

SENATE BILL No. 159

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-155.6; IC 36-8-3.

Synopsis: Reserve city and town police officers. Provides that after June 30, 2023, the number of police reserve officers that a law enforcement agency or department for a city or town may appoint may not exceed the greater of: (1) six police reserve officers; or (2) 40% of the number of law enforcement officers employed by the law enforcement agency or department who have met the basic training requirements established by the law enforcement training board (board). Provides that the board may revoke, suspend, modify, or restrict a document showing compliance and qualifications for a city or town police reserve officer who has committed misconduct. Provides that, after June 30, 2022, a police reserve officer appointed by a law enforcement agency or department for a city or town does not have police powers for purposes of employment outside the direct supervision of the law enforcement agency or department that appointed the police reserve officer unless: (1) the police reserve officer who previously served as a law enforcement officer has completed Tier I or Tier II basic training and remains compliant with inservice training requirements; or (2) an exigent circumstance exists that creates pressing health, safety, or law enforcement needs for the police reserve officer.

Effective: Upon passage; July 1, 2022.

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January 10, 2022, read first time and referred to Committee on Local Government.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 159

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 34-30-2-155.6 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2022]: **Sec. 155.6. IC 36-8-3-20.5 (Concerning**
- 4 **a good faith report of cause for revoking a police reserve officer's**
- 5 **document showing compliance with training requirements).**
- 6 SECTION 2. IC 36-8-3-20, AS AMENDED BY P.L.180-2017,
- 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 UPON PASSAGE]: Sec. 20. (a) **Except as provided in subsection (n),**
- 9 this section applies to counties and towns as well as cities.
- 10 (b) **Subject to subsection (n),** a unit may provide by ordinance for
- 11 any number of police reserve officers.
- 12 (c) Police reserve officers shall be appointed by the same authority
- 13 that appoints regular members of the department.
- 14 (d) Police reserve officers may be designated by another name
- 15 specified by ordinance.
- 16 (e) Police reserve officers may not be members of the regular police
- 17 department but have all of the same police powers as regular members,



1 except **as provided in subsection (o) or** as limited by the rules of the
2 department. Each department may adopt rules to limit the authority of
3 police reserve officers.

4 (f) To the extent that money is appropriated for a purpose listed in
5 this subsection, police reserve officers may receive any of the
6 following:

7 (1) A uniform allowance.

8 (2) Compensation for time lost from other employment because
9 of court appearances.

10 (3) In the case of county police reserve officers, compensation for
11 lake patrol duties that the county sheriff assigns and approves for
12 compensation.

13 (g) Police reserve officers are not eligible to participate in any
14 pension program provided for regular members of the department.

15 (h) A police reserve officer may not be appointed until the officer
16 has completed the training and probationary period specified by rules
17 of the department.

18 (i) A police reserve officer appointed by the department after June
19 30, 1993, may not:

20 (1) make an arrest;

21 (2) conduct a search or a seizure of a person or property; or

22 (3) carry a firearm;

23 unless the police reserve officer successfully completes a pre-basic
24 course under IC 5-2-1-9(f).

25 (j) A police reserve officer carrying out lake patrol duties under this
26 chapter is immune from liability under IC 34-30-12, notwithstanding
27 the payment of compensation to the officer.

28 (k) After June 30, 2015, a police reserve officer who has
29 satisfactorily completed pre-basic training and has been appointed to
30 a law enforcement department or agency on either a full-time or
31 part-time basis is not eligible for continued employment unless the
32 police reserve officer satisfactorily completes the mandatory inservice
33 training requirements established by rules adopted by the law
34 enforcement training board (created by IC 5-2-1-3). Inservice training
35 must include training in interacting with persons with mental illness,
36 addictive disorders, intellectual disabilities, autism, developmental
37 disabilities, and Alzheimer's disease or related senile dementia, to be
38 provided by persons approved by the secretary of family and social
39 services and the board. The inservice training must also concern human
40 and sexual trafficking and high risk missing persons (as defined in
41 IC 5-2-17-1). The board may approve courses offered by other public
42 or private training entities, including postsecondary educational



1 institutions, as necessary in order to ensure the availability of an
 2 adequate number of inservice training programs. The board may waive
 3 a police reserve officer's inservice training requirements if the board
 4 determines that the police reserve officer's reason for lacking the
 5 required amount of inservice training hours is due to either of the
 6 following:

- 7 (1) An emergency situation.
- 8 (2) The unavailability of courses.

9 (l) After December 31, 2017, a unit shall:

- 10 (1) provide the coverage specified in section 22 of this chapter;
- 11 and
- 12 (2) pay the amounts specified in section 23 of this chapter;

13 for a police reserve officer who is injured or contracts an illness in the
 14 course of or as the result of the performance of duties as a police
 15 reserve officer.

16 (m) A unit may purchase policies of group insurance or establish a
 17 plan of self-insurance to meet its obligations under section 22 or 23 of
 18 this chapter. The establishment of a self-insurance program under this
 19 subsection is subject to the approval of the unit's fiscal body. Expenses
 20 incurred for premiums for insurance or for other charges or expenses
 21 under sections 22 and 23 of this chapter shall be paid out of the unit's
 22 general fund in the same manner as other expenses of the unit are paid.

23 **(n) After June 30, 2023, the number of police reserve officers**
 24 **that a law enforcement agency or department for a city or town**
 25 **may appoint may not exceed the greater of:**

- 26 (1) **six (6) police reserve officers; or**
- 27 (2) **forty percent (40%) of the number of law enforcement**
 28 **officers employed by the law enforcement agency or**
 29 **department who have met the basic training requirements**
 30 **established by the Indiana law enforcement training board**
 31 **under IC 5-2-1-9.**

32 **(o) After June 30, 2022, a police reserve officer appointed by a**
 33 **law enforcement agency or department for a city or town may not**
 34 **be granted police powers for purposes of employment outside the**
 35 **direct supervision of the law enforcement agency or department**
 36 **unless:**

- 37 (1) **the police reserve officer previously served as a law**
 38 **enforcement officer who received Tier I or Tier II basic**
 39 **training certification under IC 5-2-1-9 and remains compliant**
 40 **with inservice training requirements under IC 5-2-1-9(g); or**
 41 (2) **an exigent circumstance exists that creates pressing health,**
 42 **safety, or law enforcement needs for the police reserve officer.**



1 SECTION 3. IC 36-8-3-20.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]: **Sec. 20.5. (a) As used in this section, "board" means the**
4 **law enforcement training board created by IC 5-2-1-3.**

5 **(b) As used in this section, "police reserve officer" means a**
6 **police reserve officer under section 20 of this chapter appointed by**
7 **a city or town police department or agency.**

8 **(c) The board may revoke, suspend, modify, or restrict a**
9 **document showing compliance and qualification issued by the**
10 **board, or any authority to act as a police reserve officer in Indiana,**
11 **for any of the following reasons:**

12 **(1) The police reserve officer has been convicted of:**

13 **(A) a felony; or**

14 **(B) a misdemeanor that would cause a reasonable person**
15 **to believe that the police reserve officer:**

16 **(i) is dangerous or violent; or**

17 **(ii) has a demonstrated propensity to violate the law.**

18 **(2) The police reserve officer has been found not guilty of a**
19 **felony by reason of mental disease or defect.**

20 **(3) The police reserve officer's document showing compliance**
21 **and qualification issued by the board, or by another person,**
22 **was issued in error or was issued on the basis of information**
23 **later determined to be false.**

24 **(d) If the chief executive officer or appointing authority**
25 **disciplines a police reserve officer for a violation described in**
26 **subsection (c), the chief executive officer or appointing authority**
27 **shall report the discipline to the executive director to determine**
28 **whether proceedings under this section are warranted. The chief**
29 **executive officer or the appointing authority shall report the**
30 **discipline within thirty (30) days after the imposition of the**
31 **discipline.**

32 **(e) A person who knows of cause for the revocation of a police**
33 **reserve officer's document showing compliance and qualification**
34 **shall inform the police reserve officer's appointing authority or the**
35 **executive director. A person who makes a good faith report of**
36 **cause for revocation of a police reserve officer's document showing**
37 **compliance and qualification is immune from civil liability.**

38 **(f) If the chief executive officer or appointing authority receives**
39 **a report of cause for revocation concerning a police reserve officer**
40 **within the chief executive officer's agency, the chief executive**
41 **officer shall:**

42 **(1) cause the internal affairs division (or a similar unit) of the**



1 agency to investigate the report without unnecessary delay; or
2 (2) request that the investigation be conducted by a law
3 enforcement agency other than the law enforcement agency
4 to which the subject of the investigation belongs.

5 The chief executive officer or appointing authority shall report any
6 finding and order for discipline for a cause described in subsection
7 (c) with regard to a police reserve officer to the executive director.

8 (g) If the executive director receives a report or otherwise learns
9 of cause for revocation of a document showing compliance and
10 qualification concerning a police reserve officer, the board shall
11 consider the report and direct the subject police reserve officer's
12 chief executive officer or appointing authority to conduct an
13 investigation. The chief executive officer or appointing authority
14 shall cause an investigation to be conducted by an appropriate
15 investigative agency without unnecessary delay.

16 (h) When a chief executive officer or appointing authority
17 completes an investigation of cause for revocation under this
18 section, a chief executive officer or appointing authority shall
19 forward a complete report of the investigation, findings, and
20 recommendations, if any, to the executive director. The chief
21 executive officer or appointing authority shall also forward to the
22 executive director a description of any administrative or
23 disciplinary action taken as a result of the investigation not later
24 than sixty (60) days after the chief executive officer or appointing
25 authority takes administrative or disciplinary action.

26 (i) Upon receipt of a final report of an investigation under this
27 section, the executive director shall review and make
28 recommendations to the board. The board may revoke
29 qualifications obtained by the police reserve officer. The board
30 shall include on the Internet web site of the Indiana law
31 enforcement academy the name of any police reserve officer whose
32 qualifications have been revoked.

33 (j) Nothing in this section shall be construed as limiting or
34 affecting the authority of an appointing authority to discipline a
35 police reserve officer or to discharge a police reserve officer
36 without cause.

37 (k) The board may adopt rules under IC 4-22-2 to implement
38 this section.

39 SECTION 4. An emergency is declared for this act.

