



Reprinted
February 1, 2022

SENATE BILL No. 347

DIGEST OF SB 347 (Updated January 31, 2022 5:33 pm - DI 106)

Citations Affected: IC 5-2; IC 9-26; IC 10-10.5; IC 10-13; IC 13-17; IC 35-31.5; IC 35-47; IC 36-1; IC 36-8.

Synopsis: Tribal law enforcement. Authorizes police officers appointed by a tribe to exercise police powers in Indiana if the tribal police officer meets the standards of the Indiana law enforcement academy. Provides that a tribal police officer may exercise police powers: (1) on tribal land; and (2) in the county where the tribal land is primarily located if authorized by an ordinance adopted by the tribe. Requires a tribe seeking to employ an individual as a tribal police officer who will exercise police powers in Indiana to request the individual's employment history, if the individual was previously employed by a law enforcement agency. Makes conforming amendments.

Effective: July 1, 2022.

Mishler, Niezgodski

January 11, 2022, read first time and referred to Committee on Homeland Security and Transportation.
January 25, 2022, amended, reported favorably — Do Pass.
January 31, 2022, read second time, amended, ordered engrossed.

SB 347—LS 7143/DI 106



Reprinted
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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. 347

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.12-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: 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, a hospital police department (as
9 described in IC 16-18-4), **a tribal police officer (as described in**
10 **IC 5-2-24)**, or a public or private postsecondary educational
11 institution whose board of trustees has established a police
12 department under IC 21-17-5-2 or IC 21-39-4-2 who is granted
13 lawful authority to enforce all or some of the penal laws of the
14 state of Indiana and who possesses, with respect to those laws, the
15 power to effect arrests for offenses committed in the officer's or
16 employee's presence. However, except as otherwise provided in
17 this chapter, the following are expressly excluded from the term

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



1 institution that employs and has on its payroll a law enforcement
2 officer, including individuals described in subdivision (1)(A)
3 through (1)(F).

4 SECTION 2. IC 5-2-1-15, AS AMENDED BY P.L.217-2017,
5 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2022]: Sec. 15. (a) The facilities of the law enforcement
7 academy shall be available to any law enforcement agency of the state,
8 or any of its political subdivisions, subject to the rules of the board.

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

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

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

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

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

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

40 (f) The cost of the mandatory basic training conducted by the board
41 at the facilities of the law enforcement academy and all other training
42 programs authorized by this chapter and conducted at the law



1 enforcement training academy, including the mandatory basic training
 2 course when attended by trainees who have been investigated and
 3 approved but not yet hired by a law enforcement agency, are subject to
 4 fee schedules and charges for tuition, lodging, meals, instructors,
 5 training materials, and any other items or services established by the
 6 board, including amounts needed to recoup corresponding marginal
 7 and fixed costs. The costs and the fee schedule must be an annual
 8 schedule for the state fiscal year and must be approved by the budget
 9 director.

10 SECTION 3. IC 5-2-9-1 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2022]: Sec. 1. As used in this chapter, "law
 12 enforcement agency" means the department or agency of a city, ~~or~~
 13 town, **or tribe** whose principal function is the apprehension of criminal
 14 offenders.

15 SECTION 4. IC 5-2-24 IS ADDED TO THE INDIANA CODE AS
 16 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2022]:

18 **Chapter 24. Tribal Law Enforcement**

19 **Sec. 1. As used in this chapter, "tribe" means the Pokagon Band**
 20 **of Potawatomi Indians, a federally recognized Indian tribe (as**
 21 **defined by IC 5-33.5-2-1).**

22 **Sec. 2. (a) Before appointing an individual to serve as a tribal**
 23 **police officer granted police powers under this chapter, the tribe**
 24 **or tribal police department shall contact every law enforcement**
 25 **department or agency that has employed (or that currently**
 26 **employs) the individual and request that the employing department**
 27 **or agency provide:**

28 (1) a complete and unredacted copy of all findings and orders
 29 related to disciplinary action or internal investigations
 30 (whether performed by an internal investigator or an outside
 31 agency) involving the individual; and

32 (2) the tribe or tribal police department with a copy of the
 33 individual's entire employment file, except for any medical
 34 records or information.

35 (b) An individual appointed to serve as a tribal police officer
 36 may not exercise police powers until the individual successfully
 37 meets the minimum basic training and educational requirements
 38 adopted by the law enforcement training board under IC 5-2-1-9
 39 as necessary for employment as a law enforcement officer.

40 (c) In addition to the requirements under subsection (b), the
 41 individual appointed to serve as a tribal police officer may only
 42 exercise police powers if the individual:



- 1 (1) is at least twenty-one (21) years of age;
 2 (2) does not have a felony conviction; and
 3 (3) meets other requirements as determined by the tribe.

4 **Nothing in this section affects the authority of a tribal police officer**
 5 **to enforce tribal laws.**

6 **Sec. 3. (a) An individual appointed as a tribal police officer**
 7 **under section 2 of this chapter shall take an appropriate oath of**
 8 **office in the form and manner prescribed by the tribe. A tribal**
 9 **police officer serves at the pleasure of the tribe.**

10 **(b) A tribal police officer who has been afforded police powers**
 11 **under this chapter may be decertified as a law enforcement officer**
 12 **by the law enforcement training board under IC 5-2-1-12.5.**

13 **Sec. 4. A tribal police officer with police powers may:**

- 14 (1) make an arrest;
 15 (2) conduct a search or a seizure of a person or property;
 16 (3) carry a firearm; and
 17 (4) exercise other police powers with respect to the
 18 enforcement of Indiana laws.

19 **Nothing in this section affects the authority of a tribal police officer**
 20 **to enforce tribal laws.**

21 **Sec. 5. A tribe may authorize a tribal police officer with police**
 22 **powers to exercise police powers in all or part of the county in**
 23 **which the tribal land is primarily located, if:**

- 24 (1) the tribe adopts an ordinance specifically describing the
 25 area in which a tribal police officer appointed under this
 26 chapter may exercise police powers; and
 27 (2) the tribe notifies the:
 28 (A) superintendent of the state police department; and
 29 (B) sheriff of the county in which the tribal land is
 30 primarily located (or the chief of police of the consolidated
 31 city, if the tribal land is primarily located in a consolidated
 32 city);

33 **of the boundaries of the area in which the tribal police officer**
 34 **may exercise police powers.**

35 **Every two (2) years, by January 31 of the second year, the tribe**
 36 **shall provide the persons described in subdivision (2)(A) and (2)(B)**
 37 **with a notice describing the area in which a tribal police officer**
 38 **may exercise police powers.**

39 SECTION 5. IC 9-26-9-2, AS ADDED BY P.L.198-2016,
 40 SECTION 550, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this chapter, "local
 42 law enforcement agency" means a **tribal law enforcement agency or**



1 a political subdivision's department or agency whose principal function
2 is the apprehension of criminal offenders.

3 SECTION 6. IC 10-10.5-1-3, AS ADDED BY P.L.113-2020,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2022]: Sec. 3. "Law enforcement officer" means any of the
6 following:

7 (1) A state police officer, enforcement officer of the alcohol and
8 tobacco commission, or conservation officer.

9 (2) A county, city, ~~or~~ town, **or tribal** police officer.

10 (3) A police officer appointed by a state educational institution
11 under IC 21-39-4 or school corporation under IC 20-26-16.

12 (4) A gaming agent under IC 4-33-4.5 or a gaming control officer
13 under IC 4-33-20.

14 SECTION 7. IC 10-13-8-4, AS ADDED BY P.L.38-2013,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2022]: Sec. 4. As used in this chapter, "law enforcement
17 agency" means an agency or department of the state, ~~or~~ a political
18 subdivision, **or a tribe** that:

19 (1) has jurisdiction over the search for a suspect in a case
20 involving the death or serious injury of a law enforcement officer;

21 or

22 (2) employs a law enforcement officer who is missing in the line
23 of duty.

24 SECTION 8. IC 10-13-8-5, AS ADDED BY P.L.38-2013,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2022]: Sec. 5. As used in this chapter, "law enforcement
27 officer" means any of the following:

28 (1) A state police officer.

29 (2) A county sheriff.

30 (3) A county police officer.

31 (4) A correctional officer.

32 (5) An excise police officer.

33 (6) A county police reserve officer.

34 (7) A city police officer.

35 (8) A city police reserve officer.

36 (9) A conservation enforcement officer.

37 (10) A town marshal.

38 (11) A deputy town marshal.

39 (12) A probation officer.

40 (13) A state educational institution police officer appointed under
41 IC 21-39-4.

42 (14) A gaming agent of the Indiana gaming commission.



- 1 (15) A person employed by a political subdivision (as defined in
 2 IC 36-1-2-13) and appointed as a special deputy under
 3 IC 36-8-10-10.6.
- 4 (16) A school corporation police officer appointed under
 5 IC 20-26-16.
- 6 (17) A police officer of a public or private postsecondary
 7 educational institution whose board of trustees has established a
 8 police department under IC 21-17-5-2 or IC 21-39-4-2.
- 9 **(18) A tribal police officer.**
- 10 SECTION 9. IC 13-17-15-2, AS ADDED BY P.L.181-2018,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 2. As used in this chapter, "law enforcement
 13 agency" means an agency or department of:
 14 (1) the state; **or**
 15 (2) a political subdivision of the state; **or**
 16 **(3) a tribe;**
 17 whose principal function is the apprehension of criminal offenders.
- 18 SECTION 10. IC 35-31.5-2-185, AS AMENDED BY P.L.58-2020,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2022]: Sec. 185. (a) "Law enforcement officer" means:
 21 (1) a police officer (including a **tribal police officer and a**
 22 **correctional police officer**), sheriff, constable, marshal,
 23 prosecuting attorney, special prosecuting attorney, special deputy
 24 prosecuting attorney, the securities commissioner, or the inspector
 25 general;
 26 (2) a deputy of any of those persons;
 27 (3) an investigator for a prosecuting attorney or for the inspector
 28 general;
 29 (4) a conservation officer;
 30 (5) an enforcement officer of the alcohol and tobacco
 31 commission;
 32 (6) an enforcement officer of the securities division of the office
 33 of the secretary of state; or
 34 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
 35 control officer employed by the gaming control division under
 36 IC 4-33-20.
- 37 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
 38 includes an alcoholic beverage enforcement officer, as set forth in
 39 IC 35-42-2-1.
- 40 (c) "Law enforcement officer", for purposes of IC 35-45-15,
 41 includes a federal enforcement officer, as set forth in IC 35-45-15-3.
- 42 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and



1 IC 35-44.1-3-2, includes a school resource officer (as defined in
2 IC 20-26-18.2-1) and a school corporation police officer appointed
3 under IC 20-26-16.

4 (e) "Law enforcement officer", for purposes of IC 35-40.5, has the
5 meaning set forth in IC 35-40.5-1-1.

6 SECTION 11. IC 35-47-15-2, AS ADDED BY P.L.1-2006,
7 SECTION 538, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this chapter, "law
9 enforcement agency" means an agency or department of:

- 10 (1) the state; **or**
11 (2) a political subdivision of the state; **or**
12 (3) **a tribe;**

13 whose principal function is the apprehension of criminal offenders.

14 SECTION 12. IC 36-1-8.5-4, AS ADDED BY P.L.106-2013,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2022]: Sec. 4. As used in this chapter, "law enforcement
17 officer" means an individual who is employed or was formerly
18 employed as:

- 19 (1) a police officer (including a **tribal police officer and a**
20 **correctional police officer**), sheriff, constable, marshal,
21 prosecuting attorney, special prosecuting attorney, special deputy
22 prosecuting attorney, the securities commissioner, or the inspector
23 general;
24 (2) a deputy of any of the persons specified in subdivision (1);
25 (3) an investigator for a prosecuting attorney or for the inspector
26 general;
27 (4) a conservation officer;
28 (5) an enforcement officer of the alcohol and tobacco
29 commission; or
30 (6) an enforcement officer of the securities division of the office
31 of the secretary of state.

32 SECTION 13. IC 36-8-2-2, AS AMENDED BY P.L.12-2021,
33 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2022]: Sec. 2. (a) A unit may establish, maintain, and operate
35 a police and law enforcement system to preserve public peace and
36 order and may provide facilities, equipment, and supplies for that
37 system.

38 (b) Before hiring a person as a law enforcement officer, the hiring
39 department or agency shall contact every law enforcement department
40 or agency that has employed (or that currently employs) the applicant
41 and request that the employing department or agency provide:

- 42 (1) a complete and unredacted copy of all findings and orders



1 related to disciplinary action or internal investigations (whether
 2 performed by an internal investigator or an outside agency)
 3 involving the officer; and

4 (2) the hiring department or agency with a copy of the applicant's
 5 entire employment file, except for any medical records or
 6 information.

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

9 (1) comply with the request not later than ten (10) business days
 10 from receipt of the request; and

11 (2) upon request of the applicant, provide the applicant with a
 12 copy of the information provided to the hiring department or
 13 agency.

14 No covenant, promise, or agreement to refrain from disclosure of the
 15 information described in subsection (b) prevents compliance with the
 16 requirements imposed by this section. An agency or department acting
 17 in good faith is immune from civil and criminal liability for complying
 18 with this subsection.

19 SECTION 14. IC 36-8-2.1-3.1, AS ADDED BY P.L.33-2020,
 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]: Sec. 3.1. As used in this chapter, "public safety officer"
 22 means the following:

23 (1) A police officer who is a full-time, paid, nonprobationary
 24 member of a police department. The term does not include a
 25 **tribal police officer or a** member of the state police department.

26 (2) A firefighter who is a full-time, paid, nonprobationary member
 27 of a fire department. The term does not include a volunteer
 28 firefighter.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 20, delete "the".

and when so amended that said bill do pass.

(Reference is to SB 347 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 6, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 347 be amended to read as follows:

Page 4, delete lines 22 through 38, begin a new paragraph and insert:

"Sec. 2. (a) Before appointing an individual to serve as a tribal police officer granted police powers under this chapter, the tribe or tribal police department shall contact every law enforcement department or agency that has employed (or that currently employs) the individual 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 individual; and**
- (2) the tribe or tribal police department with a copy of the individual's entire employment file, except for any medical records or information.**

(b) An individual appointed to serve as a tribal police officer may not exercise police powers until the individual successfully meets the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(c) In addition to the requirements under subsection (b), the



individual appointed to serve as a tribal police officer may only exercise police powers if the individual:

- (1) is at least twenty-one (21) years of age;**
- (2) does not have a felony conviction; and**
- (3) meets other requirements as determined by the tribe.**

Nothing in this section affects the authority of a tribal police officer to enforce tribal laws."

Page 4, line 39, delete "Sec. 4." and insert "**Sec. 3. (a)**".

Page 4, line 40, delete "section 3" and insert "**section 2**".

Page 4, after line 42, begin a new paragraph and insert:

"(b) A tribal police officer who has been afforded police powers under this chapter may be decertified as a law enforcement officer by the law enforcement training board under IC 5-2-1-12.5."

Page 5, line 1, delete "Sec. 5." and insert "**Sec. 4.**".

Page 5, line 6, delete "and tribal laws." and insert "**laws.**

Nothing in this section affects the authority of a tribal police officer to enforce tribal laws."

Page 5, delete lines 7 through 28, begin a new paragraph and insert:

"Sec. 5. A tribe may authorize a tribal police officer with police powers to exercise police powers in all or part of the county in which the tribal land is primarily located, if:

- (1) the tribe adopts an ordinance specifically describing the area in which a tribal police officer appointed under this chapter may exercise police powers; and**
- (2) the tribe notifies the:**
 - (A) superintendent of the state police department; and**
 - (B) sheriff of the county in which the tribal land is primarily located (or the chief of police of the consolidated city, if the tribal land is primarily located in a consolidated city);**

of the boundaries of the area in which the tribal police officer may exercise police powers.

Every two (2) years, by January 31 of the second year, the tribe shall provide the persons described in subdivision (2)(A) and (2)(B) with a notice describing the area in which a tribal police officer may exercise police powers."

Page 8, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 14. IC 36-8-2-2, AS AMENDED BY P.L.12-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: 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, 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."

Renumber all SECTIONS consecutively.

(Reference is to SB 347 as printed January 26, 2022.)

MISHLER

