

SENATE BILL No. 97

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8.

Synopsis: Residency of police officers and firefighters. Allows a city, town, or township to adopt an ordinance or resolution that allows a member of a police or fire department to reside within a county that is: (1) located outside Indiana and contiguous to the county in which the city, town, or township is located; or (2) any Indiana county, if the member resides within 25 miles from the nearest boundary of the city, town, or township where the police or fire department is located.

Effective: July 1, 2018.

Zakas

January 3, 2018, read first time and referred to Committee on Local Government.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 97

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

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

1 SECTION 1. IC 36-8-4-2, AS AMENDED BY P.L.65-2008,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2. (a) **Except as provided in subsections (b)**
4 **through (e)**, members of the police and fire departments must reside
5 in Indiana within:
6 (1) the county in which the city is located; or
7 (2) a county that is contiguous to the county in which the city is
8 located.
9 **(b) A city may adopt an ordinance that allows a member of a**
10 **police or fire department to reside within:**
11 **(1) a county located outside Indiana and contiguous to the**
12 **county in which the city is located; or**
13 **(2) any Indiana county, if the member resides not more than**
14 **twenty-five (25) miles from the nearest boundary of the city**
15 **where the police or fire department is located.**
16 ~~(b)~~ **(c)** In a consolidated city, a member who was residing outside
17 the county on January 1, 1975, is exempt from subsection (a).



1 ~~(e)~~ **(d)** A city with a population of less than seven thousand five
 2 hundred (7,500) may adopt an ordinance that requires a member of the
 3 city's police or fire department to comply with the following:

- 4 (1) Reside within the county in which the city is located.
 5 (2) Have adequate means of transportation into the city.
 6 ~~(3) Maintain in the member's residence telephone service with the~~
 7 ~~city.~~

8 ~~(d)~~ **(e)** This subsection applies to a city that:

- 9 (1) has a population of less than seven thousand five hundred
 10 (7,500); and
 11 (2) adopted an ordinance to establish the requirements described
 12 in this subsection before September 1, 1984.

13 A city may require, in addition to the requirements of subsection ~~(e)~~;
 14 **(d)**, that a member of the police or fire department reside within the
 15 city until the member has served in the department for five (5) years.

16 ~~(e)~~ **(f)** An ordinance ~~adopted under described in~~ subsection ~~(e)~~ **(d)**
 17 or ~~described in subsection (d)(2)~~ **(e)(2)** may not require a member of
 18 a city's police or fire department to reside within the county in which
 19 the city is located if the member resides outside the county on the date
 20 the ordinance is adopted.

21 SECTION 2. IC 36-8-4.5-4, AS ADDED BY P.L.65-2008,
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2018]: Sec. 4. **(a) Except as provided in subsection (b), a**
 24 **member of a town police or fire department must reside in Indiana**
 25 **within:**

- 26 (1) the county in which the town is located; or
 27 (2) a county that is contiguous to the county in which the town is
 28 located.

29 **(b) A town may adopt an ordinance that allows a member of a**
 30 **police or fire department to reside within:**

- 31 **(1) a county that is located outside Indiana and contiguous to**
 32 **the county in which the town is located; or**
 33 **(2) any Indiana county, if the member resides not more than**
 34 **twenty-five (25) miles from the nearest boundary of the town**
 35 **where the police or fire department is located.**

36 SECTION 3. IC 36-8-13.5-4, AS ADDED BY P.L.65-2008,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 4. **(a) Except as provided in subsection (b), a**
 39 **member of a township fire department must reside in Indiana within:**

- 40 (1) the county in which the township is located; or
 41 (2) a county that is contiguous to the county in which the
 42 township is located.



- 1 **(b) A township may adopt a resolution that allows a member of**
- 2 **a fire department to reside within:**
- 3 **(1) a county that is located outside Indiana and contiguous to**
- 4 **the county in which the township is located; or**
- 5 **(2) any Indiana county, if the member resides not more than**
- 6 **twenty-five (25) miles from the nearest boundary of the**
- 7 **township where the fire department is located.**

