

# SENATE BILL No. 226

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-10; IC 10-10.5-2-1.

**Synopsis:** Fire marshals and fire investigators. Provides that a person employed as a fire marshal or fire investigator by a political subdivision is: (1) recognized as an Indiana first responder; (2) eligible for a line of duty death benefit from the state special death benefit fund; and (3) for purposes of disability benefit eligibility in the 1977 fund and 1937 fund, presumed to have incurred a disability in the line of duty if diagnosed with a disease related to exposure to a known carcinogen or an adverse substance or condition.

**Effective:** July 1, 2021.

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## Ford J.D.

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January 7, 2021, read first time and referred to Committee on Pensions and Labor.

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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. 226

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 5-10-10-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2021]: **Sec. 2.5. "Fire marshal or fire investigator" means an**  
4 **employee of the fire department of a political subdivision whose**  
5 **job duties require onsite inspection of buildings and sites for**  
6 **purposes of fire investigation, fire code enforcement, or fire**  
7 **prevention.**

8 SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.41-2020,  
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2021]: Sec. 4. As used in this chapter, "public safety officer"  
11 means any of the following:

- 12 (1) A state police officer.
- 13 (2) A county sheriff.
- 14 (3) A county police officer.
- 15 (4) A correctional officer.
- 16 (5) An excise police officer.
- 17 (6) A county police reserve officer.



- 1 (7) A city or town police reserve officer.  
 2 (8) A conservation enforcement officer.  
 3 (9) A town marshal.  
 4 (10) A deputy town marshal.  
 5 (11) A probation officer.  
 6 (12) A state educational institution police officer appointed under  
 7 IC 21-39-4.  
 8 (13) A police officer whose employer purchases coverage under  
 9 section 4.5 of this chapter.  
 10 (14) An emergency medical services provider (as defined in  
 11 IC 16-41-10-1) who is:  
 12 (A) employed by a political subdivision (as defined in  
 13 IC 36-1-2-13); and  
 14 (B) not eligible for a special death benefit under IC 36-8-6-20,  
 15 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.  
 16 (15) A firefighter who is employed by the fire department of a  
 17 state university.  
 18 (16) A firefighter whose employer purchases coverage under  
 19 section 4.5 of this chapter.  
 20 (17) A member of a consolidated law enforcement department  
 21 established under IC 36-3-1-5.1.  
 22 (18) A gaming agent of the Indiana gaming commission.  
 23 (19) A person who is:  
 24 (A) employed by a political subdivision (as defined in  
 25 IC 36-1-2-13); and  
 26 (B) appointed as a special deputy under IC 36-8-10-10.6.  
 27 (20) A school corporation police officer appointed under  
 28 IC 20-26-16.  
 29 (21) A gaming control officer of the Indiana gaming commission.  
 30 (22) An eligible chaplain who meets the requirements of section  
 31 4.7 of this chapter.  
 32 (23) A community corrections officer.  
 33 (24) An eligible emergency medical services provider who meets  
 34 the requirements of section 4.8 of this chapter.  
 35 (25) An emergency medical services provider whose employer  
 36 purchases coverage under section 4.9 of this chapter.  
 37 (26) An emergency management worker (as defined in  
 38 IC 10-14-3-3), including:  
 39 (A) an employee of the Indiana department of homeland  
 40 security who is working in an official capacity as an employee  
 41 during a disaster or an emergency response; or  
 42 (B) an employee of a political subdivision who is employed as:



- 1 (i) an emergency management director;  
 2 (ii) an assistant emergency management director; or  
 3 (iii) a deputy emergency management director;  
 4 for the political subdivision.  
 5 (27) A division fire investigator (as described in IC 22-14-2-8).  
 6 (28) A school resource officer (as defined in IC 20-26-18.2-1)  
 7 who is not otherwise entitled to a line of duty benefit under:  
 8 (A) IC 36-8-6-20;  
 9 (B) IC 36-8-7.5-22; or  
 10 (C) IC 36-8-8-20;  
 11 while acting as a school resource officer.  
 12 **(29) A fire marshal or fire investigator.**  
 13 SECTION 3. IC 5-10-15-1, AS AMENDED BY P.L.109-2015,  
 14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2021]: Sec. 1. This chapter does not apply to an individual  
 16 who, at any time during the individual's employment by the state or a  
 17 political subdivision of the state as:  
 18 (1) a member of a fire department (as defined in IC 36-8-1-8);  
 19 (2) an emergency medical services provider (as defined in  
 20 IC 16-41-10-1); or  
 21 (3) a member of a police department (as defined in IC 36-8-1-9);  
 22 or  
 23 **(4) a fire marshal or fire investigator;**  
 24 used tobacco products in any form in the five (5) years before the time  
 25 the individual is diagnosed under section 9(a) of this chapter.  
 26 SECTION 4. IC 5-10-15-3, AS ADDED BY P.L.62-2006,  
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2021]: Sec. 3. As used in this chapter, "employee" means an  
 29 individual who:  
 30 (1) is employed full time by:  
 31 **(A) the state or a political subdivision of the state as:**  
 32 ~~(A)~~ **(i)** a member of a fire department (as defined in  
 33 IC 36-8-1-8);  
 34 ~~(B)~~ **(ii)** an emergency medical services provider (as defined  
 35 in IC 16-41-10-1); or  
 36 ~~(C)~~ **(iii)** a member of a police department (as defined in  
 37 IC 36-8-1-9); or  
 38 **(B) a political subdivision as a fire marshal or fire**  
 39 **investigator (as defined in IC 5-10-10-2.5);**  
 40 (2) in the course of the individual's employment, is at risk for  
 41 occupational exposure; and  
 42 (3) is not employed elsewhere by the state or a political



- 1 subdivision of the state in a similar capacity.  
 2 SECTION 5. IC 10-10.5-2-1, AS ADDED BY P.L.113-2020,  
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2021]: Sec. 1. The state of Indiana designates the following  
 5 individuals to be Indiana first responders:  
 6 (1) A law enforcement officer.  
 7 (2) A firefighter, including a volunteer firefighter.  
 8 **(3) A fire marshal or fire investigator (as defined in**  
 9 **IC 5-10-10-2.5).**  
 10 ~~(3) (4)~~ A corrections officer.  
 11 ~~(4) (5)~~ A public safety telecommunicator.  
 12 ~~(5) (6)~~ An emergency medical technician, emergency medical  
 13 responder, or paramedic.  
 14 ~~(6) (7)~~ An individual performing emergency management services  
 15 subject to the order or control of, or under a request of, the state  
 16 or local government, including a volunteer health practitioner  
 17 registered under IC 10-14-3.5.  
 18 ~~(7) (8)~~ Any individual serving in an employee or volunteer  
 19 capacity for a public safety agency, whose duties include rapid  
 20 emergency response.

