



Reprinted
February 19, 2021

SENATE BILL No. 78

DIGEST OF SB 78 (Updated February 18, 2021 2:55 pm - DI 143)

Citations Affected: IC 5-14; IC 16-18.

Synopsis: Hospital police departments. Provides that a police officer of a hospital police department (department) has county wide territorial jurisdiction only while the hospital police officer is on duty and in the performance of or engaged in the officer's normal duties. Provides that the governing board of a hospital may limit the department's jurisdiction. Requires the department to notify certain entities if the governing board of the hospital has limited the department's jurisdiction. Requires the department to create an annual report regarding crime on hospital property. Provides public access to certain records created by the department. Provides certain conditions under which a department officer may take action regarding a crime in progress.

Effective: January 1, 2022.

Crider

January 5, 2021, read first time and referred to Committee on Homeland Security and Transportation.
February 9, 2021, amended, reported favorably — Do Pass.
February 18, 2021, read second time, amended, ordered engrossed.

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Reprinted
February 19, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 78

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 5-14-3-2.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2022]: **Sec. 2.3. (a) This section applies to a record of**
4 **a hospital police department of a for-profit or nonprofit hospital**
5 **licensed under IC 16-21-2 created or received on or after January**
6 **1, 2022, by the hospital police department.**
7 **(b) A record described in subsection (a) is a public record and**
8 **subject to this chapter to the extent the record:**
9 **(1) is created solely for a law enforcement purpose;**
10 **(2) relates to arrests or incarcerations for criminal offenses;**
11 **and**
12 **(3) is in compliance with federal, state, and local laws**
13 **including appropriate HIPAA compliance processes.**
14 **The name of a crime victim must be redacted, unless release of the**
15 **name is authorized by the crime victim.**
16 **(c) If a request for a hospital police department record of a**
17 **for-profit or nonprofit hospital licensed under IC 16-21-2 is denied**

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1 under section 3 of this chapter, a civil action may be filed under
 2 section 9 of this chapter and the court may assess a civil penalty
 3 under section 9.5 of this chapter.

4 (d) A hospital police department of a for-profit or nonprofit
 5 hospital licensed under IC 16-21-2 shall compile an annual report
 6 of any of the following crimes that may have occurred on the
 7 hospital grounds during the prior calendar year:

8 (1) Homicide (as defined in IC 35-42-1-1, IC 35-42-1-3,
 9 IC 35-42-1-4, IC 35-42-1-5).

10 (2) Sexual assault (as defined in IC 35-42-4-1, IC 35-42-4-3,
 11 IC 35-42-4-4, IC 35-42-4-5, IC 35-42-4-6, IC 35-42-4-7).

12 (3) Arson (as defined in IC 35-43-1-1).

13 (4) Robbery (as defined in IC 35-42-5-1).

14 (5) Burglary (as defined in IC 35-43-2-1).

15 (6) Battery (as defined in IC 35-42-2-1, IC 35-42-2-1.3,
 16 IC 35-42-2-1.5).

17 (7) Intimidation (as defined in IC 35-45-2-1).

18 (8) Theft (as defined in IC 35-43-4-2, IC 35-43-4-3).

19 (9) Criminal mischief (as defined in IC 35-43-1-2).

20 (e) A hospital police department of a for-profit or nonprofit
 21 hospital licensed under IC 16-21-2 shall compile and publicly post
 22 the annual report created under subsection (d) on the hospital's
 23 Internet web site by March 1 of the year following the year for
 24 which the annual report is compiled.

25 SECTION 2. IC 5-14-3-5, AS AMENDED BY P.L.217-2016,
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2022]: Sec. 5. (a) If a person is arrested or summoned
 28 for an offense, the following information shall be made available for
 29 inspection and copying:

30 (1) Information that identifies the person including the person's
 31 name, age, and address.

32 (2) Information concerning any charges on which the arrest or
 33 summons is based.

34 (3) Information relating to the circumstances of the arrest or the
 35 issuance of the summons, such as the:

36 (A) time and location of the arrest or the issuance of the
 37 summons;

38 (B) investigating or arresting officer (other than an undercover
 39 officer or agent); and

40 (C) investigating or arresting law enforcement agency.

41 (b) If a person is received in a jail or lock-up, the following
 42 information shall be made available for inspection and copying:



1 (1) Information that identifies the person including the person's
2 name, age, and address.

3 (2) Information concerning the reason for the person being placed
4 in the jail or lock-up, including the name of the person on whose
5 order the person is being held.

6 (3) The time and date that the person was received and the time
7 and date of the person's discharge or transfer.

8 (4) The amount of the person's bail or bond, if it has been fixed.

9 (c) This subsection does not apply to a private university police
10 department, which is governed instead by subsection (d), **or a hospital**
11 **police department of a hospital licensed under IC 16-21-2, which**
12 **is instead governed by subsection (e).** An agency shall maintain a
13 daily log or record that lists suspected crimes, accidents, or complaints,
14 and the following information shall be made available for inspection
15 and copying:

16 (1) The time, substance, and location of all complaints or requests
17 for assistance received by the agency.

18 (2) The time and nature of the agency's response to all complaints
19 or requests for assistance.

20 (3) If the incident involves an alleged crime or infraction:

21 (A) the time, date, and location of occurrence;

22 (B) the name and age of any victim, unless the victim is a
23 victim of a crime under IC 35-42-4 or IC 35-42-3.5;

24 (C) the factual circumstances surrounding the incident; and

25 (D) a general description of any injuries, property, or weapons
26 involved.

27 The information required in this subsection shall be made available for
28 inspection and copying in compliance with this chapter. The record
29 containing the information must be created not later than twenty-four
30 (24) hours after the suspected crime, accident, or complaint has been
31 reported to the agency.

32 (d) A private university police department shall make available for
33 inspection and copying:

34 (1) information created or received after July 1, 2016, that is
35 described in subsections (a) and (b); and

36 (2) information (including the daily log):

37 (A) created in compliance with; and

38 (B) to the extent that public access is required under;

39 20 U.S.C. 1092 and 34 CFR 668.

40 (e) **A hospital police department of a for-profit or nonprofit**
41 **hospital licensed under IC 16-21-2 shall make available for**
42 **inspection and copying information created or received on or after**



1 **January 1, 2022, that is described in subsections (a) and (b).**

2 **(e) (f)** This chapter does not affect IC 5-2-4, IC 10-13-3, or
3 IC 5-11-1-9.

4 SECTION 3. IC 16-18-4-7, AS AMENDED BY P.L.99-2017,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2022]: Sec. 7. (a) For purposes of this section, "property"
7 includes the physical plant of a hospital, the surrounding grounds,
8 **including any public roadway, sidewalk, or right-of-way which is**
9 **adjacent to or runs through the surrounding grounds**, and hospital
10 satellite offices and facilities **that are owned, operated, or affiliated**
11 **with a hospital licensed under IC 16-21-2.**

12 (b) ~~A hospital police officer appointed under this chapter may~~
13 ~~exercise the powers granted under this chapter only upon any property~~
14 ~~owned, leased, or occupied by the hospital. A hospital police officer~~
15 **has countywide territorial jurisdiction only while the police officer**
16 **is on duty and in the performance of or engaged in the police**
17 **officer's normal duties and functions under this chapter. A hospital**
18 **police officer does not have countywide territorial jurisdiction if**
19 **the governing board for the hospital adopts a resolution that limits**
20 **the territorial jurisdiction of its hospital police department to the**
21 **property.**

22 (c) **If the territorial jurisdiction of a hospital police department**
23 **is limited to the boundaries of the hospital's property, the**
24 **governing board of the hospital shall direct the hospital police chief**
25 **to notify:**

26 **(1) the Indiana hospital association;**

27 **(2) the superintendent of the state police department; and**

28 **(3) the:**

29 **(A) sheriff of the county where the hospital is located;**

30 **(B) chief of police for the consolidated city where the**
31 **hospital is located; or**

32 **(C) individuals specified in both clauses (A) and (B), if**
33 **applicable;**

34 **of the hospital police department's limited territorial jurisdiction.**
35 **Notice provided under this subsection must be in an electronic**
36 **format and specify the territorial boundaries of the hospital police**
37 **department.**

38 (d) **Beginning January 1, 2022, a hospital police department**
39 **with territorial jurisdiction that is limited to the boundaries of the**
40 **hospital's property must provide the notice described in subsection**
41 **(c) to the appropriate persons and entities set forth in subsection**
42 **(c) upon any change or increase in the territorial jurisdiction of the**



1 hospital police department due to amendment or rescission of a
2 resolution adopted under subsection (b).
3 (e) A hospital police officer may take action to stop a crime in
4 progress if the officer is:
5 (1) on duty and in the performance of or engaged in the police
6 officer's normal duties and functions under this chapter; and
7 (2) in uniform, or in uniform and in a marked police vehicle,
8 and:
9 (A) the crime is occurring on the property; or
10 (B) the officer encounters the crime while traveling to or
11 from another hospital facility owned or operated by the
12 same for-profit or nonprofit hospital licensed under
13 IC 16-21-2.
14 (f) Nothing in this section may be construed to authorize any
15 person who has not met the minimum basic training and
16 educational requirements adopted by the law enforcement training
17 board under IC 5-2-1-9 to act or function as a police officer.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 78, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2022]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2022]: **Sec. 2.3. (a) This section applies to a record of a hospital police department of a for-profit or nonprofit hospital licensed under IC 16-21-2 created or received on or after January 1, 2022, by the hospital police department.**

(b) A record described in subsection (a) is a public record and subject to this chapter to the extent the record:

- (1) is created solely for a law enforcement purpose;**
- (2) relates to arrests or incarcerations for criminal offenses;**
- and**
- (3) is in compliance with federal, state, and local laws including appropriate HIPAA compliance processes.**

The name of a crime victim must be redacted, unless release of the name is authorized by the crime victim.

(c) If a request for a hospital police department record of a for-profit or nonprofit hospital licensed under IC 16-21-2 is denied under section 3 of this chapter, a civil action may be filed under section 9 of this chapter and the court may assess a civil penalty under section 9.5 of this chapter.

SECTION 2. IC 5-14-3-5, AS AMENDED BY P.L.217-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: **Sec. 5. (a) If a person is arrested or summoned for an offense, the following information shall be made available for inspection and copying:**

- (1) Information that identifies the person including the person's name, age, and address.**
- (2) Information concerning any charges on which the arrest or summons is based.**
- (3) Information relating to the circumstances of the arrest or the issuance of the summons, such as the:**

(A) time and location of the arrest or the issuance of the

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summons;

(B) investigating or arresting officer (other than an undercover officer or agent); and

(C) investigating or arresting law enforcement agency.

(b) If a person is received in a jail or lock-up, the following information shall be made available for inspection and copying:

(1) Information that identifies the person including the person's name, age, and address.

(2) Information concerning the reason for the person being placed in the jail or lock-up, including the name of the person on whose order the person is being held.

(3) The time and date that the person was received and the time and date of the person's discharge or transfer.

(4) The amount of the person's bail or bond, if it has been fixed.

(c) This subsection does not apply to a private university police department, which is governed instead by subsection (d), **or a hospital police department, which is instead governed by subsection (e)**. An agency shall maintain a daily log or record that lists suspected crimes, accidents, or complaints, and the following information shall be made available for inspection and copying:

(1) The time, substance, and location of all complaints or requests for assistance received by the agency.

(2) The time and nature of the agency's response to all complaints or requests for assistance.

(3) If the incident involves an alleged crime or infraction:

(A) the time, date, and location of occurrence;

(B) the name and age of any victim, unless the victim is a victim of a crime under IC 35-42-4 or IC 35-42-3.5;

(C) the factual circumstances surrounding the incident; and

(D) a general description of any injuries, property, or weapons involved.

The information required in this subsection shall be made available for inspection and copying in compliance with this chapter. The record containing the information must be created not later than twenty-four (24) hours after the suspected crime, accident, or complaint has been reported to the agency.

(d) A private university police department shall make available for inspection and copying:

(1) information created or received after July 1, 2016, that is described in subsections (a) and (b); and

(2) information (including the daily log):

(A) created in compliance with; and



(B) to the extent that public access is required under;
20 U.S.C. 1092 and 34 CFR 668.

(e) A hospital police department of a for-profit or nonprofit hospital licensed under IC 16-21-2 shall make available for inspection and copying information created or received on or after January 1, 2022, that is described in subsections (a) and (b).

~~(e)~~ **(f)** This chapter does not affect IC 5-2-4, IC 10-13-3, or IC 5-11-1-9."

Page 1, line 4, after "grounds," insert "**including any public roadway, sidewalk, or right-of-way which is adjacent to or runs through the surrounding grounds,**".

Page 1, delete lines 9 through 12, and insert "**officer has statewide territorial jurisdiction only while the police officer is on duty and in the performance of or engaged in the police officer's normal duties and functions under this chapter. A hospital police officer does not have statewide territorial jurisdiction if the governing board for the hospital adopts a resolution that limits the territorial jurisdiction of its hospital police department to the property.**".

Page 1, line 14, delete "extends beyond" and insert "**is limited to**".

Page 1, line 15, delete "must" and insert "**shall direct the hospital police chief to**".

Page 2, line 7, delete "extended" and insert "**limited**".

Page 2, line 11, delete "July 1, 2021" and insert "**January 1, 2022**".

Page 2, line 12, delete "extends beyond" and insert "**is limited to**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 78 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 4, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 78 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(d) A hospital police department of a for-profit or nonprofit hospital licensed under IC 16-21-2 shall compile an annual report of any of the following crimes that may have occurred on the

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hospital grounds during the prior calendar year:

- (1) Homicide (as defined in IC 35-42-1-1, IC 35-42-1-3, IC 35-42-1-4, IC 35-42-1-5).
- (2) Sexual assault (as defined in IC 35-42-4-1, IC 35-42-4-3, IC 35-42-4-4, IC 35-42-4-5, IC 35-42-4-6, IC 35-42-4-7).
- (3) Arson (as defined in IC 35-43-1-1).
- (4) Robbery (as defined in IC 35-42-5-1).
- (5) Burglary (as defined in IC 35-43-2-1).
- (6) Battery (as defined in IC 35-42-2-1, IC 35-42-2-1.3, IC 35-42-2-1.5).
- (7) Intimidation (as defined in IC 35-45-2-1).
- (8) Theft (as defined in IC 35-43-4-2, IC 35-43-4-3).
- (9) Criminal mischief (as defined in IC 35-43-1-2).

(e) A hospital police department of a for-profit or nonprofit hospital licensed under IC 16-21-2 shall compile and publicly post the annual report created under subsection (d) on the hospital's Internet web site by March 1 of the year following the year for which the annual report is compiled."

Page 2, line 32, delete "department," and insert "department of a hospital licensed under IC 16-21-2,".

Page 3, line 30, delete "facilities." and insert "facilities that are owned, operated, or affiliated with a hospital licensed under IC 16-21-2.".

Page 3, line 34, delete "statewide" and insert "countywide".

Page 3, line 37, delete "statewide" and insert "countywide".

Page 4, between lines 21 and 22, begin a new paragraph and insert: "(e) A hospital police officer may take action to stop a crime in progress if the officer is:

- (1) on duty and in the performance of or engaged IN the police officer's normal duties and functions under this chapter; and
- (2) in uniform, or in uniform and in a marked police vehicle, and:
 - (A) the crime is occurring on the property; or
 - (B) the officer encounters the crime while traveling to or from another hospital facility owned or operated by the same for-profit or nonprofit hospital licensed under IC 16-21-2.".

Page 4, line 22, delete "(e)" and insert "(f)".

(Reference is to SB 78 as printed February 10, 2021.)

CRIDER

