1) make an arrest;
- 9 (2) conduct a search or a seizure of a person or property; or
- 10 (3) carry a firearm;

11 unless the law enforcement officer successfully completes, at a board
 12 certified law enforcement academy or at a law enforcement training
 13 center under section 10.5 or 15.2 of this chapter, the basic training
 14 requirements established by the board under this chapter.

15 (e) This subsection does not apply to:

- 16 (1) a gaming agent employed as a law enforcement officer by the
 17 Indiana gaming commission; or
- 18 (2) an:
 - 19 (A) attorney; or
 - 20 (B) investigator;

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

23 Before a law enforcement officer appointed after June 30, 1993,
 24 completes the basic training requirements, the law enforcement officer
 25 may exercise the police powers described in subsection (d) if the
 26 officer successfully completes the pre-basic course established in
 27 subsection (f). Successful completion of the pre-basic course authorizes
 28 a law enforcement officer to exercise the police powers described in
 29 subsection (d) for one (1) year after the date the law enforcement
 30 officer is appointed.

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

- 33 (1) law enforcement officers;
- 34 (2) police reserve officers (as described in IC 36-8-3-20); and
- 35 (3) conservation reserve officers (as described in IC 14-9-8-27);

36 regarding the subjects of arrest, search and seizure, the lawful use of
 37 force, interacting with individuals, **including youth**, with autism, and
 38 the operation of an emergency vehicle. The pre-basic course must be
 39 offered on a periodic basis throughout the year at regional sites
 40 statewide. The pre-basic course must consist of at least forty (40) hours
 41 of course work. The board may prepare the classroom part of the
 42 pre-basic course using available technology in conjunction with live



1 instruction. The board shall provide the course material, the instructors,
 2 and the facilities at the regional sites throughout the state that are used
 3 for the pre-basic course. In addition, the board may certify pre-basic
 4 courses that may be conducted by other public or private training
 5 entities, including postsecondary educational institutions.

6 (g) The board shall adopt rules under IC 4-22-2 to establish a
 7 mandatory inservice training program for police officers and police
 8 reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a
 9 law enforcement officer who has satisfactorily completed basic training
 10 and has been appointed to a law enforcement department or agency on
 11 either a full-time or part-time basis is not eligible for continued
 12 employment unless the officer satisfactorily completes the mandatory
 13 inservice training requirements established by rules adopted by the
 14 board. Inservice training must include:

- 15 (1) training in interacting with persons, **including youth**, with
 16 mental illness, addictive disorders, intellectual disabilities,
 17 autism, developmental disabilities, and Alzheimer's disease or
 18 related senile dementia to be provided by persons approved by the
 19 secretary of family and social services and the board; ~~and~~
 20 (2) training concerning human and sexual trafficking and high
 21 risk missing persons (as defined in IC 5-2-17-1); **and**
 22 (3) **two (2) hours of refresher training on the topics listed in**
 23 **subsection (a)(11)(A) through (a)(11)(E).**

24 The board may approve courses offered by other public or private
 25 training entities, including postsecondary educational institutions, as
 26 necessary in order to ensure the availability of an adequate number of
 27 inservice training programs. The board may waive an officer's inservice
 28 training requirements if the board determines that the officer's reason
 29 for lacking the required amount of inservice training hours is due to
 30 ~~either of the following:~~

- 31 ~~(1) an emergency situation or~~
 32 ~~(2) the unavailability of courses.~~

33 (h) The board shall also adopt rules establishing a town marshal
 34 basic training program, subject to the following:

- 35 (1) The program must require fewer hours of instruction and class
 36 attendance and fewer courses of study than are required for the
 37 mandated basic training program.
 38 (2) Certain parts of the course materials may be studied by a
 39 candidate at the candidate's home in order to fulfill requirements
 40 of the program.
 41 (3) Law enforcement officers successfully completing the
 42 requirements of the program are eligible for appointment only in



1 towns employing the town marshal system (IC 36-5-7) and having
2 not more than one (1) marshal and two (2) deputies.

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

6 (5) The time limitations imposed by subsections (b) and (c) for
7 completing the training are also applicable to the town marshal
8 basic training program.

9 (6) The program must require training in interacting with
10 individuals with autism.

11 **(7) The program must require training on interacting with**
12 **youth.**

13 (i) The board shall adopt rules under IC 4-22-2 to establish an
14 executive training program. The executive training program must
15 include training in the following areas:

- 16 (1) Liability.
- 17 (2) Media relations.
- 18 (3) Accounting and administration.
- 19 (4) Discipline.
- 20 (5) Department policy making.
- 21 (6) Lawful use of force.
- 22 (7) Department programs.
- 23 (8) Emergency vehicle operation.
- 24 (9) Cultural diversity.

25 (j) A police chief shall apply for admission to the executive training
26 program within two (2) months of the date the police chief initially
27 takes office. A police chief must successfully complete the executive
28 training program within six (6) months of the date the police chief
29 initially takes office. However, if space in the executive training
30 program is not available at a time that will allow completion of the
31 executive training program within six (6) months of the date the police
32 chief initially takes office, the police chief must successfully complete
33 the next available executive training program that is offered after the
34 police chief initially takes office.

35 (k) A police chief who fails to comply with subsection (j) may not
36 continue to serve as the police chief until completion of the executive
37 training program. For the purposes of this subsection and subsection
38 (j), "police chief" refers to:

- 39 (1) the police chief of any city;
- 40 (2) the police chief of any town having a metropolitan police
41 department; and
- 42 (3) the chief of a consolidated law enforcement department



1 established under IC 36-3-1-5.1.

2 A town marshal is not considered to be a police chief for these
3 purposes, but a town marshal may enroll in the executive training
4 program.

5 (l) A fire investigator in the division of fire and building safety
6 appointed after December 31, 1993, is required to comply with the
7 basic training standards established under this chapter.

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

13 (n) The board shall adopt rules under IC 4-22-2 to establish a
14 refresher course for an officer who:

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

17 (2) has not been employed as a law enforcement officer for at
18 least two (2) years and less than six (6) years before the officer is
19 hired under subdivision (1) due to the officer's resignation or
20 retirement; and

21 (3) completed at any time a basic training course certified by the
22 board before the officer is hired under subdivision (1).

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

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

27 (2) has not been employed as a law enforcement officer for at
28 least six (6) years and less than ten (10) years before the officer
29 is hired under subdivision (1) due to the officer's resignation or
30 retirement;

31 (3) is hired under subdivision (1) in an upper level policymaking
32 position; and

33 (4) completed at any time a basic training course certified by the
34 board before the officer is hired under subdivision (1).

35 A refresher course established under this subsection may not exceed
36 one hundred twenty (120) hours of course work. All credit hours
37 received for successfully completing the police chief executive training
38 program under subsection (i) shall be applied toward the refresher
39 course credit hour requirements.

40 (p) Subject to subsection (q), an officer to whom subsection (n) or
41 (o) applies must successfully complete the refresher course described
42 in subsection (n) or (o) not later than six (6) months after the officer's



1 date of hire, or the officer loses the officer's powers of:

- 2 (1) arrest;
 3 (2) search; and
 4 (3) seizure.

5 (q) A law enforcement officer who has worked as a law enforcement
 6 officer for less than twenty-five (25) years before being hired under
 7 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course
 8 described in subsection (n) or (o) and must repeat the full basic training
 9 course to regain law enforcement powers. However, a law enforcement
 10 officer who has worked as a law enforcement officer for at least
 11 twenty-five (25) years before being hired under subsection (n)(1) or
 12 (o)(1) and who otherwise satisfies the requirements of subsection (n)
 13 or (o) is not required to repeat the full basic training course to regain
 14 law enforcement power but shall attend the refresher course described
 15 in subsection (n) or (o) and the pre-basic training course established
 16 under subsection (f).

17 (r) This subsection applies only to a gaming agent employed as a
 18 law enforcement officer by the Indiana gaming commission. A gaming
 19 agent appointed after June 30, 2005, may exercise the police powers
 20 described in subsection (d) if:

- 21 (1) the agent successfully completes the pre-basic course
 22 established in subsection (f); and
 23 (2) the agent successfully completes any other training courses
 24 established by the Indiana gaming commission in conjunction
 25 with the board.

26 (s) This subsection applies only to a securities enforcement officer
 27 designated as a law enforcement officer by the securities
 28 commissioner. A securities enforcement officer may exercise the police
 29 powers described in subsection (d) if:

- 30 (1) the securities enforcement officer successfully completes the
 31 pre-basic course established in subsection (f); and
 32 (2) the securities enforcement officer successfully completes any
 33 other training courses established by the securities commissioner
 34 in conjunction with the board.

35 (t) As used in this section, "upper level policymaking position"
 36 refers to the following:

- 37 (1) If the authorized size of the department or town marshal
 38 system is not more than ten (10) members, the term refers to the
 39 position held by the police chief or town marshal.
 40 (2) If the authorized size of the department or town marshal
 41 system is more than ten (10) members but less than fifty-one (51)
 42 members, the term refers to:



- 1 (A) the position held by the police chief or town marshal; and
 2 (B) each position held by the members of the police
 3 department or town marshal system in the next rank and pay
 4 grade immediately below the police chief or town marshal.
 5 (3) If the authorized size of the department or town marshal
 6 system is more than fifty (50) members, the term refers to:
 7 (A) the position held by the police chief or town marshal; and
 8 (B) each position held by the members of the police
 9 department or town marshal system in the next two (2) ranks
 10 and pay grades immediately below the police chief or town
 11 marshal.
 12 (u) This subsection applies only to a correctional police officer
 13 employed by the department of correction. A correctional police officer
 14 may exercise the police powers described in subsection (d) if:
 15 (1) the officer successfully completes the pre-basic course
 16 described in subsection (f); and
 17 (2) the officer successfully completes any other training courses
 18 established by the department of correction in conjunction with
 19 the board.
 20 SECTION 2. IC 20-26-18.2-1, AS AMENDED BY P.L.30-2014,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "school resource
 23 officer" means an individual who:
 24 (1) has completed the training described in subsection (b);
 25 (2) is assigned to one (1) or more school corporations or charter
 26 schools to:
 27 (A) assist the school safety specialist with the development
 28 and implementation of the school safety plan as provided in
 29 section 2 of this chapter; and
 30 (B) carry out any additional responsibilities assigned to the
 31 school resource officer under the employment engagement,
 32 contract, or memorandum of understanding and to:
 33 (i) protect against outside threats to the physical safety of
 34 students;
 35 (ii) prevent unauthorized access to school property; and
 36 (iii) secure schools against violence and natural disasters;
 37 and
 38 (3) is:
 39 (A) employed by a law enforcement agency;
 40 (B) appointed as a police reserve officer (as described in
 41 IC 36-8-3-20) or as a special deputy (as described in
 42 IC 36-8-10-10.6) if the police reserve officer or special deputy:



- 1 (i) is subject to the direction of the sheriff or appointing law
 2 enforcement agency;
 3 (ii) is required to obey the rules and orders of the sheriff's
 4 department or appointing law enforcement agency;
 5 (iii) is required to complete all training required of regular
 6 full-time law enforcement officers employed by the sheriff's
 7 department or appointing law enforcement agency; and
 8 (iv) may be removed by the sheriff or appointing law
 9 enforcement agency at any time, with or without cause; or
 10 (C) a school corporation police officer appointed under
 11 IC 20-26-16-3.
- 12 (b) Before being appointed as a school resource officer, an
 13 individual must have:
- 14 (1) successfully completed the minimum training requirements
 15 established for law enforcement officers under IC 5-2-1-9; and
 16 (2) received at least forty (40) hours of school resource officer
 17 training through:
- 18 (A) the Indiana law enforcement training board established by
 19 IC 5-2-1-3;
 20 (B) the National Association of School Resource Officers; or
 21 (C) another school resource officer training program approved
 22 by the Indiana law enforcement training board.
- 23 (c) Training described in subsection (b)(2) must include:
- 24 (1) instruction regarding skills, tactics, and strategies necessary
 25 to address the special nature of:
- 26 (1) school campuses; and
 27 (2) school building security needs and characteristics; and
- 28 (2) instruction on all the following topics:
- 29 (A) School resource officer roles and responsibilities as
 30 defined by written school policy.
 31 (B) The differences between disciplinary infractions and
 32 criminal conduct.
 33 (C) The differences between administrative sanctions and
 34 criminal penalties.
 35 (D) Child and adolescent development.
 36 (E) Age appropriate interaction.
 37 (F) Age appropriate responses to disciplinary or criminal
 38 conduct.
 39 (G) Conflict resolution and deescalation techniques.
 40 (H) Identification of abuse and neglect.
 41 (I) Behaviors associated with abuse or neglect.
 42 (J) Resources available to victims of abuse and neglect.



- 1 **(K) Explanations of learning disabilities, emotional issues,**
- 2 **and behavioral disabilities.**
- 3 **(L) Legal protections available to students who receive**
- 4 **special education services.**
- 5 **(M) Bias free policing.**
- 6 **(N) Cultural sensitivity and awareness.**
- 7 **(O) Adverse consequences of criminal prosecution.**
- 8 **(P) Local youth services.**
- 9 **(Q) Mental health services.**

