

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 187

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AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.64-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

(1) "Law enforcement officer" means an appointed officer or employee hired by and on the payroll of the state, any of the state's political subdivisions, a hospital police department (as described in IC 16-18-4), a tribal police officer (as described in IC 5-2-24), or a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2 who is granted lawful authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, except as otherwise provided in this chapter, the following are expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

(A) A constable.

(B) A special officer whose powers and duties are described in IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6. **However, a special officer**



**employed by a consolidated city full time after June 30, 2023, to perform park ranger duties is a law enforcement officer for the purposes of this chapter.**

(C) A county police reserve officer who receives compensation for lake patrol duties under IC 36-8-3-20(f)(3).

(D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.

(E) An employee of the gaming commission whose powers and duties are described in IC 4-32.3-9.

(F) A correctional police officer described in IC 11-8-9.

**For purposes of section 12.5 of this chapter, the term includes a police reserve officer (as described in IC 36-8-3-20), even if the police reserve officer works as a volunteer.**

(2) "Board" means the law enforcement training board created by this chapter.

(3) "Executive training program" means the police chief executive training program developed by the board under section 9 of this chapter.

(4) "Law enforcement training council" means one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.

(5) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

(A) overcoming unlawful resistance; or

(B) countering other action that threatens the safety of the public or a law enforcement officer.

(6) "Hiring or appointing authority" means:

(A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

(B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

(7) "Crisis intervention team" refers to a local coalition with a goal of improving the manner in which law enforcement and the community respond to crisis situations in which an individual is experiencing a mental health or addictive disorder crisis.

(8) "Law enforcement agency" means a state agency, a political subdivision, a hospital police department (as described in IC 16-18-4), a tribal law enforcement agency (as described in



IC 5-2-24), or a public or private postsecondary educational institution that employs and has on its payroll a law enforcement officer, including individuals described in subdivision (1)(A) through (1)(F).

SECTION 2. IC 5-2-1-15, AS AMENDED BY P.L.64-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. (a) The facilities of the law enforcement academy shall be available to any law enforcement agency of the state, or any of its political subdivisions, subject to the rules of the board.

(b) Any law enforcement agency of the state, any of its political subdivisions, or any board certified training center may conduct training:

(1) for the law enforcement agency of any political subdivision in Indiana; and

(2) in facilities other than those of the law enforcement academy; if the minimum standards established by the board are met or exceeded.

(c) A law enforcement agency or a board certified training center conducting approved local training under subsection (b) may be entitled to a per capita allowance from the law enforcement training fund to defray such portions of the cost of basic training as shall be approved by the board. Such per capita allowance shall be earmarked and expended only for law enforcement training.

(d) The facilities of the law enforcement academy shall be available for the training of railroad police, prison and industrial plant guards, tribal police, postsecondary educational institution safety and security personnel, whether public or private, for the training of any law enforcement agency from outside Indiana, and for the training of such other enforcement related groups as shall be approved by the board, upon terms and conditions established by the board. Railroad police, tribal police, and any law enforcement agency from outside Indiana, and nongovernmental enforcement related groups qualifying to use the facilities of the academy under the rules of the board shall be required to reimburse the law enforcement training fund for the cost of such training.

(e) The facilities of the law enforcement academy may be used for the training of firefighting personnel where the subject matter of the training relates to duties which involve law enforcement related conduct. Such training shall be conducted upon terms and conditions established by the board. However, no volunteer firefighter is required to attend training at the academy.

**(f) The facilities of the law enforcement academy shall be used to provide the basic training under section 9(d) of this chapter of**



**a special officer of a consolidated city who is employed full time by the consolidated city after June 30, 2023, to perform park ranger duties.**

(f) (g) The cost of the mandatory basic training conducted by the board at the facilities of the law enforcement academy and all other training programs authorized by this chapter and conducted at the law enforcement training academy, including the mandatory basic training course when attended by trainees who have been investigated and approved but not yet hired by a law enforcement agency, are subject to fee schedules and charges for tuition, lodging, meals, instructors, training materials, and any other items or services established by the board, including amounts needed to recoup corresponding marginal and fixed costs. The costs and the fee schedule must be an annual schedule for the state fiscal year and must be approved by the budget director.

SECTION 3. IC 36-8-2-2, AS AMENDED BY P.L.64-2022, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) A unit may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities, equipment, and supplies for that system.

(b) Before hiring a person as a law enforcement officer, **including a police reserve officer described in IC 36-8-3-20**, the hiring department or agency shall contact every law enforcement department or agency that has employed (or that currently employs) the applicant and request that the employing department or agency provide:

- (1) a complete and unredacted copy of all findings and orders related to disciplinary action or internal investigations (whether performed by an internal investigator or an outside agency) involving the officer; and
- (2) the hiring department or agency with a copy of the applicant's entire employment file, except for any medical records or information.

(c) An agency or department that receives a request under subsection (b) or under IC 5-2-24-2 shall:

- (1) comply with the request not later than ten (10) business days from receipt of the request; and
- (2) upon request of the applicant, provide the applicant with a copy of the information provided to the hiring department or agency.

No covenant, promise, or agreement to refrain from disclosure of the information described in subsection (b) prevents compliance with the



requirements imposed by this section. An agency or department acting in good faith is immune from civil and criminal liability for complying with this subsection.

SECTION 4. IC 36-8-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The safety board may detail regular police officers or firefighters, or appoint and swear an additional number of special police officers or firefighters, to do special duty within the city. Regular police officers and firefighters serving special duty shall be paid the same rate per diem for this service as is paid to members of the department in their regular employment. The board may determine the compensation of persons serving special duty in all other cases.

(b) Unless the safety board designates otherwise, the special police officers are subject to the police chief and the special firefighters are subject to the fire chief. If they are employees of departments other than the police or fire department, they shall obey the rules of their respective departments and conform to its discipline and orders to the extent these do not conflict with the orders of the safety board. A person other than a regular police officer or firefighter may not wear a uniform the design of which is not easily distinguishable from or which conforms with respect to the color or design of the state police or a sheriff's patrol of the county in which the city is located or the police or fire department of the city. Special police officers and firefighters, during the term of their appointment, have those powers, privileges, and duties assigned to them by the safety board. They have these powers, privileges, and duties only while fulfilling the specific responsibilities for which the appointment is made. Persons other than regular police officers and firefighters appointed under this section may be removed by the safety board at any time without notice and without assigning any cause.

(c) The powers and duties of officers appointed to serve as security police for school corporations include:

- (1) the protection of school personnel while on school business, including school children, employees, and members of the governing body of the school corporation; and
- (2) the protection of all school corporation property.

(d) Auxiliary firefighters directly connected with and created to augment the regular fire departments may wear a uniform the design of which is established by the safety board. Persons so appointed may be removed at any time by the board, without notice and without assigning any cause.

(e) In time of emergency the safety board may also detail members



from the police or fire department for the use of any other department of the city government.

**(f) This subsection applies only to a special officer who is employed full time by a consolidated city to perform park ranger duties after June 30, 2023. A special officer is subject to IC 5-2-1, and the facilities of the law enforcement academy shall be used to provide the special officer's basic training under IC 5-2-1-9(d).**

SECTION 5. IC 36-8-3-20, AS AMENDED BY P.L.180-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. (a) This section applies to counties and towns as well as cities.

(b) A unit ~~may~~ **shall** provide by ordinance ~~for any~~ **the** number of police reserve officers **that the department may appoint.**

(c) Police reserve officers shall be appointed by the same authority that appoints regular members of the department.

(d) Police reserve officers may be designated by another name specified by ordinance.

(e) Police reserve officers may not be members of the regular police department but have all of the same police powers as regular members, except as limited by the rules of the department. Each department may adopt rules to limit the authority of police reserve officers.

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

(1) A uniform allowance.

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

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

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

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

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

(1) make an arrest;

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

(3) carry a firearm;

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



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

(k) After June 30, 2015, a police reserve officer who has satisfactorily completed pre-basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the police reserve officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the law enforcement training board (created by IC 5-2-1-3). Inservice training must include training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board. The inservice training must also concern human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive a police reserve officer's inservice training requirements if the board determines that the police reserve officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.
- (l) After December 31, 2017, a unit shall:
  - (1) provide the coverage specified in section 22 of this chapter; and
  - (2) pay the amounts specified in section 23 of this chapter;

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

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



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

