

SENATE BILL No. 308

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1; IC 10-11-2-5; IC 21-17-5-2; IC 21-39-4-2; IC 36-8.

Synopsis: Certification of law enforcement officers. Defines "merit board" and requires a merit board to notify the Indiana law enforcement training board (ILETB) if the merit board has determined that a law enforcement officer has used excessive force against a person. Requires the ILETB to conduct a decertification hearing within 30 days of receiving notice from a merit board, and requires the ILETB to decertify a law enforcement officer if the ILETB finds by a preponderance of the evidence that: (1) the law enforcement officer used excessive force against a person; and (2) the use of excessive force violated the person's civil rights. Specifies that a person decertified by the ILETB may not exercise police powers.

Effective: July 1, 2021.

Taylor G

January 11, 2021, read first time and referred to Committee on Judiciary.



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. 308

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 5-2-1-2, AS AMENDED BY P.L.58-2019,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. For the purposes of this chapter, and unless the
4 context clearly denotes otherwise, the following definitions apply
5 throughout this chapter:

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



- 1 (A) A constable.
- 2 (B) A special officer whose powers and duties are described
- 3 in IC 36-8-3-7 or a special deputy whose powers and duties are
- 4 described in IC 36-8-10-10.6.
- 5 (C) A county police reserve officer who receives compensation
- 6 for lake patrol duties under IC 36-8-3-20(f)(3).
- 7 (D) A conservation reserve officer who receives compensation
- 8 for lake patrol duties under IC 14-9-8-27.
- 9 (E) An employee of the gaming commission whose powers
- 10 and duties are described in IC 4-32.3-9.
- 11 (F) A correctional police officer described in IC 11-8-9.
- 12 (2) "Board" means the law enforcement training board created by
- 13 this chapter.
- 14 (3) "Executive training program" means the police chief executive
- 15 training program developed by the board under section 9 of this
- 16 chapter.
- 17 (4) "Law enforcement training council" means one (1) of the
- 18 confederations of law enforcement agencies recognized by the
- 19 board and organized for the sole purpose of sharing training,
- 20 instructors, and related resources.
- 21 (5) "Training regarding the lawful use of force" includes
- 22 classroom and skills training in the proper application of hand to
- 23 hand defensive tactics, use of firearms, and other methods of:
- 24 (A) overcoming unlawful resistance; or
- 25 (B) countering other action that threatens the safety of the
- 26 public or a law enforcement officer.
- 27 (6) "Hiring or appointing authority" means:
- 28 (A) the chief executive officer, board, or other entity of a
- 29 police department or agency with authority to appoint and hire
- 30 law enforcement officers; or
- 31 (B) the governor, mayor, board, or other entity with the
- 32 authority to appoint a chief executive officer of a police
- 33 department or agency.
- 34 (7) "Crisis intervention team" refers to a local coalition with a
- 35 goal of improving the manner in which law enforcement and the
- 36 community respond to crisis situations in which an individual is
- 37 experiencing a mental health or addictive disorder crisis.
- 38 **(8) "Excessive force misconduct" means a finding by a merit**
- 39 **board that a law enforcement officer used excessive force**
- 40 **against a person.**
- 41 (9) "Merit board" means:
- 42 (A) a merit commission or merit board established in



1 **accordance with IC 36-8-3.5, including a commission or**
 2 **board initially established by ordinance or resolution**
 3 **under:**

4 **(i) IC 36-1-4-14; or**

5 **(ii) a prior statute;**

6 **(B) a sheriff's merit board established under IC 36-8-10-3;**
 7 **(C) the state police board established by IC 10-11-2-5; and**
 8 **(D) the governing board, board of trustees, or other body**
 9 **responsible for disciplining a law enforcement officer**
 10 **employed by a public or private postsecondary educational**
 11 **institution whose governing body or board of trustees has**
 12 **established a police department under IC 21-17-5-2 or**
 13 **IC 21-39-4-2.**

14 SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
 15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with
 17 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
 18 The rules, which shall be adopted only after necessary and proper
 19 investigation and inquiry by the board, shall include the establishment
 20 of the following:

21 (1) Minimum standards of physical, educational, mental, and
 22 moral fitness which shall govern the acceptance of any person for
 23 training by any law enforcement training school or academy
 24 meeting or exceeding the minimum standards established
 25 pursuant to this chapter.

26 (2) Minimum standards for law enforcement training schools
 27 administered by towns, cities, counties, law enforcement training
 28 centers, agencies, or departments of the state.

29 (3) Minimum standards for courses of study, attendance
 30 requirements, equipment, and facilities for approved town, city,
 31 county, and state law enforcement officer, police reserve officer,
 32 and conservation reserve officer training schools.

33 (4) Minimum standards for a course of study on cultural diversity
 34 awareness, including training on the U nonimmigrant visa created
 35 through the federal Victims of Trafficking and Violence
 36 Protection Act of 2000 (P.L. 106-386) that must be required for
 37 each person accepted for training at a law enforcement training
 38 school or academy. Cultural diversity awareness study must
 39 include an understanding of cultural issues related to race,
 40 religion, gender, age, domestic violence, national origin, and
 41 physical and mental disabilities.

42 (5) Minimum qualifications for instructors at approved law



- 1 enforcement training schools.
- 2 (6) Minimum basic training requirements which law enforcement
- 3 officers appointed to probationary terms shall complete before
- 4 being eligible for continued or permanent employment.
- 5 (7) Minimum basic training requirements which law enforcement
- 6 officers appointed on other than a permanent basis shall complete
- 7 in order to be eligible for continued employment or permanent
- 8 appointment.
- 9 (8) Minimum basic training requirements which law enforcement
- 10 officers appointed on a permanent basis shall complete in order
- 11 to be eligible for continued employment.
- 12 (9) Minimum basic training requirements for each person
- 13 accepted for training at a law enforcement training school or
- 14 academy that include six (6) hours of training in interacting with:
- 15 (A) persons with autism, mental illness, addictive disorders,
- 16 intellectual disabilities, and developmental disabilities;
- 17 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
- 18 and
- 19 (C) persons with Alzheimer's disease or related senile
- 20 dementia;
- 21 to be provided by persons approved by the secretary of family and
- 22 social services and the board. The training must include an
- 23 overview of the crisis intervention teams.
- 24 (10) Minimum standards for a course of study on human and
- 25 sexual trafficking that must be required for each person accepted
- 26 for training at a law enforcement training school or academy and
- 27 for inservice training programs for law enforcement officers. The
- 28 course must cover the following topics:
- 29 (A) Examination of the human and sexual trafficking laws (IC
- 30 35-42-3.5).
- 31 (B) Identification of human and sexual trafficking.
- 32 (C) Communicating with traumatized persons.
- 33 (D) Therapeutically appropriate investigative techniques.
- 34 (E) Collaboration with federal law enforcement officials.
- 35 (F) Rights of and protections afforded to victims.
- 36 (G) Providing documentation that satisfies the Declaration of
- 37 Law Enforcement Officer for Victim of Trafficking in Persons
- 38 (Form I-914, Supplement B) requirements established under
- 39 federal law.
- 40 (H) The availability of community resources to assist human
- 41 and sexual trafficking victims.
- 42 (b) A law enforcement officer appointed after July 5, 1972, and



1 before July 1, 1993, may not enforce the laws or ordinances of the state
 2 or any political subdivision unless the officer has, within one (1) year
 3 from the date of appointment, successfully completed the minimum
 4 basic training requirements established under this chapter by the board.
 5 If a person fails to successfully complete the basic training
 6 requirements within one (1) year from the date of employment, the
 7 officer may not perform any of the duties of a law enforcement officer
 8 involving control or direction of members of the public or exercising
 9 the power of arrest until the officer has successfully completed the
 10 training requirements. This subsection does not apply to any law
 11 enforcement officer appointed before July 6, 1972, or after June 30,
 12 1993.

13 (c) Military leave or other authorized leave of absence from law
 14 enforcement duty during the first year of employment after July 6,
 15 1972, shall toll the running of the first year, which shall be calculated
 16 by the aggregate of the time before and after the leave, for the purposes
 17 of this chapter.

18 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 19 enforcement officer appointed to a law enforcement department or
 20 agency after June 30, 1993, may not:

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

24 unless the law enforcement officer successfully completes, at a board
 25 certified law enforcement academy or at a law enforcement training
 26 center under section 10.5 or 15.2 of this chapter, the basic training
 27 requirements established by the board under this chapter.

28 (e) This subsection does not apply to:

- 29 (1) a gaming agent employed as a law enforcement officer by the
 30 Indiana gaming commission; or

31 (2) an:

- 32 (A) attorney; or
- 33 (B) investigator;

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

36 Before a law enforcement officer appointed after June 30, 1993,
 37 completes the basic training requirements, the law enforcement officer
 38 may exercise the police powers described in subsection (d) if the
 39 officer successfully completes the pre-basic course established in
 40 subsection (f). Successful completion of the pre-basic course authorizes
 41 a law enforcement officer to exercise the police powers described in
 42 subsection (d) for one (1) year after the date the law enforcement



- 1 officer is appointed.
- 2 (f) The board shall adopt rules under IC 4-22-2 to establish a
3 pre-basic course for the purpose of training:
- 4 (1) law enforcement officers;
- 5 (2) police reserve officers (as described in IC 36-8-3-20); and
- 6 (3) conservation reserve officers (as described in IC 14-9-8-27);
- 7 regarding the subjects of arrest, search and seizure, the lawful use of
8 force, interacting with individuals with autism, and the operation of an
9 emergency vehicle. The pre-basic course must be offered on a periodic
10 basis throughout the year at regional sites statewide. The pre-basic
11 course must consist of at least forty (40) hours of course work. The
12 board may prepare the classroom part of the pre-basic course using
13 available technology in conjunction with live instruction. The board
14 shall provide the course material, the instructors, and the facilities at
15 the regional sites throughout the state that are used for the pre-basic
16 course. In addition, the board may certify pre-basic courses that may be
17 conducted by other public or private training entities, including
18 postsecondary educational institutions.
- 19 (g) Subject to subsection (h), the board shall adopt rules under
20 IC 4-22-2 to establish a mandatory inservice training program for
21 police officers and police reserve officers (as described in
22 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
23 satisfactorily completed basic training and has been appointed to a law
24 enforcement department or agency on either a full-time or part-time
25 basis is not eligible for continued employment unless the officer
26 satisfactorily completes the mandatory inservice training requirements
27 established by rules adopted by the board. Inservice training must
28 include training in interacting with persons with mental illness,
29 addictive disorders, intellectual disabilities, autism, developmental
30 disabilities, and Alzheimer's disease or related senile dementia, to be
31 provided by persons approved by the secretary of family and social
32 services and the board, and training concerning human and sexual
33 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
34 The board may approve courses offered by other public or private
35 training entities, including postsecondary educational institutions, as
36 necessary in order to ensure the availability of an adequate number of
37 inservice training programs. The board may waive an officer's inservice
38 training requirements if the board determines that the officer's reason
39 for lacking the required amount of inservice training hours is due to
40 either an emergency situation or the unavailability of courses.
- 41 (h) This subsection applies only to a mandatory inservice training
42 program under subsection (g). Notwithstanding subsection (g), the



1 board may, without adopting rules under IC 4-22-2, modify the course
2 work of a training subject matter, modify the number of hours of
3 training required within a particular subject matter, or add a new
4 subject matter, if the board satisfies the following requirements:

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

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

12 If the board does not satisfy the requirements of this subsection, the
13 modification or addition is void. This subsection does not authorize the
14 board to eliminate any inservice training subject matter required under
15 subsection (g).

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

18 (1) The program must require fewer hours of instruction and class
19 attendance and fewer courses of study than are required for the
20 mandated basic training program.

21 (2) Certain parts of the course materials may be studied by a
22 candidate at the candidate's home in order to fulfill requirements
23 of the program.

24 (3) Law enforcement officers successfully completing the
25 requirements of the program are eligible for appointment only in
26 towns employing the town marshal system (IC 36-5-7) and having
27 not more than one (1) marshal and two (2) deputies.

28 (4) The limitation imposed by subdivision (3) does not apply to an
29 officer who has successfully completed the mandated basic
30 training program.

31 (5) The time limitations imposed by subsections (b) and (c) for
32 completing the training are also applicable to the town marshal
33 basic training program.

34 (6) The program must require training in interacting with
35 individuals with autism.

36 (j) The board shall adopt rules under IC 4-22-2 to establish an
37 executive training program. The executive training program must
38 include training in the following areas:

39 (1) Liability.

40 (2) Media relations.

41 (3) Accounting and administration.

42 (4) Discipline.



- 1 (5) Department policy making.
 2 (6) Lawful use of force.
 3 (7) Department programs.
 4 (8) Emergency vehicle operation.
 5 (9) Cultural diversity.
- 6 (k) A police chief shall apply for admission to the executive training
 7 program within two (2) months of the date the police chief initially
 8 takes office. A police chief must successfully complete the executive
 9 training program within six (6) months of the date the police chief
 10 initially takes office. However, if space in the executive training
 11 program is not available at a time that will allow completion of the
 12 executive training program within six (6) months of the date the police
 13 chief initially takes office, the police chief must successfully complete
 14 the next available executive training program that is offered after the
 15 police chief initially takes office.
- 16 (l) A police chief who fails to comply with subsection (k) may not
 17 continue to serve as the police chief until completion of the executive
 18 training program. For the purposes of this subsection and subsection
 19 (k), "police chief" refers to:
 20 (1) the police chief of any city;
 21 (2) the police chief of any town having a metropolitan police
 22 department; and
 23 (3) the chief of a consolidated law enforcement department
 24 established under IC 36-3-1-5.1.
- 25 A town marshal is not considered to be a police chief for these
 26 purposes, but a town marshal may enroll in the executive training
 27 program.
- 28 (m) A fire investigator in the division of fire and building safety
 29 appointed after December 31, 1993, is required to comply with the
 30 basic training standards established under this chapter.
- 31 (n) The board shall adopt rules under IC 4-22-2 to establish a
 32 program to certify handgun safety courses, including courses offered
 33 in the private sector, that meet standards approved by the board for
 34 training probation officers in handgun safety as required by
 35 IC 11-13-1-3.5(3).
- 36 (o) The board shall adopt rules under IC 4-22-2 to establish a
 37 refresher course for an officer who:
 38 (1) is hired by an Indiana law enforcement department or agency
 39 as a law enforcement officer;
 40 (2) has not been employed as a law enforcement officer for:
 41 (A) at least two (2) years; and
 42 (B) less than six (6) years before the officer is hired under



1 subdivision (1); and
 2 (3) completed at any time a basic training course certified or
 3 recognized by the board before the officer is hired under
 4 subdivision (1).

5 (p) An officer to whom subsection (o) applies must successfully
 6 complete the refresher course described in subsection (o) not later than
 7 six (6) months after the officer's date of hire, or the officer loses the
 8 officer's powers of:

- 9 (1) arrest;
 10 (2) search; and
 11 (3) seizure.

12 (q) The board shall adopt rules under IC 4-22-2 to establish a
 13 refresher course for an officer who:

- 14 (1) is appointed by an Indiana law enforcement department or
 15 agency as a reserve police officer; and
 16 (2) has not worked as a reserve police officer for at least two (2)
 17 years after:
 18 (A) completing the pre-basic course; or
 19 (B) leaving the individual's last appointment as a reserve
 20 police officer.

21 An officer to whom this subsection applies must successfully complete
 22 the refresher course established by the board in order to work as a
 23 reserve police officer.

24 (r) This subsection applies to an individual who, at the time the
 25 individual completes a board certified or recognized basic training
 26 course, has not been appointed as a law enforcement officer by an
 27 Indiana law enforcement department or agency. If the individual is not
 28 employed as a law enforcement officer for at least two (2) years after
 29 completing the basic training course, the individual must successfully
 30 retake and complete the basic training course as set forth in subsection
 31 (d).

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

- 34 (1) is appointed as a board certified instructor of law enforcement
 35 training; and
 36 (2) has not provided law enforcement training instruction for
 37 more than one (1) year after the date the individual's instructor
 38 certification expired.

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

42 (t) This subsection applies only to a gaming agent employed as a



1 law enforcement officer by the Indiana gaming commission. A gaming
 2 agent appointed after June 30, 2005, may exercise the police powers
 3 described in subsection (d) if:

4 (1) the agent successfully completes the pre-basic course
 5 established in subsection (f); and

6 (2) the agent successfully completes any other training courses
 7 established by the Indiana gaming commission in conjunction
 8 with the board.

9 (u) This subsection applies only to a securities enforcement officer
 10 designated as a law enforcement officer by the securities
 11 commissioner. A securities enforcement officer may exercise the police
 12 powers described in subsection (d) if:

13 (1) the securities enforcement officer successfully completes the
 14 pre-basic course established in subsection (f); and

15 (2) the securities enforcement officer successfully completes any
 16 other training courses established by the securities commissioner
 17 in conjunction with the board.

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

20 (1) If the authorized size of the department or town marshal
 21 system is not more than ten (10) members, the term refers to the
 22 position held by the police chief or town marshal.

23 (2) If the authorized size of the department or town marshal
 24 system is more than ten (10) members but less than fifty-one (51)
 25 members, the term refers to:

26 (A) the position held by the police chief or town marshal; and

27 (B) each position held by the members of the police
 28 department or town marshal system in the next rank and pay
 29 grade immediately below the police chief or town marshal.

30 (3) If the authorized size of the department or town marshal
 31 system is more than fifty (50) members, the term refers to:

32 (A) the position held by the police chief or town marshal; and

33 (B) each position held by the members of the police
 34 department or town marshal system in the next two (2) ranks
 35 and pay grades immediately below the police chief or town
 36 marshal.

37 (w) This subsection applies only to a correctional police officer
 38 employed by the department of correction. A correctional police officer
 39 may exercise the police powers described in subsection (d) if:

40 (1) the officer successfully completes the pre-basic course
 41 described in subsection (f); and

42 (2) the officer successfully completes any other training courses



1 established by the department of correction in conjunction with
2 the board.

3 **(x) Within thirty (30) days of receiving notification from a merit**
4 **board that a law enforcement officer has been found to have**
5 **committed excessive force misconduct, the board shall hold a**
6 **hearing to determine whether the officer should be decertified. If**
7 **the board finds by a preponderance of the evidence that:**

8 **(1) the law enforcement officer committed excessive force**
9 **misconduct; and**

10 **(2) the misconduct violated the civil rights of a person**
11 **guaranteed by:**

12 **(A) the Constitution of the United States;**

13 **(B) the Constitution of the State of Indiana;**

14 **(C) federal law; or**

15 **(D) Indiana law;**

16 **the board shall decertify the law enforcement officer. A person**
17 **decertified under this subsection may not exercise the police**
18 **powers described in subsection (d).**

19 SECTION 3. IC 10-11-2-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The state police
21 board is established. The board shall administer, manage, and control
22 the department.

23 (b) The board consists of six (6) members appointed by the
24 governor, not more than three (3) of whom may belong to the same
25 political party. A member of the board appointed by the governor shall
26 serve for a term of four (4) years except when appointed to fill a
27 vacancy for an unexpired term. In making appointments to the board,
28 the governor shall select one (1) member from each of six (6)
29 geographical regions in Indiana as described in subsection (d). Each
30 member must be a permanent resident of the region from which the
31 member is appointed.

32 (c) As vacancies occur, the governor shall select new members by
33 region, beginning with the lowest numbered region that is not
34 represented and continuing in that manner until each region is
35 represented.

36 (d) For purposes of appointments to the state police board, the
37 geographical regions described in subsections (b) and (c) are as
38 follows:

39 (1) Region I is comprised of Lake, Porter, LaPorte, Newton,
40 Jasper, Starke, Pulaski, Benton, White, Warren, and Fountain
41 counties.

42 (2) Region II is comprised of St. Joseph, Elkhart, LaGrange,



- 1 Steuben, Marshall, Kosciusko, Noble, DeKalb, Whitley, and
2 Allen counties.
- 3 (3) Region III is comprised of Fulton, Cass, Miami, Wabash,
4 Huntington, Wells, Adams, Carroll, Howard, Grant, Blackford,
5 Tippecanoe, Clinton, Tipton, Madison, Montgomery, Boone,
6 Hamilton, and Jay counties.
- 7 (4) Region IV is comprised of Hendricks, Marion, and Hancock
8 counties.
- 9 (5) Region V is comprised of Vermillion, Parke, Putnam, Morgan,
10 Vigo, Clay, Owen, Monroe, Brown, Sullivan, Greene, Knox,
11 Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange,
12 Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry
13 counties.
- 14 (6) Region VI is comprised of Delaware, Randolph, Henry,
15 Wayne, Johnson, Shelby, Rush, Fayette, Union, Bartholomew,
16 Decatur, Franklin, Jackson, Jennings, Ripley, Dearborn, Ohio,
17 Washington, Scott, Jefferson, Switzerland, Clark, Harrison, and
18 Floyd counties.
- 19 (e) Members appointed to the board shall serve during their
20 respective terms and until their respective successors have been
21 appointed and qualified. A member of the board may be removed by
22 the governor for inefficiency, incompetency, or neglect of duty after the
23 member has been accorded a hearing by the governor upon reasonable
24 notice of the charge being made against the member.
- 25 (f) As compensation for service on the board, each member of the
26 board is entitled to receive the following:
- 27 (1) Twenty-five dollars (\$25) per day for each day or part of a day
28 during which the member is engaged in transacting the business
29 of the board.
- 30 (2) The member's actual traveling and other expenses necessarily
31 incurred in discharging the duties of the member's office.
- 32 (g) The members of the board shall organize by the election of a
33 president and a secretary from among their own membership, each of
34 whom shall serve a term of one (1) year.
- 35 (h) Four (4) members of the board constitute a quorum for the
36 transaction of business. The board shall hold regular monthly meetings
37 and special meetings throughout the year as necessary to transact the
38 business of the department.
- 39 **(i) If the board determines that a law enforcement officer has**
40 **committed excessive force misconduct (as defined in IC 5-2-1-2),**
41 **the board shall immediately:**
- 42 **(1) notify the Indiana law enforcement training board; and**



1 **(2) transmit records relating to the misconduct to the training**
 2 **board;**
 3 **for use in a decertification hearing under IC 5-2-1-9. The board**
 4 **shall transmit all records required by the law enforcement training**
 5 **board in a manner and in a format approved by the law**
 6 **enforcement training board.**

7 SECTION 4. IC 21-17-5-2, AS ADDED BY P.L.2-2007, SECTION
 8 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2021]: Sec. 2. **(a)** The governing board of an educational institution
 10 may do the following:

- 11 (1) Appoint police officers for the educational institution for
 12 which it is responsible.
 13 (2) Prescribe the duties of police officers of the educational
 14 institution and direct their conduct.
 15 (3) Prescribe distinctive uniforms for the police officers of the
 16 educational institution or campus.
 17 (4) Designate and operate emergency vehicles.

18 **(b) If the governing board (or other body responsible for**
 19 **disciplining a law enforcement officer appointed under this**
 20 **chapter) determines that a law enforcement officer has committed**
 21 **excessive force misconduct (as defined in IC 5-2-1-2), the governing**
 22 **board shall immediately:**

- 23 **(1) notify the Indiana law enforcement training board; and**
 24 **(2) transmit records relating to the misconduct to the law**
 25 **enforcement training board;**

26 **for use in a decertification hearing under IC 5-2-1-9. The**
 27 **governing board shall transmit all records required by the law**
 28 **enforcement training board in a manner and in a format approved**
 29 **by the law enforcement training board.**

30 SECTION 5. IC 21-39-4-2, AS ADDED BY P.L.2-2007, SECTION
 31 280, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2021]: Sec. 2. **(a)** The board of trustees of a state educational
 33 institution may:

- 34 (1) appoint police officers for the state educational institution for
 35 which the board is responsible;
 36 (2) prescribe duties and direct the conduct of the appointed police
 37 officers;
 38 (3) prescribe distinctive uniforms for the police of the state
 39 educational institution or campus; and
 40 (4) designate and operate emergency vehicles.

41 **(b) If the board of trustees (or other body responsible for**
 42 **disciplining a law enforcement officer appointed under this**



1 **chapter) determines that a law enforcement officer has committed**
 2 **excessive force misconduct (as defined in IC 5-2-1-2), the board of**
 3 **trustees shall immediately:**

- 4 **(1) notify the Indiana law enforcement training board; and**
 5 **(2) transmit records relating to the misconduct to the law**
 6 **enforcement training board;**

7 **for use in a decertification hearing under IC 5-2-1-9. The board of**
 8 **trustees shall transmit all records required by the law enforcement**
 9 **training board in a manner and in a format approved by the law**
 10 **enforcement training board.**

11 SECTION 6. IC 36-8-3.5-17, AS AMENDED BY P.L.84-2016,
 12 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) The commission may take
 14 the following disciplinary actions against a regular member of the
 15 department:

- 16 (1) Suspension with or without pay.
 17 (2) Demotion.
 18 (3) Dismissal.

19 If a member is suspended under this subsection, the member is entitled
 20 to the member's remuneration and allowances for insurance benefits to
 21 which the member was entitled before the suspension. In addition, the
 22 local unit may provide the member's allowances for any other fringe
 23 benefits to which the member was entitled before the suspension. The
 24 commission shall determine if a member of the department who is
 25 suspended in excess of five (5) days shall continue to receive the
 26 member's salary during suspension.

27 (b) A member may be disciplined by the commission if:

- 28 (1) the member is convicted of a crime; or
 29 (2) the commission finds the member guilty of a breach of
 30 discipline, including:
 31 (A) neglect of duty;
 32 (B) violation of commission rules;
 33 (C) neglect or disobedience of orders;
 34 (D) continuing incapacity;
 35 (E) absence without leave;
 36 (F) immoral conduct;
 37 (G) conduct injurious to the public peace or welfare;
 38 (H) conduct unbecoming a member; ~~or~~
 39 (I) furnishing information to an applicant for appointment or
 40 promotion that gives that person an advantage over another
 41 applicant; ~~or~~
 42 **(J) using excessive force against a person. If the**



1 **commission finds the member guilty of using excessive**
 2 **force against a person, the commission shall also determine**
 3 **whether the member committed excessive force**
 4 **misconduct (as defined in IC 5-2-1-2).**

5 (c) If the chief of the department, after an investigation within the
 6 department, prefers charges against a member of the department for an
 7 alleged breach of discipline under subsection (b), including any civilian
 8 complaint of an alleged breach of discipline under subsection (b)(2)(F),
 9 (b)(2)(G), ~~or~~ (b)(2)(H), **or (b)(2)(J)**, a hearing shall be conducted upon
 10 the request of the member. If a hearing is requested within five (5) days
 11 of the chief preferring charges, the parties may by agreement designate
 12 a hearing officer who is qualified by education, training, or experience.
 13 If the parties do not agree within this five (5) day period, the
 14 commission may hold the hearing or designate a person or board to
 15 conduct the hearing, as provided in the commission's rules. The
 16 designated person or board must be qualified by education, training, or
 17 experience to conduct such a hearing and may not hold an upper level
 18 policy making position. The hearing conducted under this subsection
 19 shall be held within thirty (30) days after it is requested by the member.

20 (d) Written notice of the hearing shall be served upon the accused
 21 member in person or by a copy left at the member's last and usual place
 22 of residence at least fourteen (14) days before the date set for the
 23 hearing. The notice must state:

- 24 (1) the time and place of the hearing;
- 25 (2) the charges against the member;
- 26 (3) the specific conduct that comprises the charges;
- 27 (4) that the member is entitled to be represented by counsel or
 28 another representative of the member's choice;
- 29 (5) that the member is entitled to call and cross-examine
 30 witnesses;
- 31 (6) that the member is entitled to require the production of
 32 evidence; and
- 33 (7) that the member is entitled to have subpoenas issued, served,
 34 and executed.

35 (e) The commission may:

- 36 (1) compel the attendance of witnesses by issuing subpoenas;
- 37 (2) examine witnesses under oath; and
- 38 (3) order the production of books, papers, and other evidence by
 39 issuing subpoenas.

40 (f) If a witness refuses to appear at a hearing of the commission after
 41 having received written notice requiring the witness's attendance, or
 42 refuses to produce evidence that the commission requests by written



1 notice, the commission may file an affidavit in the circuit court,
 2 superior court, or probate court of the county setting forth the facts of
 3 the refusal. Upon the filing of the affidavit, a summons shall be issued
 4 from the circuit court, superior court, or probate court and served by
 5 the sheriff of the county requiring the appearance of the witness or the
 6 production of information or evidence to the commission.

7 (g) Disobedience of a summons constitutes contempt of the circuit
 8 court, superior court, or probate court from which the summons has
 9 been issued. Expenses related to the filing of an affidavit and the
 10 issuance and service of a summons shall be charged to the witness
 11 against whom the summons has been issued, unless the circuit court,
 12 superior court, or probate court finds that the action of the witness was
 13 taken in good faith and with reasonable cause. In that case, and in any
 14 case in which an affidavit has been filed without the issuance of a
 15 summons, the expenses shall be charged to the commission.

16 (h) A decision to discipline a member may be made only if the
 17 preponderance of the evidence presented at the hearing indicates such
 18 a course of action.

19 (i) A member who is aggrieved by the decision of a person or board
 20 designated to conduct a disciplinary hearing under subsection (c) may
 21 appeal to the commission within ten (10) days of the decision. The
 22 commission shall on appeal review the record and either affirm,
 23 modify, or reverse the decision on the basis of the record and such oral
 24 or written testimony that the commission determines, including
 25 additional or newly discovered evidence.

26 (j) The commission, or the designated person or board, shall keep
 27 a record of the proceedings in cases of suspension, demotion, or
 28 dismissal. The commission shall give a free copy of the transcript to the
 29 member upon request if an appeal is filed.

30 **(k) If the commission determines that a law enforcement officer**
 31 **has committed excessive force misconduct (as defined in**
 32 **IC 5-2-1-2), the commission shall immediately:**

33 **(1) notify the Indiana law enforcement training board; and**

34 **(2) transmit records relating to the misconduct to the law**
 35 **enforcement training board;**

36 **for use in a decertification hearing under IC 5-2-1-9. The**
 37 **commission shall transmit all records required by the law**
 38 **enforcement training board in a manner and in a format approved**
 39 **by the law enforcement training board.**

40 SECTION 7. IC 36-8-10-3, AS AMENDED BY P.L.84-2016,
 41 SECTION 182, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The fiscal body of each



1 county shall, by ordinance, establish a sheriff's merit board to be known
 2 as the _____ county sheriff's merit board
 3 (inserting the name of the county).

4 (b) The board consists of five (5) members. Three (3) members shall
 5 be appointed by the sheriff, and two (2) members shall be elected by a
 6 majority vote of the members of the county police force under
 7 procedures established by the sheriff's merit board. However:

8 (1) an active county police officer;

9 (2) a relative (as defined in IC 36-1-20.2-8) of an active county
 10 police officer; or

11 (3) a relative (as defined in IC 36-1-20.2-8) of the sheriff;

12 may not serve on the board, either as a member appointed by the sheriff
 13 or elected by the county police force. Appointments are for terms of
 14 four (4) years or for the remainder of an unexpired term. Not more than
 15 two (2) of the members appointed by the sheriff nor more than one (1)
 16 of the members elected by the officers may belong to the same political
 17 party. All members must reside in the county. All members serve
 18 during their respective terms and until their successors have been
 19 appointed and qualified. A member may be removed for cause duly
 20 adjudicated by declaratory judgment of the circuit court, superior court,
 21 or probate court of the county.

22 (c) As compensation for service, each member of the board is
 23 entitled to receive from the county a minimum of fifteen dollars (\$15)
 24 per day for each day, or fraction of a day, that the member is engaged
 25 in transacting the business of the board.

26 (d) As soon as practicable after the members of the board have been
 27 appointed, they shall meet upon the call of the sheriff and organize by
 28 electing a president and a secretary from among their membership.
 29 Three (3) members of the board constitute a quorum for the transaction
 30 of business. The board shall hold regular monthly meetings throughout
 31 the year as is necessary to transact the business of the sheriff's
 32 department.

33 **(e) If the board determines that a law enforcement officer has**
 34 **committed excessive force misconduct (as defined in IC 5-2-1-2),**
 35 **the board shall immediately:**

36 **(1) notify the Indiana law enforcement training board; and**

37 **(2) transmit records relating to the misconduct to the law**
 38 **enforcement training board;**

39 **for use in a decertification hearing under IC 5-2-1-9. The board**
 40 **shall transmit all records required by the law enforcement training**
 41 **board in a manner and in a format approved by the law**
 42 **enforcement training board.**

