

SENATE BILL No. 188

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-2; IC 5-10; IC 9-13-2-92; IC 9-18-3-6; IC 9-21-16-5.5; IC 9-22-1-2; IC 9-29-11-1; IC 14-13-2-18; IC 20-12-19.5-1; IC 33-10.5-8-3; IC 33-15-7-2; IC 36-2; IC 36-8; IC 36-10.

Synopsis: References to county sheriff and deputy sheriffs. Changes references to county police force and county police officer to sheriff's office and deputy sheriff. Defines county sheriff's office.

Effective: July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Introduced

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 188



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 5-2-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 2. For the purposes of this chapter,
3 and unless the context clearly denotes otherwise, the following
4 definitions apply throughout this chapter:

5 (1) "Law enforcement officer" shall mean an appointed officer or
6 employee hired by and on the payroll of the state or any of its
7 political subdivisions who is granted statutory authority to enforce
8 all or some of the penal laws of the state of Indiana and who
9 possesses, with respect to those laws, the power to effect arrests
10 for offenses committed in the officer's or employee's presence.
11 However, the following are hereby expressly excluded from the
12 term "law enforcement officer" for the purposes of this chapter:

- 13 (A) A constable.
- 14 (B) A special officer, including a special officer receiving only
15 token payment for services.
- 16 (C) A county ~~police~~ reserve ~~officer~~ **deputy sheriff** who
17 receives compensation for lake patrol duties under



- 1 IC 36-8-3-20(f)(4).
 2 (D) A conservation reserve officer who receives compensation
 3 for lake patrol duties under IC 14-9-8-27.
 4 (2) "Board" shall mean the law enforcement training board
 5 created by this chapter.
 6 (3) "Advisory council" shall mean the law enforcement advisory
 7 council created by this chapter.
 8 SECTION 2. IC 5-10-1.5-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. Each retirement plan
 10 for employees of the state or of a political subdivision shall report
 11 annually on September 1 to the public employees' retirement fund the
 12 information from the preceding fiscal year necessary for the actuary of
 13 the fund to perform an actuarial valuation of each plan. Where the
 14 director and actuary of the fund consider it appropriate, the actuary may
 15 combine one (1) retirement plan with another or with the public
 16 employees' retirement fund for the purposes of the actuarial valuation.
 17 The retirement plans covered by this chapter are the following:
 18 (1) The state excise police and conservation enforcement officers'
 19 retirement plan established under IC 5-10-5.5.
 20 (2) The "trust fund" and "pension trust" of the state police
 21 department established under IC 10-1-2.
 22 (3) Each of the police pension funds established or covered under
 23 IC 19-1-18, IC 19-1-30, IC 19-1-25-4, or IC 36-8.
 24 (4) Each of the firemen's pension funds established or covered
 25 under IC 19-1-37, IC 18-1-12, IC 19-1-44, or IC 36-8.
 26 (5) Each of the retirement funds for utility employees authorized
 27 under IC 19-3-22 or IC 36-9 or established under IC 19-3-31.
 28 (6) Each county ~~police force~~ **sheriff's office, as described in**
 29 **IC 36-2-13-1.5**, pension trust and trust fund authorized under
 30 IC 17-3-14 or IC 36-8.
 31 (7) The Indiana judges' retirement fund established under
 32 IC 33-13-8.
 33 (8) Each retirement program adopted by a board of a local health
 34 department as authorized under IC 16-1-4-25 (before its repeal)
 35 or IC 16-20-1-3.
 36 (9) Each retirement benefit program of a joint city-county health
 37 department under IC 16-1-7-16 (before its repeal).
 38 (10) Each pension and retirement plan adopted by the board of
 39 trustees or governing body of a county hospital as authorized
 40 under IC 16-12.1-3-8 (before its repeal) or IC 16-22-3-11.
 41 (11) Each pension or retirement plan and program for hospital
 42 personnel in certain city hospitals as authorized under

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- 1 IC 16-12.2-5 (before its repeal) or IC 16-23-1.
 2 (12) Each retirement program of the health and hospital
 3 corporation of a county as authorized under IC 16-12-21-27
 4 (before its repeal) or IC 16-22-8-34.
 5 (13) Each pension plan provided by a city, town, or county
 6 housing authority as authorized under IC 36-7.
 7 (14) Each pension and retirement program adopted by a public
 8 transportation corporation as authorized under IC 36-9.
 9 (15) Each system of pensions and retirement benefits of a regional
 10 transportation authority as authorized or required by IC 36-9.
 11 (16) Each employee pension plan adopted by the board of an
 12 airport authority under IC 8-22-3.
 13 (17) The pension benefit paid for the national guard by the state
 14 as established under IC 10-2-4.
 15 (18) The pension fund allowed employees of the Wabash Valley
 16 interstate commission as authorized under IC 13-5-1-3.
 17 (19) Each system of pensions and retirement provided by a unit
 18 under IC 36-1-3.
- 19 SECTION 3. IC 5-10-8-2.2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2.2. (a) As used in this
 21 section, "dependent" means a natural child, stepchild, or adopted child
 22 of a public safety employee who:
 23 (1) is less than eighteen (18) years of age;
 24 (2) is eighteen (18) years of age or older and physically or
 25 mentally disabled (using disability guidelines established by the
 26 Social Security Administration); or
 27 (3) is at least eighteen (18) and less than twenty-three (23) years
 28 of age and is enrolled in and regularly attending a secondary
 29 school or is a full-time student at an accredited college or
 30 university.
 31 (b) As used in this section, "public safety employee" means a
 32 full-time firefighter, police officer, county ~~police officer~~, **deputy**
 33 **sheriff**, or sheriff.
 34 (c) This section applies only to local unit public employers and their
 35 public safety employees.
 36 (d) A local unit public employer may provide programs of group
 37 insurance for its active and retired public safety employees through
 38 either or both of the following methods:
 39 (1) By purchasing policies of group insurance.
 40 (2) By establishing self-insurance programs.
 41 However, the establishment of a self-insurance program is subject to
 42 the approval of the unit's fiscal body.



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1 (e) A local unit public employer may pay a part of the cost of group
 2 insurance for its active and retired public safety employees. However,
 3 a local unit public employer that provides group life insurance for its
 4 active and retired public safety employees shall pay a part of the cost
 5 of that insurance.

6 (f) A local unit public employer may not cancel an insurance
 7 contract under this section during the policy term of the contract.

8 (g) After June 30, 1989, a local unit public employer that provides
 9 a group health insurance program for its active public safety employees
 10 shall also provide a group health insurance program to the following
 11 persons:

12 (1) Retired public safety employees.

13 (2) Public safety employees who are receiving disability benefits
 14 under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.

15 (3) Surviving spouses and dependents of public safety employees
 16 who die while in active service or after retirement.

17 (h) A retired or disabled public safety employee who is eligible for
 18 group health insurance coverage under subsection (g)(1) or (g)(2):

19 (1) may elect to have the person's spouse, dependents, or spouse
 20 and dependents covered under the group health insurance
 21 program at the time the person retires or becomes disabled;

22 (2) must file a written request for insurance coverage with the
 23 employer within ninety (90) days after the person retires or begins
 24 receiving disability benefits; and

25 (3) must pay an amount equal to the total of the employer's and
 26 the employee's premiums for the group health insurance for an
 27 active public safety employee (however, the employer may elect
 28 to pay any part of the person's premiums).

29 (i) A surviving spouse or dependent who is eligible for group health
 30 insurance under subsection (g)(3):

31 (1) may elect to continue coverage under the group health
 32 insurance program after the death of the public safety employee;

33 (2) must file a written request for insurance coverage with the
 34 employer within ninety (90) days after the death of the public
 35 safety employee; and

36 (3) must pay the amount that the public safety employee would
 37 have been required to pay under this section for coverage selected
 38 by the surviving spouse or dependent (however, the employer may
 39 elect to pay any part of the surviving spouse's or dependents'
 40 premiums).

41 (j) A retired or disabled public safety employee's eligibility for
 42 group health insurance under this section ends on the earlier of the

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1 following:

2 (1) When the public safety employee becomes eligible for
3 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

4 (2) When the employer terminates the health insurance program
5 for active public safety employees.

6 (k) A surviving spouse's eligibility for group health insurance under
7 this section ends on the earliest of the following:

8 (1) When the surviving spouse becomes eligible for Medicare
9 coverage as prescribed by 42 U.S.C. 1395 et seq.

10 (2) When the unit providing the insurance terminates the health
11 insurance program for active public safety employees.

12 (3) The date of the surviving spouse's remarriage.

13 (4) When health insurance becomes available to the surviving
14 spouse through employment.

15 (l) A dependent's eligibility for group health insurance under this
16 section ends on the earliest of the following:

17 (1) When the dependent becomes eligible for Medicare coverage
18 as prescribed by 42 U.S.C. 1395 et seq.

19 (2) When the unit providing the insurance terminates the health
20 insurance program for active public safety employees.

21 (3) When the dependent no longer meets the criteria set forth in
22 subsection (a).

23 (4) When health insurance becomes available to the dependent
24 through employment.

25 (m) A public safety employee who is on leave without pay is entitled
26 to participate for ninety (90) days in any group health insurance
27 program maintained by the local unit public employer for active public
28 safety employees if the public safety employee pays an amount equal
29 to the total of the employer's and the employee's premiums for the
30 insurance. However, the employer may pay all or part of the employer's
31 premium for the insurance.

32 (n) A local unit public employer may provide group health
33 insurance for retired public safety employees or their spouses not
34 covered by subsections (g) through (l) and may provide group health
35 insurance that contains provisions more favorable to retired public
36 safety employees and their spouses than required by subsections (g)
37 through (l). A local unit public employer may provide group health
38 insurance to a public safety employee who is on leave without pay for
39 a longer period than required by subsection (m), and may continue to
40 pay all or a part of the employer's premium for the insurance while the
41 employee is on leave without pay.

42 SECTION 4. IC 5-10-10-4 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. As used in this
 2 chapter, "public safety officer" means a state police officer, county
 3 sheriff, county ~~police officer~~, **deputy sheriff**, correctional officer,
 4 excise police officer, county ~~police reserve officer~~, **deputy sheriff**, city
 5 police reserve officer, conservation enforcement officer, town marshal,
 6 deputy town marshal, or state university police officer appointed under
 7 IC 20-12-3.5.

8 SECTION 5. IC 9-13-2-92 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 92. (a) "Law
 10 enforcement officer", except as provided in subsection (b), includes the
 11 following:

- 12 (1) A state police officer.
- 13 (2) A city **or** town ~~or county~~ police officer.
- 14 (3) A sheriff **or deputy sheriff**.
- 15 (4) A county coroner.
- 16 (5) A conservation officer.

17 (b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6,
 18 IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in
 19 IC 35-41-1.

20 SECTION 6. IC 9-18-3-6 IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2000]: Sec. 6. The bureau may issue distinctive
 22 permanent plates under this chapter to each of the following:

- 23 (1) The state police department.
- 24 (2) The department of natural resources.
- 25 (3) County ~~police departments~~ **sheriff's office, as described in**
 26 **IC 36-2-13-1.5.**
- 27 (4) City police departments.

28 SECTION 7. IC 9-21-16-5.5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5.5. (a) This section
 30 applies to a fire lane that is located on property that is privately or
 31 publicly owned.

32 (b) A person may not stop, stand, or park a vehicle in a fire lane.

33 (c) This section may be enforced by any of the following law
 34 enforcement officers:

- 35 (1) A state police officer.
- 36 (2) A city **or** town ~~or county~~ police officer.
- 37 (3) A sheriff **or deputy sheriff**.

38 SECTION 8. IC 9-22-1-2 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2000]: Sec. 2. As used in this chapter, "officer"
 40 means the following:

- 41 (1) A regular member of the state police department.
- 42 (2) A regular member of a city or town police department.



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1 (3) A town marshal or town marshal deputy.

2 (4) A regular member of the county ~~police force~~ **sheriff's office,**
3 **as described in IC 36-2-13-1.5.**

4 (5) An individual of an agency designated by ordinance of the
5 fiscal body.

6 SECTION 9. IC 9-29-11-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) The main
8 department, office, agency, or other person under whose supervision a
9 law enforcement officer carries on the law enforcement officer's duties
10 may charge a fee that is fixed by ordinance of the fiscal body in an
11 amount not less than three dollars (\$3) for each report.

12 (b) The fee collected under subsection (a) shall be deposited in the
13 following manner:

14 (1) If the department supplying a copy of the accident report is the
15 state police department, in a separate account known as the
16 "accident report account". The account may be expended at the
17 discretion of the state police superintendent for a purpose
18 reasonably related to the keeping of accident reports and records
19 or the prevention of street and highway accidents.

20 (2) If the department supplying a copy of the accident report is the
21 ~~sheriff, county police,~~ **sheriff's office, as described in**
22 **IC 36-2-13-1.5,** or county coroner, in a separate account known
23 as the "accident report account". The account may be expended
24 at the discretion of the chief administrative officer of the entity
25 that charged the fee for any purpose reasonably related to the
26 keeping of accident reports and records or the prevention of street
27 and highway accidents.

28 (3) If the department supplying a copy of the accident report is a
29 city or town police department, in the local law enforcement
30 continuing education fund established by IC 5-2-8-2.

31 SECTION 10. IC 14-13-2-18 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. The commission
33 may do the following:

34 (1) Adopt bylaws for the regulation of the commission's affairs
35 and the conduct of the commission's business.

36 (2) Adopt an official seal, which may not be the seal of the state.

37 (3) Maintain a principal office and other offices that the
38 commission designates.

39 (4) Sue and be sued in the name and style of "Little Calumet
40 River Basin Development Commission", with service of process
41 being made upon the chairman of the commission by leaving a
42 copy at the principal office of the commission.



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- 1 (5) Acquire by grant, purchase, gift, devise, lease, eminent
2 domain, or otherwise and hold, use, sell, lease, or dispose of:
3 (A) real and personal property of every kind and nature; and
4 (B) any right and interest;
5 necessary for the full exercise or convenient or useful for the
6 carrying on of any of the commission's powers under this chapter.
7 (6) Exercise within Indiana and in the name of the state of Indiana
8 the power of eminent domain under Indiana law governing the
9 exercise of the power of eminent domain for any public purposes.
10 (7) Fix, collect, and review admission charges, entrance fees,
11 tolls, and other user charges for the use of a facility within the
12 projects owned or leased by the commission or dedicated to the
13 commission by a political subdivision of the state or a public
14 agency, department, or commission having jurisdiction of the
15 facility.
16 (8) Acquire by fee or by lease, obtain option on, hold, and dispose
17 of real and personal property reasonably necessary and proper to
18 the exercise of the commission's powers and the performance of
19 the commission's duties under this chapter.
20 (9) Make and enter into all contracts, undertakings, and
21 agreements necessary or incidental to the performance of the
22 commission's duties and the execution of the commission's
23 powers under this chapter.
24 (10) Employ and fix the compensation of an executive director or
25 manager, consulting engineers, superintendents, and other
26 engineers, construction and accounting experts, attorneys, and
27 other employees and agents necessary in the commission's
28 judgment.
29 (11) Conduct studies of the financial feasibility of the flood
30 control and park and recreational projects and facilities,
31 betterments, and improvements within those projects.
32 (12) Avail itself of the services of professional and other
33 personnel employed by an agency, a department, or a commission
34 of the state for purposes of studying the feasibility of or designing,
35 constructing, or maintaining the projects or a facility within those
36 projects.
37 (13) Receive and accept:
38 (A) from the federal government or a federal agency or
39 department grants for or in aid of the acquisition, construction,
40 improvement, or development of any part of the projects of the
41 commission; and
42 (B) aid or contributions from any source of money, property,

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labor, or other things of value;
to be held, used, and applied only for the purposes, consistent
with the purposes of this chapter, for which the grants and
contributions may be made.

(14) Hold, use, administer, and expend money that is appropriated
or transferred to the commission.

(15) Assist or cooperate with a political subdivision or public
agency, department, or commission, including the payment of
money or the transfer of property to the political subdivision or
public agency, department, or commission by the commission if
the commission considers the assistance or cooperation
appropriate in furtherance of the purposes of this chapter.

(16) Accept assistance and cooperation from a political
subdivision or public agency, department, or commission,
including the acceptance of money or property by the commission
from the political subdivision or public agency, department, or
commission, if the commission considers the assistance or
cooperation appropriate in furtherance of the purposes of this
chapter.

(17) Do all acts and things necessary or proper to carry out the
powers expressly granted in this chapter.

(18) Enter into and carry out the terms of a nonfederal interest (as
defined by 42 U.S.C. 1962d-5b).

(19) Provide police protection for the commission's property and
activities by:

(A) requesting assistance from state ~~or city or county~~ police
authorities **or the county sheriff's office, as described in
IC 36-2-13-1.5;** or

(B) having specified employees deputized as police officers.

(20) Make contracts and leases for facilities and services.

(21) Appoint the administrative officers and employees necessary
to carry out the work of the commission, fix their duties and
compensation, and delegate authority to perform ministerial acts
in all cases except where final action of the commission is
necessary.

(22) Engage in self-supporting activities.

(23) Contract for special and temporary services and for
professional assistance.

(24) Invoke any legal, equitable, or special remedy for the
enforcement of this chapter.

SECTION 11. IC 20-12-19.5-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) The children of:

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1 (1) regular, paid law enforcement officers;
 2 (2) regular, paid firefighters;
 3 (3) volunteer firefighters under IC 36-8-12-2;
 4 (4) county ~~police~~ reserve ~~officers~~; **deputy sheriffs**; or
 5 (5) city police reserve officers;
 6 who have been killed in the line of duty shall not be required to pay
 7 tuition or other required fees at any state supported college, university,
 8 or technical school, so long as the children are under the age of
 9 twenty-three (23) and are full-time students pursuing a prescribed
 10 course of study.

11 (b) The surviving spouse of a:
 12 (1) regular, paid law enforcement officer;
 13 (2) regular, paid firefighter;
 14 (3) volunteer firefighter under IC 36-8-12-2;
 15 (4) county ~~police~~ reserve ~~officer~~; **deputy sheriff**; or
 16 (5) city police reserve officer;
 17 who has been killed in the line of duty may not be required to pay
 18 tuition or other required fees at any state supported college, university,
 19 or technical school, so long as the surviving spouse is pursuing a
 20 prescribed course of study at the institution towards an undergraduate
 21 degree.

22 (c) This section applies to the children and surviving spouse of a:
 23 (1) regular, paid law enforcement officer;
 24 (2) regular, paid firefighter;
 25 (3) volunteer firefighter under IC 36-8-12-2;
 26 (4) county ~~police~~ reserve ~~officer~~; **deputy sheriff**; or
 27 (5) city police reserve officer;
 28 if the public safety officer described in this subsection was killed in the
 29 line of duty before, on, or after July 1, 1993.

30 SECTION 12. IC 33-10.5-8-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The county shall
 32 furnish all supplies, including all blanks, forms, and papers of every
 33 kind required for use in all cases, and all furniture, books, papers,
 34 stationery, recording devices, and other equipment and supplies of
 35 every character necessary for the keeping of the records of the
 36 proceedings and maintaining of the county court.

37 (b) The county shall provide a suitable place or places for the
 38 holding of court for the judge of the county court sitting in the county.
 39 The county shall pay the salary of the deputy clerk, county ~~police~~
 40 ~~officer~~; **sheriff or deputy sheriff**, bailiff, and reporter assigned to the
 41 county court as prescribed by law.

42 SECTION 13. IC 33-15-7-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. Such sheriff, by
 2 himself or a county ~~police officer~~, **deputy sheriff**, shall attend such
 3 court in term time, execute all the orders thereof, preserve order
 4 therein, and execute, by himself or a county ~~police officer~~, **deputy**
 5 **sheriff**, all process issued out of such court.

6 SECTION 14. IC 36-2-2-15 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. (a) The county
 8 auditor or a member of the executive may administer all oaths required
 9 by this chapter.

10 (b) The executive may:

11 (1) punish contempt by a fine of not more than three dollars (\$3)
 12 or by imprisonment for not more than twenty-four (24) hours; and

13 (2) enforce its orders by attachment or other compulsory process.

14 (c) Fines assessed by the executive shall be executed, collected, and
 15 paid over in the same manner as other fines.

16 (d) The county sheriff or a county ~~police officer~~ **deputy sheriff** shall
 17 attend the meetings of the executive, if requested by the executive, and
 18 shall execute its orders.

19 SECTION 15. IC 36-2-3-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) At its regular
 21 meeting required by section 7(b)(1) of this chapter, the fiscal body shall
 22 elect a president and president pro tempore from its members.

23 (b) The county auditor is the clerk of the fiscal body and shall:

24 (1) preserve the fiscal body's records in his office;

25 (2) keep an accurate record of the fiscal body's proceedings;

26 (3) record the ayes and nays on each vote appropriating money or
 27 fixing the rate of a tax levy; and

28 (4) record the ayes and nays on other votes when requested to do
 29 so by two (2) or more members.

30 (c) The county sheriff or a county ~~police officer~~ **deputy sheriff** shall
 31 attend the meetings of the fiscal body, if requested by the fiscal body,
 32 and shall execute its orders.

33 (d) The fiscal body may employ legal and administrative personnel
 34 necessary to assist and advise it in the performance of its functions and
 35 duties.

36 SECTION 16. IC 36-2-13-1.5 IS ADDED TO THE INDIANA
 37 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 38 [EFFECTIVE JULY 1, 2000]: **Sec. 1.5. A reference to sheriff's office**
 39 **means:**

40 (1) **the county sheriff; and**

41 (2) **all county deputy sheriffs.**

42 SECTION 17. IC 36-8-3-20 IS AMENDED TO READ AS



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- 1 FOLLOWS [EFFECTIVE JULY 1, 2000] : Sec. 20. (a) This section
2 applies to counties and towns as well as cities.
- 3 (b) A unit may provide by ordinance for any number of police
4 reserve officers.
- 5 (c) Police reserve officers shall be appointed by the same authority
6 that appoints regular members of the department.
- 7 (d) Police reserve officers may be designated by another name
8 specified by ordinance.
- 9 (e) Police reserve officers may not be members of the regular police
10 department but have all of the same police powers as regular members,
11 except as limited by the rules of the department. Each department may
12 adopt rules to limit the authority of police reserve officers.
- 13 (f) To the extent that money is appropriated for a purpose listed in
14 this subsection, police reserve officers may receive any of the
15 following:
- 16 (1) A uniform allowance.
- 17 (2) Compensation for time lost from other employment because
18 of court appearances.
- 19 (3) Insurance for life, accident, and sickness coverage.
- 20 (4) In the case of county ~~police~~ reserve ~~officers~~, **deputy sheriffs**,
21 compensation for lake patrol duties that the county sheriff assigns
22 and approves for compensation.
- 23 (g) Police reserve officers are not eligible to participate in any
24 pension program provided for regular members of the department.
- 25 (h) A police reserve officer may not be appointed until he has
26 completed the training and probationary period specified by rules of the
27 department.
- 28 (i) A police reserve officer appointed by the department after June
29 30, 1993, may not:
- 30 (1) make an arrest;
- 31 (2) conduct a search or a seizure of a person or property; or
- 32 (3) carry a firearm;
- 33 unless the police reserve officer successfully completes a pre-basic
34 course under IC 5-2-1-9(f).
- 35 (j) A police reserve officer may be covered by the medical treatment
36 and burial expense provisions of the worker's compensation law
37 (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases
38 law (IC 22-3-7). If compensability of the injury is an issue, the
39 administrative procedures of IC 22-3-2 through IC 22-3-6 and
40 IC 22-3-7 shall be used to determine the issue.
- 41 (k) A police reserve officer carrying out lake patrol duties under this
42 chapter is immune from liability under IC 34-30-12, notwithstanding

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1 the payment of compensation to the officer.

2 SECTION 18. IC 36-8-10-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. As used in this
4 chapter:

5 "Board" refers to the sheriff's merit board established under this
6 chapter.

7 "Department" refers to the sheriff's department of a county.

8 "Eligible employee" means the sheriff of a county or a county ~~police~~
9 **officer deputy sheriff.**

10 "Employee beneficiary" means an eligible employee who has
11 completed an application to become an employee beneficiary and who
12 has had the proper deductions made from his wages as required in the
13 pension trust agreement.

14 "Net amount paid into the trust fund from wages of an employee
15 beneficiary" means the amount of money actually paid in from the
16 wages of the employee beneficiary, plus interest at the rate of three
17 percent (3%) compounded annually and less a sum including interest
18 at the same rate, paid from the trust fund to the employee beneficiary
19 or to a governmental fund for the credit or benefit of the employee
20 beneficiary.

21 "Pension engineers" means technical consultants qualified to
22 supervise and assist in the establishment, maintenance, and operation
23 of a pension trust on an actuarially sound basis.

24 "Trust fund" means the assets of the pension trust and consists of
25 voluntary contributions from the department, money paid from the
26 wages of employee beneficiaries, and other payments or contributions
27 made to the pension trust, including the income and proceeds derived
28 from the investment of them.

29 "Trustee" refers to the trustee of the pension trust, who may be one
30 (1) or more corporate trustees or the treasurer of the county serving
31 under bond.

32 SECTION 19. IC 36-8-10-3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The fiscal body
34 of each county shall, by ordinance, establish a sheriff's merit board to
35 be known as the _____ county sheriff's merit
36 board (inserting the name of the county).

37 (b) The board consists of five (5) members. Three (3) members shall
38 be appointed by the sheriff, and two (2) members shall be elected by a
39 majority vote of the members of the county ~~police force~~ **sheriff's**
40 **office, as described in IC 36-2-13-1.5**, under procedures established
41 by the sheriff's merit board. However, no active county ~~police officer~~
42 **deputy sheriff** may serve on the board. Appointments are for terms of



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1 four (4) years or for the remainder of an unexpired term. Not more than
 2 two (2) of the members appointed by the sheriff nor more than one (1)
 3 of the members elected by the officers may belong to the same political
 4 party. All members must reside in the county. All members serve
 5 during their respective terms and until their successors have been
 6 appointed and qualified. A member may be removed for cause duly
 7 adjudicated by declaratory judgment of the circuit court of the county.

8 (c) As compensation for service, each member of the board is
 9 entitled to receive from the county a minimum of fifteen dollars (\$15)
 10 per day for each day, or fraction of a day, that the member is engaged
 11 in transacting the business of the board.

12 (d) As soon as practicable after the members of the board have been
 13 appointed, they shall meet upon the call of the sheriff and organize by
 14 electing a president and a secretary from among their membership.
 15 Three (3) members of the board constitute a quorum for the transaction
 16 of business. The board shall hold regular monthly meetings throughout
 17 the year as is necessary to transact the business of the sheriff's
 18 department.

19 SECTION 20. IC 36-8-10-4 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) A county ~~police~~
 21 ~~force~~ **sheriff's office, as described in IC 36-2-13-1.5**, is established
 22 in each county. The members are employees of the county, and the
 23 sheriff of the county shall assign their duties according to law.

24 (b) The expenses of the **members of the county ~~police force~~**
 25 **sheriff's office, as described in IC 36-2-13-1.5**, are a part of the
 26 sheriff's department budget. The board may recommend the number
 27 and salary of the personnel, but the county fiscal body shall determine
 28 the budget and salaries.

29 (c) The county shall furnish to the sheriff and his full-time paid
 30 county ~~police officers~~ **deputy sheriffs** the uniforms or other clothing
 31 they need to perform their duties. However, after one (1) year of service
 32 in the sheriff's department, a sheriff or ~~or~~ county ~~police officer~~ **deputy**
 33 **sheriff** may be required by the county to furnish and maintain his own
 34 uniform clothing upon payment to him by the county of an annual cash
 35 allowance of at least two hundred dollars (\$200).

36 SECTION 21. IC 36-8-10-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) Each sheriff shall
 38 appoint a prison matron for the county. The sheriff shall set the
 39 qualifications for that position. Except as provided in subsection (b),
 40 the sheriff has complete hiring authority over the position of prison
 41 matron.

42 (b) A prison matron who was a county ~~police officer~~ **deputy sheriff**



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1 appointed under section 10(b) of this chapter immediately before being
 2 hired as prison matron is entitled to the discipline and removal
 3 procedures under section 11 of this chapter before:

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

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

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

12 (e) The prison matron and assistant matrons:

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

17 SECTION 22. IC 36-8-10-5.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5.5. (a) Except as
 19 provided in subsection (b), the sheriff has complete hiring authority
 20 over the position of chief deputy.

21 (b) A chief deputy who was a county ~~police officer~~ **deputy sheriff**
 22 appointed under section 10(b) of this chapter immediately before being
 23 hired as chief deputy is entitled to the discipline and removal
 24 procedures under section 11 of this chapter before:

- 25 (1) being reduced in grade to a rank below the rank that the
 26 person held before being hired as chief deputy; or
 27 (2) removal from the department.

28 SECTION 23. IC 36-8-10-10, AS AMENDED BY P.L.270-1999,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2000]: Sec. 10. (a) Except for the ~~positions~~ **position** of chief
 31 deputy, **the position of** prison matron, and in a county with a
 32 population of more than fifty thousand (50,000), temporary
 33 administrative ranks or positions established and appointed by the
 34 sheriff, the sheriff, with the approval of the board, shall establish a
 35 classification of ranks, grades, and positions for county ~~police officers~~
 36 **deputy sheriffs** in the department. For each rank, grade, and position
 37 established, the sheriff, with the approval of the board, shall:

- 38 (1) set reasonable standards of qualifications; and
 39 (2) fix the prerequisites of:
 40 (A) training;
 41 (B) education; and
 42 (C) experience.



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

12 (c) In a county with a population of more than fifty thousand
 13 (50,000), the sheriff may:

14 (1) establish a temporary administrative rank or position within
 15 the county ~~police department~~ **sheriff's office, as described in**
 16 **IC 36-2-13-1.5;** and

17 (2) appoint a county ~~police officer~~ **deputy sheriff** that has served
 18 as a county ~~police officer~~ **deputy sheriff** for at least five (5) years
 19 to and remove a county ~~police officer~~ **deputy sheriff** from a
 20 temporary administrative rank or position;

21 without the approval of the board. Any temporary administrative rank
 22 or position established pursuant to this section shall not diminish or
 23 reduce the number and classifications of the existing merit ranks within
 24 the county ~~police~~ **sheriff's** department. A county ~~police officer~~ **deputy**
 25 **sheriff** appointed under this subsection must have served as a county
 26 ~~police officer~~ **deputy sheriff** in the county ~~police~~ **sheriff's** department
 27 for at least five (5) years before the appointment. A county ~~police~~
 28 ~~officer~~ **deputy sheriff** retains the rank, grade, or position awarded
 29 under subsection (b) while serving in a temporary administrative rank
 30 or position. This subsection may not be construed to limit, modify,
 31 annul, or otherwise affect a collective bargaining agreement.

32 (d) In a county with a population of more than fifty thousand
 33 (50,000), the sheriff, with the approval of the board, shall establish
 34 written rules and regulations governing the discipline of county ~~police~~
 35 ~~officers~~ **deputy sheriffs**. Rules and regulations established by a sheriff
 36 under this subsection must conform to the disciplinary procedure
 37 required by section 11 of this chapter.

38 SECTION 24. IC 36-8-10-10.6 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10.6. (a) The sheriff
 40 may appoint as a special deputy any person who is employed by a
 41 governmental entity as defined in IC 35-41-1 or private employer, the
 42 nature of which employment necessitates that the person have the



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1 powers of a law enforcement officer. During the term of his
 2 appointment and while he is fulfilling the specific responsibilities for
 3 which the appointment is made, a special deputy has the powers,
 4 privileges, and duties of a ~~county police officer~~ **deputy sheriff** under
 5 this chapter, subject to any written limitations and specific
 6 requirements imposed by the sheriff and signed by the special deputy.
 7 A special deputy is subject to the direction of the sheriff and shall obey
 8 the rules and orders of the department. A special deputy may be
 9 removed by the sheriff at any time, without notice and without
 10 assigning any cause.

11 (b) The sheriff shall fix the prerequisites of training, education, and
 12 experience for special deputies, subject to the minimum requirements
 13 prescribed by this subsection. Applicants must:

- 14 (1) be twenty-one (21) years of age or older;
- 15 (2) never have been convicted of a felony, or a misdemeanor
 16 involving moral turpitude;
- 17 (3) be of good moral character; and
- 18 (4) have sufficient training to insure the proper performance of
 19 their authorized duties.

20 (c) Except as provided in subsection (d), a special deputy shall wear
 21 a uniform the design and color of which is easily distinguishable from
 22 the uniforms of the Indiana state police, the regular county ~~police force~~;
 23 **sheriff's office, as described in IC 36-2-13-1.5**, and all municipal
 24 police and fire forces located in the county.

25 (d) The sheriff may permit a special deputy to wear the uniform of
 26 the regular county ~~police force~~ **sheriff's office, as described in**
 27 **IC 36-2-13-1.5**, if the special deputy:

- 28 (1) has successfully completed the minimum basic training
 29 requirements under IC 5-2-1;
- 30 (2) is periodically assigned by the sheriff to duties of a regular
 31 county ~~police officer~~ **deputy sheriff**; and
- 32 (3) is an employee of the department.

33 The sheriff may revoke permission for the special deputy to wear the
 34 uniform of the regular county ~~police force~~ **sheriff's office, as**
 35 **described in IC 36-2-13-1.5**, at any time without cause or notice.

36 (e) The sheriff may also appoint one (1) legal deputy, who must be
 37 a member of the Indiana bar. The legal deputy does not have police
 38 powers. The legal deputy may continue to practice law. However,
 39 neither the legal deputy nor any attorney in partnership with him may
 40 represent a defendant in a criminal case.

41 (f) The sheriff, for the purpose of guarding prisoners in the county
 42 jail:



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- 1 (1) in counties not having a consolidated city, may appoint special
- 2 deputies to serve as county jail guards; and
- 3 (2) in counties having a consolidated city, shall appoint only
- 4 special deputies to serve as county jail guards.

5 This subsection does not affect the rights or liabilities accrued by any
 6 county ~~police officer~~ **deputy sheriff** assigned to guard the jail before
 7 August 31, 1982.

8 SECTION 25. IC 36-8-10-11 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) The sheriff may
 10 dismiss, demote, or temporarily suspend a county ~~police officer~~ **deputy**
 11 **sheriff** for cause after preferring charges in writing and after a fair
 12 public hearing before the board, which is reviewable in the circuit
 13 court. Written notice of the charges and hearing must be delivered by
 14 certified mail to the officer to be disciplined at least fourteen (14) days
 15 before the date set for the hearing. The ~~officer~~ **deputy sheriff** may be
 16 represented by counsel. The board shall make specific findings of fact
 17 in writing to support its decision.

18 (b) The sheriff may temporarily suspend ~~an officer~~ **a deputy sheriff**
 19 with or without pay for a period not exceeding fifteen (15) days,
 20 without a hearing before the board, after preferring charges of
 21 misconduct in writing delivered to the ~~officer~~ **deputy sheriff**.

22 (c) A county ~~police officer~~ **deputy sheriff** may not be dismissed,
 23 demoted, or temporarily suspended because of political affiliation nor
 24 after the officer's probationary period, except as provided in this
 25 section. ~~An officer~~ **A deputy sheriff** may:

- 26 (1) be a candidate for elective office and serve in that office if
- 27 elected;
- 28 (2) be appointed to an office and serve in that office if appointed;
- 29 and
- 30 (3) except when in uniform or on duty, solicit votes or campaign
- 31 funds for the officer or others.

32 (d) The board has subpoena powers enforceable by the circuit court
 33 for hearings under this section. ~~An officer~~ **A deputy sheriff** on
 34 probation may be dismissed by the sheriff without a right to a hearing.

35 (e) An appeal under subsection (a) must be taken by filing in court,
 36 within thirty (30) days after the date the decision is rendered, a verified
 37 complaint stating in a concise manner the general nature of the charges
 38 against the officer, the decision of the board, and a demand for the
 39 relief asserted by the ~~officer~~ **deputy sheriff**. A bond must also be filed
 40 that guarantees the appeal will be prosecuted to a final determination
 41 and that the plaintiff will pay all costs only if the court finds that the
 42 board's decision should be affirmed. The bond must be approved as

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1 bonds for costs are approved in other cases. The county must be named
 2 as the sole defendant and the plaintiff shall have a summons issued as
 3 in other cases against the county. Neither the board nor the members
 4 of it may be made parties defendant to the complaint, but all are bound
 5 by service upon the county and the judgment rendered by the court.

6 (f) All appeals shall be tried by the court. The appeal shall be heard
 7 de novo only upon any new issues related to the charges upon which
 8 the decision of the board was made. Within ten (10) days after the
 9 service of summons, the board shall file in court a complete written
 10 transcript of all papers, entries, and other parts of the record relating to
 11 the particular case. Inspection of these documents by the person
 12 affected, or by the person's agent, must be permitted by the board
 13 before the appeal is filed, if requested. The court shall review the
 14 record and decision of the board on appeal.

15 (g) The court shall make specific findings and state the conclusions
 16 of law upon which its decision is made. If the court finds that the
 17 decision of the board appealed from should in all things be affirmed,
 18 its judgment should so state. If the court finds that the decision of the
 19 board appealed from should not be affirmed in all things, then the court
 20 shall make a general finding, setting out sufficient facts to show the
 21 nature of the proceeding and the court's decision on it. The court shall
 22 either:

- 23 (1) reverse the decision of the board; or
- 24 (2) order the decision of the board to be modified.

25 (h) The final judgment of the court may be appealed by either party.
 26 Upon the final disposition of the appeal by the courts, the clerk shall
 27 certify and file a copy of the final judgment of the court to the board,
 28 which shall conform its decisions and records to the order and
 29 judgment of the court. If the decision is reversed or modified, then the
 30 board shall pay to the party entitled to it any salary or wages withheld
 31 from the party pending the appeal and to which the party is entitled
 32 under the judgment of the court.

33 (i) Either party shall be allowed a change of venue from the court or
 34 a change of judge in the same manner as such changes are allowed in
 35 civil cases. The rules of trial procedure govern in all matters of
 36 procedure upon the appeal that are not otherwise provided for by this
 37 section.

38 (j) An appeal takes precedence over other pending litigation and
 39 shall be tried and determined by the court as soon as practical.

40 SECTION 26. IC 36-8-10-11.5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11.5. (a) As used in this
 42 section, "care" includes:



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- 1 (1) medical and surgical care;
 2 (2) medicines and laboratory, curative, and palliative agents and
 3 means;
 4 (3) X-ray, diagnostic, and therapeutic service, including service
 5 during the recovery period; and
 6 (4) hospital and special nursing care if the physician or surgeon
 7 in charge considers it necessary for proper recovery.

8 (b) After deducting expenditures paid by an insurance or worker's
 9 compensation program, a county shall pay for the care of the following
 10 persons:

11 (1) A county ~~police officer~~ **deputy sheriff** who:

- 12 (A) suffers an injury; or
 13 (B) contracts an illness;

14 while the ~~officer~~ **deputy sheriff** is on duty or while the ~~officer~~
 15 **deputy sheriff** is off duty and is responding to an offense or a
 16 reported offense.

17 (2) A jail employee who:

- 18 (A) suffers an injury; or
 19 (B) contracts an illness;

20 while the employee is on duty.

21 (c) Expenditures required by subsection (b) shall be paid from the
 22 general fund of the county.

23 SECTION 27. IC 36-8-10-13 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. A sheriff may
 25 participate in the pension trust in the same manner as a county ~~police~~
 26 ~~officer~~ **deputy sheriff**. In addition, a sheriff who is not participating in
 27 the pension trust after the creation of the pension trust in his county
 28 may make a payment to the pension trust in the amount of contributions
 29 he would have made had he been participating while a sheriff, plus
 30 interest at three percent (3%) compounded annually. The sheriff is
 31 entitled to credit for the years of service as a sheriff for all purposes of
 32 the pension trust if he makes this payment.

33 SECTION 28. IC 36-10-3-10 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) The board shall:

- 35 (1) exercise general supervision of and make rules for the
 36 department;
 37 (2) establish rules governing the use of the park and recreation
 38 facilities by the public;
 39 (3) provide police protection for its property and activities, either
 40 by requesting assistance from state ~~or~~ municipal ~~or~~ county police
 41 authorities ~~or from the county sheriff's office, as described in~~
 42 **IC 36-2-13-1.5**, or by having specified employees deputized as



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- 1 police officers; the deputized employees, however, are not eligible
- 2 for police pension benefits or other emoluments of police officers;
- 3 (4) appoint the necessary administrative officers of the
- 4 department and fix their duties;
- 5 (5) establish standards and qualifications for the appointment of
- 6 all personnel and approve their appointments without regard to
- 7 politics;
- 8 (6) make recommendations and an annual report to the executive
- 9 and fiscal body of the unit concerning the operation of the board
- 10 and the status of park and recreation programs in the district;
- 11 (7) prepare and submit an annual budget in the same manner as
- 12 other executive departments of the unit; and
- 13 (8) appoint a member of the board to serve on another kind of
- 14 board or commission, whenever a statute allows a park or
- 15 recreation board to do this.

16 (b) In a municipality, the board shall fix the compensation of
 17 officers and personnel appointed under subsections (a)(4) and (a)(5),
 18 subject to IC 36-4-7-5 and IC 36-4-7-6.

19 SECTION 29. IC 36-10-7.5-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. The park governor
 21 shall do the following:

- 22 (1) Exercise general supervision of and make rules for the
- 23 department.
- 24 (2) Establish rules governing the use of the park and recreation
- 25 facilities by the public.
- 26 (3) Provide police protection for park property and activities,
- 27 either by requesting assistance from state ~~or municipal or county~~
- 28 **police authorities or the county sheriff's office, as described in**
- 29 **IC 36-2-13-1.5, or** by having specified employees deputized as
- 30 police officers. The deputized employees, however, are not
- 31 eligible for police pension benefits or other emoluments of police
- 32 officers.
- 33 (4) Appoint the necessary administrative officers of the
- 34 department and fix their duties.
- 35 (5) Establish standards and qualifications for the appointment of
- 36 all personnel and approve their appointments without regard to
- 37 politics.
- 38 (6) Make recommendations and an annual report to the legislative
- 39 body concerning the operation of the department and the status of
- 40 park and recreation programs in the township.
- 41 (7) Prepare and submit an annual budget in the same manner as
- 42 other budgets of the township.

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