

January 27, 1998

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## HOUSE BILL No. 1172

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DIGEST OF HB1172 (Updated January 22, 1998 10:20 am - DI 93)

**Citations Affected:** IC 5-2-1.

**Synopsis:** Law enforcement training. Allows a law enforcement continuing education center to conduct the basic training of law enforcement officers. Provides that a law enforcement continuing education center may provide basic training to a law enforcement officer who is: (1) employed by a law enforcement agency that is a member agency of the law enforcement continuing education center; and (2) is unable to attend the law enforcement academy because the academy does not have a space for the officer in the next basic training class. Provides that the law enforcement training board shall adopt minimum standards for training schools administered by a law enforcement continuing education center.

**Effective:** July 1, 1998.

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**Stevenson, Villalpando, Alderman,  
Fesko**

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January 8, 1998, read first time and referred to Committee on Public Safety.  
January 26, 1998, reported — Do Pass.

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HB 1172—LS 6967/DI 87



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January 27, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## HOUSE BILL No. 1172

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.2-1997,  
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 9. (a) The board shall adopt in accordance with  
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.  
5 Such rules, which shall be adopted only after necessary and proper  
6 investigation and inquiry by the board, shall include the establishment  
7 of the following:  
8 (1) Minimum standards of physical, educational, mental, and  
9 moral fitness which shall govern the acceptance of any person for  
10 training by any law enforcement training school or academy  
11 meeting or exceeding the minimum standards established  
12 pursuant to this chapter.  
13 (2) Minimum standards for law enforcement training schools  
14 administered by towns, cities, counties, **law enforcement**  
15 **continuing education centers**, agencies, or departments of the  
16 state.  
17 (3) Minimum standards for courses of study, attendance

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1 requirements, equipment, and facilities for approved town, city,  
2 county, and state law enforcement officer, police reserve officer,  
3 and conservation reserve officer training schools.

4 (4) Minimum qualifications for instructors at approved law  
5 enforcement training schools.

6 (5) Minimum basic training requirements which law enforcement  
7 officers appointed to probationary terms shall complete before  
8 being eligible for continued or permanent employment.

9 (6) Minimum basic training requirements which law enforcement  
10 officers not appointed for probationary terms but appointed on  
11 other than a permanent basis shall complete in order to be eligible  
12 for continued employment or permanent appointment.

13 (7) Minimum basic training requirements which law enforcement  
14 officers appointed on a permanent basis shall complete in order  
15 to be eligible for continued employment.

16 (b) Except as provided in subsection (l), a law enforcement officer  
17 appointed after July 5, 1972, and before July 1, 1993, may not enforce  
18 the laws or ordinances of the state or any political subdivision unless  
19 the officer has, within one (1) year from the date of appointment,  
20 successfully completed the minimum basic training requirements  
21 established under this chapter by the board. If a person fails to  
22 successfully complete the basic training requirements within one (1)  
23 year from the date of employment, the officer may not perform any of  
24 the duties of a law enforcement officer involving control or direction  
25 of members of the public or exercising the power of arrest until the  
26 officer has successfully completed the training requirements. This  
27 subsection does not apply to any law enforcement officer appointed  
28 before July 6, 1972, or after June 30, 1993.

29 (c) Military leave or other authorized leave of absence from law  
30 enforcement duty during the first year of employment after July 6,  
31 1972, shall toll the running of the first year, which in such cases shall  
32 be calculated by the aggregate of the time before and after the leave, for  
33 the purposes of this chapter.

34 (d) Except as provided in subsections (e) and (l), a law enforcement  
35 officer appointed to a law enforcement department or agency after June  
36 30, 1993, may not:

- 37 (1) make an arrest;
- 38 (2) conduct a search or a seizure of a person or property; or
- 39 (3) carry a firearm;

40 unless the law enforcement officer successfully completes, at a board  
41 certified law enforcement academy **or at a law enforcement**  
42 **continuing education center under section 15.2 of this chapter**, the

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1 basic training requirements established by the board under this chapter.

2 (e) Before a law enforcement officer appointed after June 30, 1993,  
3 completes the basic training requirements, the law enforcement officer  
4 may exercise the police powers described in subsection (d) if the  
5 officer successfully completes the pre-basic course established in  
6 subsection (f). Successful completion of the pre-basic course authorizes  
7 a law enforcement officer to exercise the police powers described in  
8 subsection (d) for one (1) year after the date the law enforcement  
9 officer is appointed.

10 (f) The board shall adopt rules under IC 4-22-2 to establish a  
11 pre-basic course for the purpose of training:

12 (1) law enforcement officers;

13 (2) police reserve officers (as described in IC 36-8-3-20); and

14 (3) conservation reserve officers (as described in IC 14-9-8-27);  
15 regarding the subjects of arrest, search and seizure, use of force, and  
16 firearm qualification. The pre-basic course must be offered on a  
17 periodic basis throughout the year at regional sites statewide. The  
18 pre-basic course must consist of forty (40) hours of course work. The  
19 board may prepare a pre-basic course on videotape that must be used  
20 in conjunction with live instruction. The board shall provide the course  
21 material, the instructors, and the facilities at the regional sites  
22 throughout the state that are used for the pre-basic course. In addition,  
23 the board may certify pre-basic courses that may be conducted by other  
24 public or private training entities, including colleges and universities.

25 (g) The board shall adopt rules under IC 4-22-2 to establish a  
26 mandatory inservice training program for police officers. After June 30,  
27 1993, a law enforcement officer who has satisfactorily completed the  
28 basic training and has been appointed to a law enforcement department  
29 or agency on either a full-time or part-time basis is not eligible for  
30 continued employment unless the officer satisfactorily completes a  
31 minimum of sixteen (16) hours each year of inservice training in any  
32 subject area included in the law enforcement academy's basic training  
33 course or other job related subjects that are approved by the board as  
34 determined by the law enforcement department's or agency's needs. In  
35 addition, a certified academy staff may develop and make available  
36 inservice training programs on a regional or local basis. The board may  
37 approve courses offered by other public or private training entities,  
38 including colleges and universities, as necessary in order to ensure the  
39 availability of an adequate number of inservice training programs. The  
40 board may waive an officer's inservice training requirements if the  
41 board determines that the officer's reason for lacking the required  
42 amount of inservice training hours is due to any of the following:



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- 1 (1) An emergency situation.
- 2 (2) The unavailability of courses.
- 3 (h) The board shall also adopt rules establishing a town marshal
- 4 basic training program, subject to the following:
- 5 (1) The program must require fewer hours of instruction and class
- 6 attendance and fewer courses of study than are required for the
- 7 mandated basic training program.
- 8 (2) Certain parts of the course materials may be studied by a
- 9 candidate at the candidate's home in order to fulfill requirements
- 10 of the program.
- 11 (3) Law enforcement officers successfully completing the
- 12 requirements of the program are eligible for appointment only in
- 13 towns employing the town marshal system (IC 36-5-7) and having
- 14 no more than one (1) marshal and two (2) deputies.
- 15 (4) The limitation imposed by subdivision (3) does not apply to an
- 16 officer who has successfully completed the mandated basic
- 17 training program.
- 18 (5) The time limitations imposed by subsections (b) and (c) for
- 19 completing the training are also applicable to the town marshal
- 20 basic training program.
- 21 (i) The board shall adopt rules under IC 4-22-2 to establish a police
- 22 chief executive training program. The program must include training
- 23 in the following areas:
- 24 (1) Liability.
- 25 (2) Media relations.
- 26 (3) Accounting and administration.
- 27 (4) Discipline.
- 28 (5) Department policy making.
- 29 (6) Firearm policies.
- 30 (7) Department programs.
- 31 (j) A police chief shall apply for admission to the police chief
- 32 executive training program within two (2) months of the date the police
- 33 chief initially takes office. A police chief must successfully complete
- 34 the police chief executive training program within six (6) months of the
- 35 date the police chief initially takes office. However, if space in the
- 36 program is not available at a time that will allow the police chief to
- 37 complete the program within six (6) months of the date the police chief
- 38 initially takes office, the police chief must successfully complete the
- 39 next available program that is offered to the police chief after the police
- 40 chief initially takes office.
- 41 (k) A police chief who fails to comply with subsection (j) may not
- 42 serve as the police chief until the police chief has completed the police

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1 chief executive training program. For the purposes of this subsection  
2 and subsection (j), "police chief" refers to:

- 3 (1) the police chief of any city; and  
4 (2) the police chief of any town having a metropolitan police  
5 department.

6 A town marshal is not considered to be a police chief for these  
7 purposes, but a town marshal may enroll in the police chief executive  
8 training program.

9 (l) An investigator in the arson division of the office of the state fire  
10 marshal appointed:

- 11 (1) before January 1, 1994, is not required; or  
12 (2) after December 31, 1993, is required;

13 to comply with the basic training standards established under this  
14 section.

15 SECTION 2. IC 5-2-1-15 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) The facilities of the law  
17 enforcement academy shall be available to any law enforcement agency  
18 of the state, or any of its political subdivisions, subject to the rules of  
19 the board.

20 (b) Any law enforcement agency of the state, ~~or~~ any of its political  
21 subdivisions, **or a law enforcement continuing education center** may  
22 conduct training:

- 23 (1) for the law enforcement agency of any political subdivision in  
24 Indiana;  
25 (2) in facilities other than those of the law enforcement academy;  
26 and  
27 (3) if the minimum standards established by the board are met or  
28 exceeded.

29 (c) A law enforcement agency **or law enforcement continuing**  
30 **education center** conducting approved local training under subsection  
31 (b) shall be entitled to a per capita allowance from the law enforcement  
32 training fund to defray such portions of the cost of basic training as  
33 shall be approved by the board. Such per capita allowance shall be  
34 earmarked and expended only for law enforcement training.

35 (d) The facilities of the law enforcement academy shall be available  
36 for the training of railroad police, prison and industrial plant guards,  
37 college and university safety and security personnel, whether public or  
38 private, and such other enforcement related groups as shall be approved  
39 by the board, upon terms and conditions established by the board.  
40 Railroad police and nongovernmental enforcement related groups  
41 qualifying to use the facilities of the academy under the rules of the  
42 board shall be required to reimburse the law enforcement training fund



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1 for the cost of such training.

2 (e) The facilities of the law enforcement academy may be used for  
3 the training of firefighting personnel where the subject matter of the  
4 training relates to duties which involve law enforcement related  
5 conduct. Such training shall be conducted upon terms and conditions  
6 established by the board. However, no volunteer firefighter is required  
7 to attend training at the academy.

8 (f) The cost of the mandatory basic training conducted by the board  
9 at the facilities of the law enforcement academy shall be paid out of the  
10 law enforcement training fund, if the trainees have been previously  
11 appointed and are on the payroll of a law enforcement department or  
12 agency. All other training programs authorized by this chapter and  
13 conducted at the law enforcement training academy, including the  
14 mandatory basic training course when attended by trainees who have  
15 been investigated and approved but not yet hired by a law enforcement  
16 agency, are subject to fee schedules and charges for tuition, lodging,  
17 meals, instructors, training materials, and any other items or services  
18 established by the board.

19 SECTION 3. IC 5-2-1-15.2 IS ADDED TO THE INDIANA CODE  
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21 1, 1998]: **Sec. 15.2. A law enforcement continuing education center  
22 may provide basic training to a law enforcement officer who is:**

- 23 (1) **employed by a law enforcement agency that is a member  
24 agency of the law enforcement continuing education center;  
25 and**  
26 (2) **not accepted by the law enforcement academy for the next  
27 basic training course because the academy does not have a  
28 space for the officer in the next basic training course.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

L. LUTZ, Chair

Committee Vote: yeas 10, nays 2.

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