

# SENATE BILL No. 315

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33-13.

**Synopsis:** Interviewing, statement, or recording of a student. Provides that, before a law enforcement officer, school resource officer, or school security guard: (1) detains and interviews a student; (2) requests or requires a student to write or sign a statement; or (3) makes a recording of a student; concerning an act or omission by the student that would constitute a violation of a state or federal law or that could result in a suspension or expulsion from school, the law enforcement officer, school resource officer, or school security guard must meet certain requirements, including making reasonable efforts to notify the student's parent and to ensure that the student's parent is present. Prohibits a law enforcement officer, school resource officer, or school security guard from interviewing or detaining a student regarding a routine disciplinary investigation that does not involve a potential violation of state or federal law. Provides that, before a school employee: (1) requests or requires a student to write or sign a statement; or (2) makes a recording of a student; concerning an act or omission by the student that would constitute a violation of a state or federal law or that could result in a suspension or expulsion from school, the school employee must meet certain requirements, including making reasonable efforts to notify the student's parent and to ensure that the student's parent is present.

**Effective:** July 1, 2020.

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## Kruse, Raatz

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January 13, 2020, read first time and referred to Committee on Education and Career Development.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# SENATE BILL No. 315



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

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

- 1 SECTION 1. IC 20-33-13 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]:
- 4 **Chapter 13. Interviewing, Requesting or Requiring a Statement,**
- 5 **or Making a Recording of a Student**
- 6 **Sec. 1. This chapter only applies to a student:**
- 7 **(1) who is an unemancipated child less than eighteen (18)**
- 8 **years of age; and**
- 9 **(2) while the student is on school property during the school**
- 10 **day or while the student is participating in a school-sponsored**
- 11 **activity.**
- 12 **Sec. 2. As used in this chapter, "recording" means a video or**
- 13 **audio recording of a statement or interview of a student in which**
- 14 **the student acknowledges that the student performed an act or**
- 15 **omission that:**
- 16 **(1) would constitute a violation of a state or federal law; or**
- 17 **(2) could result in a suspension or expulsion from school.**



1           **Sec. 3. As used in this chapter, "school property" means any**  
 2 **property owned, rented, leased, or operated by a public school,**  
 3 **including a charter school.**

4           **Sec. 4. As used in this chapter, "statement" means a written**  
 5 **admission that a student writes or signs expressing that the student**  
 6 **performed an act or omission that:**

7           **(1) would constitute a violation of a state or federal law; or**

8           **(2) could result in a suspension or expulsion from school.**

9           **Sec. 5. (a) Except as provided under section 7 of this chapter,**  
 10 **before a law enforcement officer, school resource officer, or school**  
 11 **security guard:**

12           **(1) detains and interviews a student who is suspected of**  
 13 **performing an act or omission that:**

14           **(A) would constitute a violation of a state or federal law; or**

15           **(B) subject to subsection (c), could result in a suspension or**  
 16 **expulsion from school;**

17           **(2) requests or requires a student to write or sign a statement;**

18           **or**

19           **(3) makes a recording of a student;**

20 **the law enforcement officer, school resource officer, or school**  
 21 **security guard shall meet the requirements under subsection (b).**

22           **(b) Except as provided under section 7 of this chapter, before a**  
 23 **law enforcement officer, school resource officer, or school security**  
 24 **guard may detain and interview, request or require a statement, or**  
 25 **make a recording as described in subsection (a), the law**  
 26 **enforcement officer, school resource officer, or school security**  
 27 **guard shall do the following:**

28           **(1) Make reasonable efforts to notify the student's parent of**  
 29 **the interview, requested or required statement, or recording,**  
 30 **whichever is applicable.**

31           **(2) Document the time and manner in which the efforts to**  
 32 **notify under subdivision (1) occurred.**

33           **(3) Make reasonable efforts to ensure that the student's**  
 34 **parent is present during the interview, at the time the student**  
 35 **is requested or required to write or sign a statement, or at the**  
 36 **time a recording of the student is made, whichever is**  
 37 **applicable.**

38           **(4) If after making reasonable efforts as described in**  
 39 **subdivision (3) the student's parent is not present, ensure that**  
 40 **a school counselor, a school nurse, or any other mental health**  
 41 **professional is present during the interview, at the time the**  
 42 **student is requested or required to write or sign a statement,**



1 or at the time a recording of the student is made, whichever  
2 is applicable.

3 **(5) Subject to subsection (c), make, if practicable, reasonable**  
4 **efforts to ensure that a law enforcement officer, resource**  
5 **officer, or school security guard trained in promoting safe**  
6 **interactions and communications with youth is present during**  
7 **the interview, at the time the student is requested or required**  
8 **to write or sign a statement, or at the time a recording of the**  
9 **student is made, whichever is applicable.**

10 **(c) A law enforcement officer, school resource officer, or school**  
11 **security guard may not interview or detain a student regarding a**  
12 **routine disciplinary investigation that does not involve a potential**  
13 **violation of state or federal law. A routine disciplinary**  
14 **investigation that does not involve a potential violation of state or**  
15 **federal law may only be addressed by a school employee who is not**  
16 **a law enforcement officer, school resource officer, or school**  
17 **security guard.**

18 **Sec. 6. (a) This section does not apply to a law enforcement**  
19 **officer, school resource officer, or school security guard.**

20 **(b) Except as provided under section 7 of this chapter, before a**  
21 **school employee may request or require a student to write or sign**  
22 **a statement or make a recording of a student, the school employee**  
23 **shall do the following:**

24 **(1) Make reasonable efforts to notify the student's parent of**  
25 **the requested or required statement or recording, whichever**  
26 **is applicable.**

27 **(2) Document the time and manner in which the efforts to**  
28 **notify under subdivision (1) occurred.**

29 **(3) Make reasonable efforts to ensure that the student's**  
30 **parent is present at the time the student is requested or**  
31 **required to write or sign a statement or a recording of the**  
32 **student is made, whichever is applicable.**

33 **(4) If after making reasonable efforts as described in**  
34 **subdivision (3) the student's parent is not present, ensure that**  
35 **a school counselor, a school nurse, or any other mental health**  
36 **professional is present at the time the student is requested or**  
37 **required to write or sign a statement or at the time a**  
38 **recording of the student is made, whichever is applicable.**

39 **Sec. 7. A law enforcement officer, school resource officer, school**  
40 **security guard, or school employee is not required to meet the**  
41 **requirements under section 5 or 6 of this chapter if the**  
42 **circumstances regarding the student would cause a reasonable**



1     **person to believe that urgent and immediate action is necessary to**  
2     **do any of the following:**  
3         **(1) Prevent bodily harm or injury to a student or any other**  
4         **person.**  
5         **(2) Apprehend an armed or fleeing suspect.**  
6         **(3) Prevent the destruction of evidence.**  
7         **(4) Address an emergency or other dangerous situation.**  
8     **Sec. 8. This chapter may not be construed to limit the authority**  
9     **of a law enforcement officer or school resource officer to make an**  
10    **arrest on school property.**

