

SENATE BILL No. 81

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9.

Synopsis: Training for investigators of sexual assault cases. Requires certain training for sexual assault investigators. Mandates that the law enforcement training board set specialized standards for training and investigating sexual assault cases involving adult victims.

Effective: July 1, 2021.

Crider

January 5, 2021, read first time and referred to Committee on Homeland Security and Transportation.



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. 81

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.86-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: 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 cultural diversity
4 awareness, including training on the U nonimmigrant visa created
5 through the federal Victims of Trafficking and Violence
6 Protection Act of 2000 (P.L. 106-386) that must be required for
7 each person accepted for training at a law enforcement training
8 school or academy. Cultural diversity awareness study must
9 include an understanding of cultural issues related to race,
10 religion, gender, age, domestic violence, national origin, and
11 physical and mental disabilities.
- 12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.
- 14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.
- 17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.
- 21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.
- 24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:
27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;
29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and
31 (C) persons with Alzheimer's disease or related senile
32 dementia;
- 33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.
- 36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:
41 (A) Examination of the human and sexual trafficking laws (IC
42 35-42-3.5).



- 1 (B) Identification of human and sexual trafficking.
 2 (C) Communicating with traumatized persons.
 3 (D) Therapeutically appropriate investigative techniques.
 4 (E) Collaboration with federal law enforcement officials.
 5 (F) Rights of and protections afforded to victims.
 6 (G) Providing documentation that satisfies the Declaration of
 7 Law Enforcement Officer for Victim of Trafficking in Persons
 8 (Form I-914, Supplement B) requirements established under
 9 federal law.
 10 (H) The availability of community resources to assist human
 11 and sexual trafficking victims.
- 12 **(11) Minimum standards for ongoing specialized, intensive,
 13 and integrative training for persons responsible for
 14 investigating sexual assault cases involving adult victims. This
 15 training must:**
- 16 **(A) be based on a victim centered, trauma informed
 17 approach to responding to sexual assault; and**
 18 **(B) include instruction on:**
- 19 **(i) the neurobiology of trauma and trauma informed
 20 interviewing;**
 21 **(ii) counseling; and**
 22 **(iii) investigative techniques.**
- 23 (b) A law enforcement officer appointed after July 5, 1972, and
 24 before July 1, 1993, may not enforce the laws or ordinances of the state
 25 or any political subdivision unless the officer has, within one (1) year
 26 from the date of appointment, successfully completed the minimum
 27 basic training requirements established under this chapter by the board.
 28 If a person fails to successfully complete the basic training
 29 requirements within one (1) year from the date of employment, the
 30 officer may not perform any of the duties of a law enforcement officer
 31 involving control or direction of members of the public or exercising
 32 the power of arrest until the officer has successfully completed the
 33 training requirements. This subsection does not apply to any law
 34 enforcement officer appointed before July 6, 1972, or after June 30,
 35 1993.
- 36 (c) Military leave or other authorized leave of absence from law
 37 enforcement duty during the first year of employment after July 6,
 38 1972, shall toll the running of the first year, which shall be calculated
 39 by the aggregate of the time before and after the leave, for the purposes
 40 of this chapter.
- 41 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 42 enforcement officer appointed to a law enforcement department or



1 agency after June 30, 1993, may not:

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

5 unless the law enforcement officer successfully completes, at a board
 6 certified law enforcement academy or at a law enforcement training
 7 center under section 10.5 or 15.2 of this chapter, the basic training
 8 requirements established by the board under this chapter.

9 (e) This subsection does not apply to:

- 10 (1) a gaming agent employed as a law enforcement officer by the
 11 Indiana gaming commission; or
 12 (2) an:
 13 (A) attorney; or
 14 (B) investigator;

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

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

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

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

30 regarding the subjects of arrest, search and seizure, the lawful use of
 31 force, interacting with individuals with autism, and the operation of an
 32 emergency vehicle. The pre-basic course must be offered on a periodic
 33 basis throughout the year at regional sites statewide. The pre-basic
 34 course must consist of at least forty (40) hours of course work. The
 35 board may prepare the classroom part of the pre-basic course using
 36 available technology in conjunction with live instruction. The board
 37 shall provide the course material, the instructors, and the facilities at
 38 the regional sites throughout the state that are used for the pre-basic
 39 course. In addition, the board may certify pre-basic courses that may be
 40 conducted by other public or private training entities, including
 41 postsecondary educational institutions.

42 (g) Subject to subsection (h), the board shall adopt rules under



1 IC 4-22-2 to establish a mandatory inservice training program for
2 police officers and police reserve officers (as described in
3 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
4 satisfactorily completed basic training and has been appointed to a law
5 enforcement department or agency on either a full-time or part-time
6 basis is not eligible for continued employment unless the officer
7 satisfactorily completes the mandatory inservice training requirements
8 established by rules adopted by the board. Inservice training must
9 include training in interacting with persons with mental illness,
10 addictive disorders, intellectual disabilities, autism, developmental
11 disabilities, and Alzheimer's disease or related senile dementia, to be
12 provided by persons approved by the secretary of family and social
13 services and the board, and training concerning human and sexual
14 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
15 The board may approve courses offered by other public or private
16 training entities, including postsecondary educational institutions, as
17 necessary in order to ensure the availability of an adequate number of
18 inservice training programs. The board may waive an officer's inservice
19 training requirements if the board determines that the officer's reason
20 for lacking the required amount of inservice training hours is due to
21 either an emergency situation or the unavailability of courses.

22 (h) This subsection applies only to a mandatory inservice training
23 program under subsection (g). Notwithstanding subsection (g), the
24 board may, without adopting rules under IC 4-22-2, modify the course
25 work of a training subject matter, modify the number of hours of
26 training required within a particular subject matter, or add a new
27 subject matter, if the board satisfies the following requirements:

28 (1) The board must conduct at least two (2) public meetings on
29 the proposed modification or addition.

30 (2) After approving the modification or addition at a public
31 meeting, the board must post notice of the modification or
32 addition on the Indiana law enforcement academy's Internet web
33 site at least thirty (30) days before the modification or addition
34 takes effect.

35 If the board does not satisfy the requirements of this subsection, the
36 modification or addition is void. This subsection does not authorize the
37 board to eliminate any inservice training subject matter required under
38 subsection (g).

39 (i) The board shall also adopt rules establishing a town marshal
40 basic training program, subject to the following:

41 (1) The program must require fewer hours of instruction and class
42 attendance and fewer courses of study than are required for the



- 1 mandated basic training program.
- 2 (2) Certain parts of the course materials may be studied by a
- 3 candidate at the candidate's home in order to fulfill requirements
- 4 of the program.
- 5 (3) Law enforcement officers successfully completing the
- 6 requirements of the program are eligible for appointment only in
- 7 towns employing the town marshal system (IC 36-5-7) and having
- 8 not more than one (1) marshal and two (2) deputies.
- 9 (4) The limitation imposed by subdivision (3) does not apply to an
- 10 officer who has successfully completed the mandated basic
- 11 training program.
- 12 (5) The time limitations imposed by subsections (b) and (c) for
- 13 completing the training are also applicable to the town marshal
- 14 basic training program.
- 15 (6) The program must require training in interacting with
- 16 individuals with autism.
- 17 (j) The board shall adopt rules under IC 4-22-2 to establish an
- 18 executive training program. The executive training program must
- 19 include training in the following areas:
- 20 (1) Liability.
- 21 (2) Media relations.
- 22 (3) Accounting and administration.
- 23 (4) Discipline.
- 24 (5) Department policy making.
- 25 (6) Lawful use of force.
- 26 (7) Department programs.
- 27 (8) Emergency vehicle operation.
- 28 (9) Cultural diversity.
- 29 (k) A police chief shall apply for admission to the executive training
- 30 program within two (2) months of the date the police chief initially
- 31 takes office. A police chief must successfully complete the executive
- 32 training program within six (6) months of the date the police chief
- 33 initially takes office. However, if space in the executive training
- 34 program is not available at a time that will allow completion of the
- 35 executive training program within six (6) months of the date the police
- 36 chief initially takes office, the police chief must successfully complete
- 37 the next available executive training program that is offered after the
- 38 police chief initially takes office.
- 39 (l) A police chief who fails to comply with subsection (k) may not
- 40 continue to serve as the police chief until completion of the executive
- 41 training program. For the purposes of this subsection and subsection
- 42 (k), "police chief" refers to:



- 1 (1) the police chief of any city;
 2 (2) the police chief of any town having a metropolitan police
 3 department; and
 4 (3) the chief of a consolidated law enforcement department
 5 established under IC 36-3-1-5.1.
- 6 A town marshal is not considered to be a police chief for these
 7 purposes, but a town marshal may enroll in the executive training
 8 program.
- 9 (m) A fire investigator in the division of fire and building safety
 10 appointed after December 31, 1993, is required to comply with the
 11 basic training standards established under this chapter.
- 12 (n) The board shall adopt rules under IC 4-22-2 to establish a
 13 program to certify handgun safety courses, including courses offered
 14 in the private sector, that meet standards approved by the board for
 15 training probation officers in handgun safety as required by
 16 IC 11-13-1-3.5(3).
- 17 (o) The board shall adopt rules under IC 4-22-2 to establish a
 18 refresher course for an officer who:
- 19 (1) is hired by an Indiana law enforcement department or agency
 20 as a law enforcement officer;
 21 (2) has not been employed as a law enforcement officer for:
 22 (A) at least two (2) years; and
 23 (B) less than six (6) years before the officer is hired under
 24 subdivision (1); and
 25 (3) completed at any time a basic training course certified or
 26 recognized by the board before the officer is hired under
 27 subdivision (1).
- 28 (p) An officer to whom subsection (o) applies must successfully
 29 complete the refresher course described in subsection (o) not later than
 30 six (6) months after the officer's date of hire, or the officer loses the
 31 officer's powers of:
- 32 (1) arrest;
 33 (2) search; and
 34 (3) seizure.
- 35 (q) The board shall adopt rules under IC 4-22-2 to establish a
 36 refresher course for an officer who:
- 37 (1) is appointed by an Indiana law enforcement department or
 38 agency as a reserve police officer; and
 39 (2) has not worked as a reserve police officer for at least two (2)
 40 years after:
 41 (A) completing the pre-basic course; or
 42 (B) leaving the individual's last appointment as a reserve



1 police officer.
 2 An officer to whom this subsection applies must successfully complete
 3 the refresher course established by the board in order to work as a
 4 reserve police officer.

5 (r) This subsection applies to an individual who, at the time the
 6 individual completes a board certified or recognized basic training
 7 course, has not been appointed as a law enforcement officer by an
 8 Indiana law enforcement department or agency. If the individual is not
 9 employed as a law enforcement officer for at least two (2) years after
 10 completing the basic training course, the individual must successfully
 11 retake and complete the basic training course as set forth in subsection
 12 (d).

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

- 15 (1) is appointed as a board certified instructor of law enforcement
 16 training; and
 17 (2) has not provided law enforcement training instruction for
 18 more than one (1) year after the date the individual's instructor
 19 certification expired.

20 An individual to whom this subsection applies must successfully
 21 complete the refresher course established by the board in order to
 22 renew the individual's instructor certification.

23 (t) This subsection applies only to a gaming agent employed as a
 24 law enforcement officer by the Indiana gaming commission. A gaming
 25 agent appointed after June 30, 2005, may exercise the police powers
 26 described in subsection (d) if:

- 27 (1) the agent successfully completes the pre-basic course
 28 established in subsection (f); and
 29 (2) the agent successfully completes any other training courses
 30 established by the Indiana gaming commission in conjunction
 31 with the board.

32 (u) This subsection applies only to a securities enforcement officer
 33 designated as a law enforcement officer by the securities
 34 commissioner. A securities enforcement officer may exercise the police
 35 powers described in subsection (d) if:

- 36 (1) the securities enforcement officer successfully completes the
 37 pre-basic course established in subsection (f); and
 38 (2) the securities enforcement officer successfully completes any
 39 other training courses established by the securities commissioner
 40 in conjunction with the board.

41 (v) As used in this section, "upper level policymaking position"
 42 refers to the following:



- 1 (1) If the authorized size of the department or town marshal
 2 system is not more than ten (10) members, the term refers to the
 3 position held by the police chief or town marshal.
 4 (2) If the authorized size of the department or town marshal
 5 system is more than ten (10) members but less than fifty-one (51)
 6 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 rank and pay
 10 grade immediately below the police chief or town marshal.
 11 (3) If the authorized size of the department or town marshal
 12 system is more than fifty (50) members, the term refers to:
 13 (A) the position held by the police chief or town marshal; and
 14 (B) each position held by the members of the police
 15 department or town marshal system in the next two (2) ranks
 16 and pay grades immediately below the police chief or town
 17 marshal.
 18 (w) This subsection applies only to a correctional police officer
 19 employed by the department of correction. A correctional police officer
 20 may exercise the police powers described in subsection (d) if:
 21 (1) the officer successfully completes the pre-basic course
 22 described in subsection (f); and
 23 (2) the officer successfully completes any other training courses
 24 established by the department of correction in conjunction with
 25 the board.
 26 **(x) This subsection applies only to the sexual assault training**
 27 **described in subsection (a)(11). The board shall:**
 28 **(1) in developing the sexual assault training, seek advice from**
 29 **the Indiana coalition to end sexual assault and human**
 30 **trafficking programs and experts on sexual assault and the**
 31 **neurobiology of trauma; and**
 32 **(2) develop the sexual assault training and begin offering the**
 33 **training not later than July 1, 2022.**
 34 **(y) A law enforcement officer who regularly investigates sexual**
 35 **assaults involving adult victims must complete the training**
 36 **requirements described in subsection (a)(11) within one (1) year of**
 37 **being assigned to regularly investigate sexual assaults involving**
 38 **adult victims.**

