



April 6, 1999

**ENGROSSED
SENATE BILL No. 578**

DIGEST OF SB 578 (Updated March 30, 1999 3:54 pm - DI 69)

Citations Affected: IC 36-8.

Synopsis: Temporary administrative appointments. Allows a sheriff in a county with a population of more than 50,000 to establish temporary administrative ranks and positions and appoint and remove county officers to the temporary positions without the approval of the sheriff's merit board. Provides that a county officer appointed to a temporary position must have served as a county officer in the county for at least five years before appointment. Provides that a county officer appointed to a temporary administrative position maintains the officer's rank, grade, or position. Requires a sheriff in a county with a population of more than 50,000 to establish written rules and regulations governing the discipline of county police officers with the approval of the merit board.

Effective: July 1, 1999.

Meeks C, Kenley, Adams

(HOUSE SPONSORS — STURTZ, MELLINGER, LUTZ, TORR)

January 21, 1999, read first time and referred to Committee on Public Policy.
February 23, 1999, reported favorably — Do Pass.
March 2, 1999, read second time, ordered engrossed.
March 3, 1999, engrossed. Read third time, passed. Yeas 46, nays 2.

HOUSE ACTION

March 8, 1999, read first time and referred to Committee on Rules and Legislative Procedures.
April 5, 1999, amended, reported — Do Pass.

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April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 578

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

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

- 1 SECTION 1. IC 36-8-10-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Except for the
3 positions of chief deputy, ~~and~~ prison matron, **and in a county with a**
4 **population of more than fifty thousand (50,000), temporary**
5 **administrative ranks or positions established and appointed by the**
6 **sheriff**, the sheriff, with the approval of the board, shall establish a
7 classification of ranks, grades, and positions for county police officers
8 in the department. For each rank, grade, and position established, the
9 sheriff, with the approval of the board, shall:
10 (1) set reasonable standards of qualifications; and
11 (2) fix the prerequisites of:
12 (A) training;
13 (B) education; and
14 (C) experience.
15 (b) The sheriff, with the approval of the board, shall devise and
16 administer examinations designed to test applicants for the

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1 qualifications required for the respective ranks, grades, or positions.
2 After these examinations, the sheriff and the board shall jointly prepare
3 a list naming only those applicants who, in the opinion of both the
4 sheriff and the board, best meet the prescribed standards and
5 prerequisites. The sheriff appoints county police officers but only from
6 among the persons whose names appear on this list. All county police
7 officers appointed to the department under this chapter are on
8 probation for a period of one (1) year from the date of appointment.

9 **(c) In a county with a population of more than fifty thousand**
10 **(50,000), the sheriff may:**

11 **(1) establish a temporary administrative rank or position**
12 **within the county police department; and**

13 **(2) appoint a county police officer to and remove a county**
14 **police officer from a temporary administrative rank or**
15 **position;**

16 **without the approval of the board. A county police officer**
17 **appointed under this subsection must have served as a county**
18 **police officer in the county police department for at least five (5)**
19 **years before the appointment. A county police officer retains the**
20 **rank, grade, or position awarded under subsection (b) while**
21 **servicing in a temporary administrative rank or position. This**
22 **subsection may not be construed to limit, modify, annul, or**
23 **otherwise affect a collective bargaining agreement.**

24 **(d) In a county with a population of more than fifty thousand**
25 **(50,000), the sheriff, with the approval of the board, shall establish**
26 **written rules and regulations governing the discipline of county**
27 **police officers. Rules and regulations established by a sheriff under**
28 **this subsection must conform to the disciplinary procedure**
29 **required by section 11 of this chapter.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 578, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 578 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senators Kenley and Adams be added as coauthors of Senate Bill 578.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 578, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, after "board." insert "**A county police officer appointed under this subsection must have served as a county police officer in the county police department for at least five (5) years before the appointment.**".

and when so amended that said bill do pass.

(Reference is to SB 578 as printed February 24, 1999.)

MOSES, Chair

Committee Vote: yeas 10, nays 0.

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