

# HOUSE BILL No. 1900

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-1-9; IC 11-8-2-8.

**Synopsis:** Cultural diversity training and corrections. Requires the law enforcement training board to implement a cultural diversity awareness course that must be required for every person accepted for training at a law enforcement training school or academy. Requires the department of correction to conduct a training program on cultural diversity awareness for each employee of the department who has contact with incarcerated persons.

**Effective:** July 1, 1999.

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**Smith V, Crawford**

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January 26, 1999, read first time and referred to Committee on Human Affairs.

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Introduced

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.

## HOUSE BILL No. 1900

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

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

1 SECTION 1. IC 5-2-1-9 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) The board shall adopt in  
3 accordance with IC 4-22-2 all necessary rules to carry out the  
4 provisions of this chapter. Such rules, which shall be adopted only after  
5 necessary and proper investigation and inquiry by the board, shall  
6 include the establishment of the following:

7 (1) Minimum standards of physical, educational, mental, and  
8 moral fitness which shall govern the acceptance of any person for  
9 training by any law enforcement training school or academy  
10 meeting or exceeding the minimum standards established  
11 pursuant to this chapter.

12 (2) Minimum standards for law enforcement training schools  
13 administered by towns, cities, counties, the northwest Indiana law  
14 enforcement training center, agencies, or departments of the state.

15 (3) Minimum standards for courses of study, attendance  
16 requirements, equipment, and facilities for approved town, city,  
17 county, and state law enforcement officer, police reserve officer,



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1 and conservation reserve officer training schools.

2 **(4) Minimum standards for a course of study on cultural**  
 3 **diversity awareness that must be required for every person**  
 4 **accepted for training at a law enforcement training school or**  
 5 **academy.**

6 ~~(4)~~ (5) Minimum qualifications for instructors at approved law  
 7 enforcement training schools.

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

12 ~~(6)~~ (7) Minimum basic training requirements which law  
 13 enforcement officers not appointed for probationary terms but  
 14 appointed on other than a permanent basis shall complete in order  
 15 to be eligible for continued employment or permanent  
 16 appointment.

17 ~~(7)~~ (8) Minimum basic training requirements which law  
 18 enforcement officers appointed on a permanent basis shall  
 19 complete in order to be eligible for continued employment.

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

33 (c) Military leave or other authorized leave of absence from law  
 34 enforcement duty during the first year of employment after July 6,  
 35 1972, shall toll the running of the first year, which in such cases shall  
 36 be calculated by the aggregate of the time before and after the leave, for  
 37 the purposes of this chapter.

38 (d) Except as provided in subsections (e) and (l), a law enforcement  
 39 officer appointed to a law enforcement department or agency after June  
 40 30, 1993, may not:

41 (1) make an arrest;

42 (2) conduct a search or a seizure of a person or property; or



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1 (3) carry a firearm;  
2 unless the law enforcement officer successfully completes, at a board  
3 certified law enforcement academy or at the northwest Indiana law  
4 enforcement training center under section 15.2 of this chapter, the basic  
5 training requirements established by the board under this chapter.

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

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

16 (1) law enforcement officers;  
17 (2) police reserve officers (as described in IC 36-8-3-20); and  
18 (3) conservation reserve officers (as described in IC 14-9-8-27);  
19 regarding the subjects of arrest, search and seizure, use of force, and  
20 firearm qualification. The pre-basic course must be offered on a  
21 periodic basis throughout the year at regional sites statewide. The  
22 pre-basic course must consist of forty (40) hours of course work. The  
23 board may prepare a pre-basic course on videotape that must be used  
24 in conjunction with live instruction. The board shall provide the course  
25 material, the instructors, and the facilities at the regional sites  
26 throughout the state that are used for the pre-basic course. In addition,  
27 the board may certify pre-basic courses that may be conducted by other  
28 public or private training entities, including colleges and universities.

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

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1 availability of an adequate number of inservice training programs. The  
 2 board may waive an officer's inservice training requirements if the  
 3 board determines that the officer's reason for lacking the required  
 4 amount of inservice training hours is due to any of the following:

- 5 (1) An emergency situation.
- 6 (2) The unavailability of courses.

7 (h) The board shall also adopt rules establishing a town marshal  
 8 basic training program, subject to the following:

- 9 (1) The program must require fewer hours of instruction and class  
 10 attendance and fewer courses of study than are required for the  
 11 mandated basic training program.
- 12 (2) Certain parts of the course materials may be studied by a  
 13 candidate at the candidate's home in order to fulfill requirements  
 14 of the program.
- 15 (3) Law enforcement officers successfully completing the  
 16 requirements of the program are eligible for appointment only in  
 17 towns employing the town marshal system (IC 36-5-7) and having  
 18 no more than one (1) marshal and two (2) deputies.
- 19 (4) The limitation imposed by subdivision (3) does not apply to an  
 20 officer who has successfully completed the mandated basic  
 21 training program.
- 22 (5) The time limitations imposed by subsections (b) and (c) for  
 23 completing the training are also applicable to the town marshal  
 24 basic training program.

25 (i) The board shall adopt rules under IC 4-22-2 to establish a police  
 26 chief executive training program. The program must include training  
 27 in the following areas:

- 28 (1) Liability.
- 29 (2) Media relations.
- 30 (3) Accounting and administration.
- 31 (4) Discipline.
- 32 (5) Department policy making.
- 33 (6) Firearm policies.
- 34 (7) Department programs.

35 (j) A police chief shall apply for admission to the police chief  
 36 executive training program within two (2) months of the date the police  
 37 chief initially takes office. A police chief must successfully complete  
 38 the police chief executive training program within six (6) months of the  
 39 date the police chief initially takes office. However, if space in the  
 40 program is not available at a time that will allow the police chief to  
 41 complete the program within six (6) months of the date the police chief  
 42 initially takes office, the police chief must successfully complete the



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1 next available program that is offered to the police chief after the police  
2 chief initially takes office.

3 (k) A police chief who fails to comply with subsection (j) may not  
4 serve as the police chief until the police chief has completed the police  
5 chief executive training program. For the purposes of this subsection  
6 and subsection (j), "police chief" refers to:

7 (1) the police chief of any city; and

8 (2) the police chief of any town having a metropolitan police  
9 department.

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

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

15 (1) before January 1, 1994, is not required; or

16 (2) after December 31, 1993, is required;

17 to comply with the basic training standards established under this  
18 section.

19 SECTION 2. IC 11-8-2-8 IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) All officers and employees of  
21 the department, with the exception of the members of the board,  
22 members of the parole board, the commissioner, any deputy  
23 commissioner, and any superintendent, are within the scope of  
24 IC 4-15-2.

25 (b) IC 11-10-5 applies to teachers employed under that chapter,  
26 notwithstanding IC 4-15-2.

27 (c) The department shall cooperate with the state personnel  
28 department in establishing minimum qualification standards for  
29 employees of the department and in establishing a system of personnel  
30 recruitment, selection, employment, and distribution.

31 (d) The department shall conduct training programs designed to  
32 equip employees for duty in its facilities and programs and raise their  
33 level of performance. Training programs conducted by the department  
34 need not be limited to inservice training. They may include  
35 preemployment training, internship programs, and scholarship  
36 programs in cooperation with appropriate agencies. When funds are  
37 appropriated, the department may provide educational stipends or  
38 tuition reimbursement in such amounts and under such conditions as  
39 may be determined by the department and the personnel division.

40 (e) **The department shall conduct a training program on**  
41 **cultural diversity awareness that must be a required course for**  
42 **each employee of the department who has contact with**



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1 **incarcerated persons.**

2       ~~(e)~~ (f) The department shall establish a correctional officer training  
3 program with a curriculum, and administration by agencies, to be  
4 determined by the commissioner. A certificate of completion shall be  
5 issued to any person satisfactorily completing the training program. A  
6 certificate may also be issued to any person who has received training  
7 in another jurisdiction if the commissioner determines that ~~that~~ training  
8 was at least equivalent to the training program maintained under this  
9 subsection.

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