

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 ENROLLED ACT No. 347

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.12-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: 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.

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- (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.
- (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.217-2017, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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

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

Chapter 24. Tribal Law Enforcement

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

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.



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

(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.

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

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

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

Sec. 5. A tribe may authorize a tribal police officer to exercise police powers in the entire state, or in any part of the state, 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.

SECTION 5. IC 9-26-9-2, AS ADDED BY P.L.198-2016, SECTION 550, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this chapter, "local law enforcement agency" means a **tribal law enforcement agency** or a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

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



- (1) A state police officer, enforcement officer of the alcohol and tobacco commission, or conservation officer.
- (2) A county, city, ~~or~~ town, **or tribal** police officer.
- (3) A police officer appointed by a state educational institution under IC 21-39-4 or school corporation under IC 20-26-16.
- (4) A gaming agent under IC 4-33-4.5 or a gaming control officer under IC 4-33-20.

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

- (1) has jurisdiction over the search for a suspect in a case involving the death or serious injury of a law enforcement officer;
- or
- (2) employs a law enforcement officer who is missing in the line of duty.

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

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police officer.
- (8) A city police reserve officer.
- (9) A conservation enforcement officer.
- (10) A town marshal.
- (11) A deputy town marshal.
- (12) A probation officer.
- (13) A state educational institution police officer appointed under IC 21-39-4.
- (14) A gaming agent of the Indiana gaming commission.
- (15) A person employed by a political subdivision (as defined in IC 36-1-2-13) and appointed as a special deputy under IC 36-8-10-10.6.
- (16) A school corporation police officer appointed under IC 20-26-16.
- (17) A police officer of 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.

(18) A tribal police officer.

SECTION 9. IC 13-17-15-2, AS ADDED BY P.L.181-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this chapter, "law enforcement agency" means an agency or department of:

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

whose principal function is the apprehension of criminal offenders.

SECTION 10. IC 35-31.5-2-185, AS AMENDED BY P.L.58-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 185. (a) "Law enforcement officer" means:

- (1) a police officer (including a **tribal police officer and a** correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) a deputy of any of those persons;
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer;
- (5) an enforcement officer of the alcohol and tobacco commission;
- (6) an enforcement officer of the securities division of the office of the secretary of state; or
- (7) a gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1.

(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.

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

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

SECTION 11. IC 35-47-15-2, AS ADDED BY P.L.1-2006,

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SECTION 538, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this chapter, "law enforcement agency" means an agency or department of:

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

whose principal function is the apprehension of criminal offenders.

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

- (1) a police officer (including a **tribal police officer and a** correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) a deputy of any of the persons specified in subdivision (1);
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer;
- (5) an enforcement officer of the alcohol and tobacco commission; or
- (6) an enforcement officer of the securities division of the office of the secretary of state.

SECTION 13. 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.

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

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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