



Reprinted
April 9, 1999

ENGROSSED SENATE BILL No. 578

DIGEST OF SB 578 (Updated April 8, 1999 8:36 pm - DI 47)

Citations Affected: IC 36-8.

Synopsis: Appointments by sheriffs. Removes the requirement that a sheriff appoint a prison matron for the county. 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. Establishes seniority rules to be followed when a sheriff reduces the number of employees or fills vacancies after a reduction in force.

Effective: July 1, 1999.

Meeks C, Kenley, Adams K
(HOUSE SPONSORS — STURTZ, MELLINGER, LUTZ J, 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.
April 8, 1999, read second time, amended, ordered engrossed.

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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 *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 36-8-10-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Each sheriff ~~shall~~
3 **may** appoint a prison matron for the county. The sheriff shall set the
4 qualifications for that position. Except as provided in subsection (b),
5 the sheriff has complete hiring authority over the position of prison
6 matron.

7 (b) A prison matron who was a county police officer appointed
8 under section 10(b) of this chapter immediately before being hired as
9 prison matron is entitled to the discipline and removal procedures
10 under section 11 of this chapter before:

11 (1) being reduced in grade to a rank below the rank that the
12 person held before being hired as prison matron; or

13 (2) removal from the department.

14 (c) The sheriff may employ assistant prison matrons if necessary.

15 (d) The prison matron or the prison matron's assistants shall receive,
16 search, and care for all female prisoners and all boys under fourteen

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1 (14) years of age who are committed to or detained in the county jail,
2 municipal lockup, or other detention center in the county.

3 (e) The prison matron and assistant matrons:

- 4 (1) are members of the department;
5 (2) have the powers and duties of members of the department; and
6 (3) are entitled to the same salary that other members of the
7 department of the same rank, grade, or position are paid.

8 SECTION 2. IC 36-8-10-10 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Except for the
10 positions of chief deputy, ~~and~~ prison matron, **and in a county with a**
11 **population of more than fifty thousand (50,000), temporary**
12 **administrative ranks or positions established and appointed by the**
13 **sheriff**, the sheriff, with the approval of the board, shall establish a
14 classification of ranks, grades, and positions for county police officers
15 in the department. For each rank, grade, and position established, the
16 sheriff, with the approval of the board, shall:

- 17 (1) set reasonable standards of qualifications; and
18 (2) fix the prerequisites of:
19 (A) training;
20 (B) education; and
21 (C) experience.

22 (b) The sheriff, with the approval of the board, shall devise and
23 administer examinations designed to test applicants for the
24 qualifications required for the respective ranks, grades, or positions.
25 After these examinations, the sheriff and the board shall jointly prepare
26 a list naming only those applicants who, in the opinion of both the
27 sheriff and the board, best meet the prescribed standards and
28 prerequisites. The sheriff appoints county police officers but only from
29 among the persons whose names appear on this list. All county police
30 officers appointed to the department under this chapter are on
31 probation for a period of one (1) year from the date of appointment.

32 (c) **In a county with a population of more than fifty thousand**
33 **(50,000), the sheriff may:**

- 34 (1) **establish a temporary administrative rank or position**
35 **within the county police department; and**
36 (2) **appoint a county police officer that has served as a county**
37 **police officer for at least five years to and remove a county**
38 **police officer from a temporary administrative rank or**
39 **position;**

40 **without the approval of the board. Any temporary administrative**
41 **rank or position established pursuant to this section shall not**
42 **diminish or reduce the number and classifications of the existing**



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1 merit ranks within the county police department. A county police
 2 officer appointed under this subsection must have served as a
 3 county police officer in the county police department for at least
 4 five (5) years before the appointment. A county police officer
 5 retains the rank, grade, or position awarded under subsection (b)
 6 while serving in a temporary administrative rank or position. This
 7 subsection may not be construed to limit, modify, annul, or
 8 otherwise affect a collective bargaining agreement.

9 (d) In a county with a population of more than fifty thousand
 10 (50,000), the sheriff, with the approval of the board, shall establish
 11 written rules and regulations governing the discipline of county
 12 police officers. Rules and regulations established by a sheriff under
 13 this subsection must conform to the disciplinary procedure
 14 required by section 11 of this chapter.

15 SECTION 3. IC 36-8-10-11.1 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 1999]: Sec. 11.1. (a) As used in this section,
 18 "appointing authority" means the sheriff and the board.

19 (b) If it is necessary for the appointing authority to reduce the
 20 number of members of the department by layoff for financial
 21 reasons, the last member appointed to the department must be the
 22 first to be laid off. Additional members must be laid off in reverse
 23 hiring order until the desired level of employment is achieved.

24 (c) If department membership is increased, the members of the
 25 department who have been laid off under this section must be
 26 reinstated before any new member is appointed to the department.
 27 The last member to be laid off from the department must be the
 28 first to be reinstated. Additional members must be reinstated in
 29 reverse of the order in which the members were laid off.

30 (d) A member who is laid off shall keep the appointing authority
 31 advised of the member's current address. The appointing authority
 32 shall inform a member of the member's reinstatement by written
 33 notice sent by certified mail to the member's last known address.

34 (e) Not later than twenty (20) calendar days after the date notice
 35 of reinstatement is sent under subsection (d), the member must
 36 advise the appointing authority whether the member:

- 37 (1) accepts reinstatement; and
 38 (2) will be able to commence employment on the date specified
 39 in the notice.

40 (f) All reinstatement rights granted to a member under this
 41 section terminate on the earlier of:

- 42 (1) the date the member fails to accept reinstatement within

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1 **the time specified in subsection (e); or**
2 **(2) three (3) years after the date on which a member's layoff**
3 **begins.**

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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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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 578 be amended to read as follows:

Page 2, line 13, after "**officer**" insert "**that has served as a county police officer for at least five years**".

Page 2, line 16, after "**board.**" insert "**Any temporary administrative rank or position established pursuant to this section shall not diminish or reduce the number and classifications of the existing merit ranks within the county police department.**".

Page 2, after line 29, begin a new paragraph and insert:

SECTION 2. IC 36-8-10-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 11.1. (a) As used in this section, "appointing authority" means the sheriff and the board.**

(b) If it is necessary for the appointing authority to reduce the number of members of the department by layoff for financial reasons, the last member appointed to the department must be the first to be laid off. Additional members must be laid off in reverse hiring order until the desired level of employment is achieved.

(c) If department membership is increased, the members of the department who have been laid off under this section must be reinstated before any new member is appointed to the department. The last member to be laid off from the department must be the first to be reinstated. Additional members must be reinstated in reverse of the order in which the members were laid off.

(d) A member who is laid off shall keep the appointing authority advised of the member's current address. The appointing authority shall inform a member of the member's reinstatement by written notice sent by certified mail to the member's last known address.

(e) Not later than twenty (20) calendar days after the date notice of reinstatement is sent under subsection (d), the member must advise the appointing authority whether the member:

- (1) accepts reinstatement; and**
- (2) will be able to commence employment on the date specified in the notice.**

(f) All reinstatement rights granted to a member under this section terminate on the earlier of:

- (1) the date the member fails to accept reinstatement within the time specified in subsection (e); or**
- (2) three (3) years after the date on which a member's layoff**

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begins."

(Reference is to ESB 578 as printed April 6, 1999.)

ALDERMAN

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 578 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Each sheriff ~~shall~~ **may** appoint a prison matron for the county. The sheriff shall set the qualifications for that position. Except as provided in subsection (b), the sheriff has complete hiring authority over the position of prison matron.

(b) A prison matron who was a county police officer appointed under section 10(b) of this chapter immediately before being hired as prison matron is entitled to the discipline and removal procedures under section 11 of this chapter before:

- (1) being reduced in grade to a rank below the rank that the person held before being hired as prison matron; or
- (2) removal from the department.

(c) The sheriff may employ assistant prison matrons if necessary.

(d) The prison matron or the prison matron's assistants shall receive, search, and care for all female prisoners and all boys under fourteen (14) years of age who are committed to or detained in the county jail, municipal lockup, or other detention center in the county.

(e) The prison matron and assistant matrons:

- (1) are members of the department;
- (2) have the powers and duties of members of the department; and
- (3) are entitled to the same salary that other members of the department of the same rank, grade, or position are paid."

Renumber all SECTIONS consecutively.

(Reference is to ESB 578 as printed April 6, 1999.)

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