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## SENATE BILL No. 126

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 1-1-4-5; 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 35-47-4.5-3; IC 36-1-2-4.2; 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".

**Effective:** July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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# SENATE BILL No. 126



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 1-1-4-5, AS AMENDED BY P.L.170-2002,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2003]: Sec. 5. The following definitions apply to the
- 4 construction of all Indiana statutes, unless the construction is plainly
- 5 repugnant to the intent of the general assembly or of the context of the
- 6 statute:
- 7 (1) "Adult", "of full age", and "person in his majority" mean a
- 8 person at least eighteen (18) years of age.
- 9 (2) "Attorney" includes a counselor or other person authorized to
- 10 appear and represent a party in an action or special proceeding.
- 11 (3) "Autism" means a neurological condition as described in the
- 12 most recent edition of the Diagnostic and Statistical Manual of
- 13 Mental Disorders of the American Psychiatric Association.
- 14 (4) "Bond" does not necessarily imply a seal.
- 15 (5) "Clerk" means the clerk of the court or a person authorized to
- 16 perform the clerk's duties.
- 17 (6) "County sheriff's office" refers to:



- 1                   **(A) the county sheriff; and**  
 2                   **(B) all county deputy sheriffs.**  
 3           (7) "Health record", "hospital record", or "medical record" means  
 4           written or printed information possessed by a provider (as defined  
 5           in IC 16-18-2-295) concerning any diagnosis, treatment, or  
 6           prognosis of the patient, unless otherwise defined. Except as  
 7           otherwise provided, the terms include mental health records and  
 8           drug and alcohol abuse records.  
 9           ~~(7)~~ **(8)** "Highway" includes county bridges and state and county  
 10          roads, unless otherwise expressly provided.  
 11          ~~(8)~~ **(9)** "Infant" or "minor" means a person less than eighteen (18)  
 12          years of age.  
 13          ~~(9)~~ **(10)** "Inhabitant" may be construed to mean a resident in any  
 14          place.  
 15          ~~(10)~~ **(11)** "Judgment" means all final orders, decrees, and  
 16          determinations in an action and all orders upon which executions  
 17          may issue.  
 18          ~~(11)~~ **(12)** "Land", "real estate", and "real property" include lands,  
 19          tenements, and hereditaments.  
 20          ~~(12)~~ **(13)** "Mentally incompetent" means of unsound mind.  
 21          ~~(13)~~ **(14)** "Money demands on contract", when used in reference  
 22          to an action, means an action arising out of contract when the  
 23          relief demanded is a recovery of money.  
 24          ~~(14)~~ **(15)** "Month" means a calendar month, unless otherwise  
 25          expressed.  
 26          ~~(15)~~ **(16)** "Noncode statute" means a statute that is not codified as  
 27          part of the Indiana Code.  
 28          ~~(16)~~ **(17)** "Oath" includes "affirmation", and "to swear" includes  
 29          to affirm.  
 30          ~~(17)~~ **(18)** "Person" extends to bodies politic and corporate.  
 31          ~~(18)~~ **(19)** "Personal property" includes goods, chattels, evidences  
 32          of debt, and things in action.  
 33          ~~(19)~~ **(20)** "Population" has the meaning set forth in IC 1-1-3.5-3.  
 34          ~~(20)~~ **(21)** "Preceding" and "following", referring to sections in  
 35          statutes, mean the sections next preceding or next following that  
 36          in which the words occur, unless some other section is designated.  
 37          ~~(21)~~ **(22)** "Property" includes personal and real property.  
 38          ~~(22)~~ **(23)** "Sheriff" means the sheriff of the county or another  
 39          person authorized to perform sheriff's duties.  
 40          ~~(23)~~ **(24)** "State", applied to any one of the United States, includes  
 41          the District of Columbia and the commonwealths, possessions,  
 42          states in free association with the United States, and the

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1 territories. "United States" includes the District of Columbia and  
 2 the commonwealths, possessions, states in free association with  
 3 the United States, and the territories.

4 ~~(24)~~ **(25)** "Under legal disabilities" includes persons less than  
 5 eighteen (18) years of age, mentally incompetent, or out of the  
 6 United States.

7 ~~(25)~~ **(26)** "Verified", when applied to pleadings, means supported  
 8 by oath or affirmation in writing.

9 ~~(26)~~ **(27)** "Will" includes a testament and codicil.

10 ~~(27)~~ **(28)** "Without relief" in any judgment, contract, execution,  
 11 or other instrument of writing or record, means without the  
 12 benefit of valuation laws.

13 ~~(28)~~ **(29)** "Written" and "in writing" include printing,  
 14 lithographing, or other mode of representing words and letters. If  
 15 the written signature of a person is required, the terms mean the  
 16 proper handwriting of the person or the person's mark.

17 ~~(29)~~ **(30)** "Year" means a calendar year, unless otherwise  
 18 expressed.

19 ~~(30)~~ **(31)** The definitions in IC 35-41-1 apply to all statutes  
 20 relating to penal offenses.

21 SECTION 2. IC 5-2-1-2 IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2003]: Sec. 2. For the purposes of this chapter,  
 23 and unless the context clearly denotes otherwise, the following  
 24 definitions apply throughout this chapter:

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

33 (A) A constable.

34 (B) A special officer, including a special officer receiving only  
 35 token payment for services.

36 (C) A county ~~police~~ reserve ~~officer~~ **deputy sheriff** who  
 37 receives compensation for lake patrol duties under  
 38 IC 36-8-3-20(f)(4).

39 (D) A conservation reserve officer who receives compensation  
 40 for lake patrol duties under IC 14-9-8-27.

41 (2) "Board" shall mean the law enforcement training board  
 42 created by this chapter.

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(3) "Advisory council" shall mean the law enforcement advisory council created by this chapter.

SECTION 3. IC 5-10-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. Each retirement plan for employees of the state or of a political subdivision shall report annually on September 1 to the public employees' retirement fund the information from the preceding fiscal year necessary for the actuary of the fund to perform an actuarial valuation of each plan. Where the director and actuary of the fund consider it appropriate, the actuary may combine one (1) retirement plan with another or with the public employees' retirement fund for the purposes of the actuarial valuation. The retirement plans covered by this chapter are the following:

(1) The state excise police and conservation enforcement officers' retirement plan established under IC 5-10-5.5.

(2) The "trust fund" and "pension trust" of the state police department established under IC 10-1-2.

(3) Each of the police pension funds established or covered under IC 19-1-18, IC 19-1-30, IC 19-1-25-4, or IC 36-8.

(4) Each of the firemen's pension funds established or covered under IC 19-1-37, IC 18-1-12, IC 19-1-44, or IC 36-8.

(5) Each of the retirement funds for utility employees authorized under IC 19-3-22 or IC 36-9 or established under IC 19-3-31.

(6) Each county ~~police force~~ **sheriff's office (as defined in IC 36-1-2-4.2)** pension trust and trust fund authorized under IC 17-3-14 or IC 36-8.

(7) The Indiana judges' retirement fund established under IC 33-13-8.

(8) Each retirement program adopted by a board of a local health department as authorized under IC 16-1-4-25 (before its repeal) or IC 16-20-1-3.

(9) Each retirement benefit program of a joint city-county health department under IC 16-1-7-16 (before its repeal).

(10) Each pension and retirement plan adopted by the board of trustees or governing body of a county hospital as authorized under IC 16-12.1-3-8 (before its repeal) or IC 16-22-3-11.

(11) Each pension or retirement plan and program for hospital personnel in certain city hospitals as authorized under IC 16-12.2-5 (before its repeal) or IC 16-23-1.

(12) Each retirement program of the health and hospital corporation of a county as authorized under IC 16-12-21-27 (before its repeal) or IC 16-22-8-34.

(13) Each pension plan provided by a city, town, or county

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1 housing authority as authorized under IC 36-7.

2 (14) Each pension and retirement program adopted by a public  
3 transportation corporation as authorized under IC 36-9.

4 (15) Each system of pensions and retirement benefits of a regional  
5 transportation authority as authorized or required by IC 36-9.

6 (16) Each employee pension plan adopted by the board of an  
7 airport authority under IC 8-22-3.

8 (17) The pension benefit paid for the national guard by the state  
9 as established under IC 10-2-4.

10 (18) The pension fund allowed employees of the Wabash Valley  
11 interstate commission as authorized under IC 13-5-1-3.

12 (19) Each system of pensions and retirement provided by a unit  
13 under IC 36-1-3.

14 SECTION 4. IC 5-10-8-2.2, AS AMENDED BY P.L.286-2001,  
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2003]: Sec. 2.2. (a) As used in this section, "dependent"  
17 means a natural child, stepchild, or adopted child of a public safety  
18 employee who:

19 (1) is less than eighteen (18) years of age;

20 (2) is eighteen (18) years of age or older and physically or  
21 mentally disabled (using disability guidelines established by the  
22 Social Security Administration); or

23 (3) is at least eighteen (18) and less than twenty-three (23) years  
24 of age and is enrolled in and regularly attending a secondary  
25 school or is a full-time student at an accredited college or  
26 university.

27 (b) As used in this section, "public safety employee" means a  
28 full-time firefighter, police officer, county ~~police officer~~, **deputy**  
29 **sheriff**, or sheriff.

30 (c) This section applies only to local unit public employers and their  
31 public safety employees.

32 (d) A local unit public employer may provide programs of group  
33 health insurance for its active and retired public safety employees  
34 through one (1) of the following methods:

35 (1) By purchasing policies of group insurance.

36 (2) By establishing self-insurance programs.

37 (3) By electing to participate in the local unit group of local units  
38 that offer the state employee health plan under section 6.6 of this  
39 chapter.

40 A local unit public employer may provide programs of group insurance  
41 other than group health insurance for the local unit public employer's  
42 active and retired public safety employees by purchasing policies of

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1 group insurance and by establishing self-insurance programs. However,  
 2 the establishment of a self-insurance program is subject to the approval  
 3 of the unit's fiscal body.

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

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

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

15 (1) Retired public safety employees.

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

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

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

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

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

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

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

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

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

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

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- 1 premiums).
- 2 (j) A retired or disabled public safety employee's eligibility for  
3 group health insurance under this section ends on the earlier of the  
4 following:
- 5 (1) When the public safety employee becomes eligible for  
6 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- 7 (2) When the employer terminates the health insurance program  
8 for active public safety employees.
- 9 (k) A surviving spouse's eligibility for group health insurance under  
10 this section ends on the earliest of the following:
- 11 (1) When the surviving spouse becomes eligible for Medicare  
12 coverage as prescribed by 42 U.S.C. 1395 et seq.
- 13 (2) When the unit providing the insurance terminates the health  
14 insurance program for active public safety employees.
- 15 (3) The date of the surviving spouse's remarriage.
- 16 (4) When health insurance becomes available to the surviving  
17 spouse through employment.
- 18 (l) A dependent's eligibility for group health insurance under this  
19 section ends on the earliest of the following:
- 20 (1) When the dependent becomes eligible for Medicare coverage  
21 as prescribed by 42 U.S.C. 1395 et seq.
- 22 (2) When the unit providing the insurance terminates the health  
23 insurance program for active public safety employees.
- 24 (3) When the dependent no longer meets the criteria set forth in  
25 subsection (a).
- 26 (4) When health insurance becomes available to the dependent  
27 through employment.
- 28 (m) A public safety employee who is on leave without pay is entitled  
29 to participate for ninety (90) days in any group health insurance  
30 program maintained by the local unit public employer for active public  
31 safety employees if the public safety employee pays an amount equal  
32 to the total of the employer's and the employee's premiums for the  
33 insurance. However, the employer may pay all or part of the employer's  
34 premium for the insurance.
- 35 (n) A local unit public employer may provide group health  
36 insurance for retired public safety employees or their spouses not  
37 covered by subsections (g) through (l) and may provide group health  
38 insurance that contains provisions more favorable to retired public  
39 safety employees and their spouses than required by subsections (g)  
40 through (l). A local unit public employer may provide group health  
41 insurance to a public safety employee who is on leave without pay for  
42 a longer period than required by subsection (m), and may continue to

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1 pay all or a part of the employer's premium for the insurance while the  
2 employee is on leave without pay.

3 SECTION 5. IC 5-10-10-4, AS AMENDED BY P.L.246-2001,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2003]: Sec. 4. As used in this chapter, "public safety officer"  
6 means any of the following:

- 7 (1) A state police officer.  
8 (2) A county sheriff.  
9 (3) A county ~~police officer~~; **deputy sheriff**.  
10 (4) A correctional officer.  
11 (5) An excise police officer.  
12 (6) A county ~~police reserve officer~~; **deputy sheriff**.  
13 (7) A city police reserve officer.  
14 (8) A conservation enforcement officer.  
15 (9) A town marshal.  
16 (10) A deputy town marshal.  
17 (11) A probation officer.  
18 (12) A state university police officer appointed under  
19 IC 20-12-3.5.  
20 (13) An emergency medical services provider (as defined in  
21 IC 16-41-10-1) who is:  
22 (A) employed by a political subdivision (as defined in  
23 IC 36-1-2-13); and  
24 (B) not eligible for a special death benefit under IC 36-8-6-20,  
25 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

26 SECTION 6. IC 5-10-13-2, AS ADDED BY P.L.185-2002,  
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2003]: Sec. 2. As used in this chapter, "employee" means an  
29 individual who:

- 30 (1) is employed full time by the state or a political subdivision of  
31 the state as:  
32 (A) a member of a fire department (as defined in IC 36-8-1-8);  
33 (B) an emergency medical services provider (as defined in  
34 IC 16-41-10-1);  
35 (C) a member of a police department (as defined in  
36 IC 36-8-1-9);  
37 (D) a correctional officer (as defined in IC 5-10-10-1.5);  
38 (E) a state police officer;  
39 (F) a county ~~police officer~~; **deputy sheriff**;  
40 (G) a county sheriff;  
41 (H) an excise police officer;  
42 (I) a conservation enforcement officer;



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- 1 (J) a town marshal; or
- 2 (K) a deputy town marshal;
- 3 (2) in the course of the individual's employment is at high risk for
- 4 occupational exposure to an exposure risk disease; and
- 5 (3) is not employed elsewhere in a similar capacity.

6 SECTION 7. IC 9-13-2-92 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 92. (a) "Law  
 8 enforcement officer", except as provided in subsection (b), includes the  
 9 following:

- 10 (1) A state police officer.
- 11 (2) A city ~~or town or county~~ police officer.
- 12 (3) A sheriff ~~or deputy sheriff~~.
- 13 (4) A county coroner.
- 14 (5) A conservation officer.
- 15 (b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6,
- 16 IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in
- 17 IC 35-41-1.

18 SECTION 8. IC 9-18-3-6 IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2003]: Sec. 6. The bureau may issue distinctive  
 20 permanent plates under this chapter to each of the following:

- 21 (1) The state police department.
- 22 (2) The department of natural resources.
- 23 (3) County ~~police departments~~: **sheriff's office (as defined in**  
 24 **IC 36-1-2-4.2).**
- 25 (4) City police departments.

26 SECTION 9. IC 9-21-16-5.5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) This section  
 28 applies to a fire lane that is located on property that is privately or  
 29 publicly owned.

- 30 (b) A person may not stop, stand, or park a vehicle in a fire lane.
- 31 (c) This section may be enforced by any of the following law  
 32 enforcement officers:

- 33 (1) A state police officer.
- 34 (2) A city ~~or town or county~~ police officer.
- 35 (3) A sheriff ~~or deputy sheriff~~.

36 SECTION 10. IC 9-22-1-2 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this  
 38 chapter, "officer" means the following:

- 39 (1) A regular member of the state police department.
- 40 (2) A regular member of a city or town police department.
- 41 (3) A town marshal or town marshal deputy.
- 42 (4) A regular member of the county ~~police force~~: **sheriff's office**

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**(as defined in IC 36-1-2-4.2).**

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

SECTION 11. IC 9-29-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than three dollars (\$3) for each report.

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

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

(2) If the department supplying a copy of the accident report is the ~~sheriff, county police,~~ **sheriff's office (as defined in IC 36-1-2-4.2)** or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

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

SECTION 12. IC 14-13-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. The commission may do the following:

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

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

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

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

(5) Acquire by grant, purchase, gift, devise, lease, eminent domain, or otherwise and hold, use, sell, lease, or dispose of:

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

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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 defined in IC 36-1-2-4.2); 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 13. IC 20-12-19.5-1, AS AMENDED BY P.L.52-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The children of:

(1) regular, paid law enforcement officers;

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

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

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

29 SECTION 14. IC 33-10.5-8-3 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The county shall  
 31 furnish all supplies, including all blanks, forms, and papers of every  
 32 kind required for use in all cases, and all furniture, books, papers,  
 33 stationery, recording devices, and other equipment and supplies of  
 34 every character necessary for the keeping of the records of the  
 35 proceedings and maintaining of the county court.

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

41 SECTION 15. IC 33-15-7-2 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Such sheriff, by

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1 himself or a county ~~police officer~~, **deputy sheriff**, shall attend such  
 2 court in term time, execute all the orders thereof, preserve order  
 3 therein, and execute, by himself or a county ~~police officer~~, **deputy**  
 4 **sheriff**, all process issued out of such court.

5 SECTION 16. IC 35-47-4.5-3, AS ADDED BY P.L.70-2000,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2003]: Sec. 3. As used in this chapter, "public safety officer"  
 8 means:

- 9 (1) a state police officer;
- 10 (2) a county sheriff;
- 11 (3) a county ~~police officer~~, **deputy sheriff**;
- 12 (4) a correctional officer;
- 13 (5) an excise police officer;
- 14 (6) a county ~~police reserve officer~~, **deputy sheriff**;
- 15 (7) a city police officer;
- 16 (8) a city police reserve officer;
- 17 (9) a conservation enforcement officer;
- 18 (10) a town marshal;
- 19 (11) a deputy town marshal;
- 20 (12) a state university police officer appointed under  
 21 IC 20-12-3.5;
- 22 (13) a probation officer;
- 23 (14) a firefighter (as defined in IC 9-18-34-1);
- 24 (15) an emergency medical technician; or
- 25 (16) a paramedic.

26 SECTION 17. IC 36-1-2-4.2 IS ADDED TO THE INDIANA CODE  
 27 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2003]: **Sec. 4.2. "County sheriff's office" refers to:**

- 29 (1) **the county sheriff; and**
- 30 (2) **all county deputy sheriffs.**

31 SECTION 18. IC 36-2-2-15 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) The county  
 33 auditor or a member of the executive may administer all oaths required  
 34 by this chapter.

35 (b) The executive may:

- 36 (1) punish contempt by a fine of not more than three dollars (\$3)  
 37 or by imprisonment for not more than twenty-four (24) hours; and
- 38 (2) enforce its orders by attachment or other compulsory process.

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

41 (d) The county sheriff or a county ~~police officer~~ **deputy sheriff** shall  
 42 attend the meetings of the executive, if requested by the executive, and



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shall execute its orders.

SECTION 19. IC 36-2-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the fiscal body shall elect a president and president pro tempore from its members.

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

- (1) preserve the fiscal body's records in his office;
- (2) keep an accurate record of the fiscal body's proceedings;
- (3) record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy; and
- (4) record the ayes and nays on other votes when requested to do so by two (2) or more members.

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

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

SECTION 20. IC 36-8-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003] : Sec. 20. (a) This section applies to counties and towns as well as cities.

(b) A unit may provide by ordinance for any number of police reserve officers.

(c) Police reserve officers shall be appointed by the same authority that appoints regular members of the department.

(d) Police reserve officers may be designated by another name specified by ordinance.

(e) Police reserve officers may not be members of the regular police department but have all of the same police powers as regular members, except as limited by the rules of the department. Each department may adopt rules to limit the authority of police reserve officers.

(f) To the extent that money is appropriated for a purpose listed in this subsection, police reserve officers may receive any of the following:

- (1) A uniform allowance.
- (2) Compensation for time lost from other employment because of court appearances.
- (3) Insurance for life, accident, and sickness coverage.
- (4) In the case of county ~~police reserve officers~~, **deputy sheriffs**, compensation for lake patrol duties that the county sheriff assigns and approves for compensation.

(g) Police reserve officers are not eligible to participate in any

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1 pension program provided for regular members of the department.  
 2 (h) A police reserve officer may not be appointed until he has  
 3 completed the training and probationary period specified by rules of the  
 4 department.  
 5 (i) A police reserve officer appointed by the department after June  
 6 30, 1993, may not:  
 7 (1) make an arrest;  
 8 (2) conduct a search or a seizure of a person or property; or  
 9 (3) carry a firearm;  
 10 unless the police reserve officer successfully completes a pre-basic  
 11 course under IC 5-2-1-9(f).  
 12 (j) A police reserve officer may be covered by the medical treatment  
 13 and burial expense provisions of the worker's compensation law  
 14 (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases  
 15 law (IC 22-3-7). If compensability of the injury is an issue, the  
 16 administrative procedures of IC 22-3-2 through IC 22-3-6 and  
 17 IC 22-3-7 shall be used to determine the issue.  
 18 (k) A police reserve officer carrying out lake patrol duties under this  
 19 chapter is immune from liability under IC 34-30-12, notwithstanding  
 20 the payment of compensation to the officer.  
 21 SECTION 21. IC 36-8-10-2 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this  
 23 chapter:  
 24 "Board" refers to the sheriff's merit board established under this  
 25 chapter.  
 26 "Department" refers to the sheriff's department of a county.  
 27 "Eligible employee" means the sheriff of a county or a county ~~police~~  
 28 ~~officer.~~ **deputy sheriff.**  
 29 "Employee beneficiary" means an eligible employee who has  
 30 completed an application to become an employee beneficiary and who  
 31 has had the proper deductions made from his wages as required in the  
 32 pension trust agreement.  
 33 "Net amount paid into the trust fund from wages of an employee  
 34 beneficiary" means the amount of money actually paid in from the  
 35 wages of the employee beneficiary, plus interest at the rate of three  
 36 percent (3%) compounded annually and less a sum including interest  
 37 at the same rate, paid from the trust fund to the employee beneficiary  
 38 or to a governmental fund for the credit or benefit of the employee  
 39 beneficiary.  
 40 "Pension engineers" means technical consultants qualified to  
 41 supervise and assist in the establishment, maintenance, and operation  
 42 of a pension trust on an actuarially sound basis.

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1 "Trust fund" means the assets of the pension trust and consists of  
 2 voluntary contributions from the department, money paid from the  
 3 wages of employee beneficiaries, and other payments or contributions  
 4 made to the pension trust, including the income and proceeds derived  
 5 from the investment of them.

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

9 SECTION 22. IC 36-8-10-3 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The fiscal body  
 11 of each county shall, by ordinance, establish a sheriff's merit board to  
 12 be known as the \_\_\_\_\_ county sheriff's merit  
 13 board (inserting the name of the county).

14 (b) The board consists of five (5) members. Three (3) members shall  
 15 be appointed by the sheriff, and two (2) members shall be elected by a  
 16 majority vote of the members of the county ~~police force~~ **sheriff's office**  
 17 **(as defined in IC 36-1-2-4.2)** under procedures established by the  
 18 sheriff's merit board. However, no active county ~~police officer~~ **deputy**  
 19 **sheriff** may serve on the board. Appointments are for terms of four (4)  
 20 years or for the remainder of an unexpired term. Not more than two (2)  
 21 of the members appointed by the sheriff nor more than one (1) of the  
 22 members elected by the officers may belong to the same political party.  
 23 All members must reside in the county. All members serve during their  
 24 respective terms and until their successors have been appointed and  
 25 qualified. A member may be removed for cause duly adjudicated by  
 26 declaratory judgment of the circuit court of the county.

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

31 (d) As soon as practicable after the members of the board have been  
 32 appointed, they shall meet upon the call of the sheriff and organize by  
 33 electing a president and a secretary from among their membership.  
 34 Three (3) members of the board constitute a quorum for the transaction  
 35 of business. The board shall hold regular monthly meetings throughout  
 36 the year as is necessary to transact the business of the sheriff's  
 37 department.

38 SECTION 23. IC 36-8-10-4 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A county ~~police~~  
 40 ~~force~~ **sheriff's office (as defined in IC 36-1-2-4.2)** is established in  
 41 each county. The members are employees of the county, and the sheriff  
 42 of the county shall assign their duties according to law.

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1 (b) The expenses of the **members of the county police force**  
2 **sheriff's office (as defined in IC 36-1-2-4.2)** are a part of the sheriff's  
3 department budget. The board may recommend the number and salary  
4 of the personnel, but the county fiscal body shall determine the budget  
5 and salaries.

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

13 SECTION 24. IC 36-8-10-5 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Each sheriff shall  
15 appoint a prison matron for the county. The sheriff shall set the  
16 qualifications for that position. Except as provided in subsection (b),  
17 the sheriff has complete hiring authority over the position of prison  
18 matron.

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

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

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

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

31 (e) The prison matron and assistant matrons:  
32 (1) are members of the department;  
33 (2) have the powers and duties of members of the department; and  
34 (3) are entitled to the same salary that other members of the  
35 department of the same rank, grade, or position are paid.

36 SECTION 25. IC 36-8-10-5.5 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) Except as  
38 provided in subsection (b), the sheriff has complete hiring authority  
39 over the position of chief deputy.

40 (b) A chief deputy who was a county ~~police officer~~ **deputy sheriff**  
41 appointed under section 10(b) of this chapter immediately before being  
42 hired as chief deputy is entitled to the discipline and removal

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1 procedures under section 11 of this chapter before:  
 2 (1) being reduced in grade to a rank below the rank that the  
 3 person held before being hired as chief deputy; or  
 4 (2) removal from the department.  
 5 SECTION 26. IC 36-8-10-10, AS AMENDED BY P.L.14-2000,  
 6 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2003]: Sec. 10. (a) Except for the position of chief deputy, the  
 8 position of prison matron, and in a county with a population of more  
 9 than fifty thousand (50,000), temporary administrative ranks or  
 10 positions established and appointed by the sheriff, the sheriff, with the  
 11 approval of the board, shall establish a classification of ranks, grades,  
 12 and positions for county ~~police officers~~ **deputy sheriffs** in the  
 13 department. For each rank, grade, and position established, the sheriff,  
 14 with the approval of the board, shall:  
 15 (1) set reasonable standards of qualifications; and  
 16 (2) fix the prerequisites of:  
 17 (A) training;  
 18 (B) education; and  
 19 (C) experience.  
 20 (b) The sheriff, with the approval of the board, shall devise and  
 21 administer examinations designed to test applicants for the  
 22 qualifications required for the respective ranks, grades, or positions.  
 23 After these examinations, the sheriff and the board shall jointly prepare  
 24 a list naming only those applicants who, in the opinion of both the  
 25 sheriff and the board, best meet the prescribed standards and  
 26 prerequisites. The sheriff appoints county ~~police officers~~ **deputy**  
 27 **sheriffs** but only from among the persons whose names appear on this  
 28 list. All county ~~police officers~~ **deputy sheriffs** appointed to the  
 29 department under this chapter are on probation for a period of one (1)  
 30 year from the date of appointment.  
 31 (c) In a county with a population of more than fifty thousand  
 32 (50,000), the sheriff may:  
 33 (1) establish a temporary administrative rank or position within  
 34 the county ~~police~~ **sheriff's** department; and  
 35 (2) appoint a county ~~police officer~~ **deputy sheriff** that has served  
 36 as a county ~~police officer~~ **deputy sheriff** for at least five (5) years  
 37 to and remove a county ~~police officer~~ **deputy sheriff** from a  
 38 temporary administrative rank or position;  
 39 without the approval of the board. Any temporary administrative rank  
 40 or position established pursuant to this section shall not diminish or  
 41 reduce the number and classifications of the existing merit ranks within  
 42 the county ~~police~~ **sheriff's** department. A county ~~police officer~~ **deputy**

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

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

14 SECTION 27. IC 36-8-10-10.6 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10.6. (a) The sheriff  
 16 may appoint as a special deputy any person who is employed by a  
 17 governmental entity as defined in IC 35-41-1 or private employer, the  
 18 nature of which employment necessitates that the person have the  
 19 powers of a law enforcement officer. During the term of his  
 20 appointment and while he is fulfilling the specific responsibilities for  
 21 which the appointment is made, a special deputy has the powers,  
 22 privileges, and duties of a county ~~police officer deputy sheriff~~ under  
 23 this chapter, subject to any written limitations and specific  
 24 requirements imposed by the sheriff and signed by the special deputy.  
 25 A special deputy is subject to the direction of the sheriff and shall obey  
 26 the rules and orders of the department. A special deputy may be  
 27 removed by the sheriff at any time, without notice and without  
 28 assigning any cause.

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

- 32 (1) be twenty-one (21) years of age or older;
- 33 (2) never have been convicted of a felony, or a misdemeanor  
 34 involving moral turpitude;
- 35 (3) be of good moral character; and
- 36 (4) have sufficient training to insure the proper performance of  
 37 their authorized duties.

38 (c) Except as provided in subsection (d), a special deputy shall wear  
 39 a uniform the design and color of which is easily distinguishable from  
 40 the uniforms of the Indiana state police, the regular county ~~police force;~~  
 41 **sheriff's office (as defined in IC 36-1-2-4.2)**, and all municipal police  
 42 and fire forces located in the county.



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1 (d) The sheriff may permit a special deputy to wear the uniform of  
 2 the regular county ~~police force~~ **sheriff's office (as defined in**  
 3 **IC 36-1-2-4.2)** if the special deputy:

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

9 The sheriff may revoke permission for the special deputy to wear the  
 10 uniform of the regular county ~~police force~~ **sheriff's office (as defined**  
 11 **in IC 36-1-2-4.2)** at any time without cause or notice.

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

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

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

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

26 SECTION 28. IC 36-8-10-11 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) The sheriff may  
 28 dismiss, demote, or temporarily suspend a county ~~police officer~~ **deputy**  
 29 **sheriff** for cause after preferring charges in writing and after a fair  
 30 public hearing before the board, which is reviewable in the circuit  
 31 court. Written notice of the charges and hearing must be delivered by  
 32 certified mail to the officer to be disciplined at least fourteen (14) days  
 33 before the date set for the hearing. The ~~officer~~ **deputy sheriff** may be  
 34 represented by counsel. The board shall make specific findings of fact  
 35 in writing to support its decision.

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

40 (c) A county ~~police officer~~ **deputy sheriff** may not be dismissed,  
 41 demoted, or temporarily suspended because of political affiliation nor  
 42 after the officer's probationary period, except as provided in this

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- 1 section. ~~An officer~~ **A deputy sheriff** may:
- 2 (1) be a candidate for elective office and serve in that office if
- 3 elected;
- 4 (2) be appointed to an office and serve in that office if appointed;
- 5 and
- 6 (3) except when in uniform or on duty, solicit votes or campaign
- 7 funds for the officer or others.
- 8 (d) The board has subpoena powers enforceable by the circuit court
- 9 for hearings under this section. ~~An officer~~ **A deputy sheriff** on
- 10 probation may be dismissed by the sheriff without a right to a hearing.
- 11 (e) An appeal under subsection (a) must be taken by filing in court,
- 12 within thirty (30) days after the date the decision is rendered, a verified
- 13 complaint stating in a concise manner the general nature of the charges
- 14 against the officer, the decision of the board, and a demand for the
- 15 relief asserted by the ~~officer~~: **deputy sheriff**. A bond must also be filed
- 16 that guarantees the appeal will be prosecuted to a final determination
- 17 and that the plaintiff will pay all costs only if the court finds that the
- 18 board's decision should be affirmed. The bond must be approved as
- 19 bonds for costs are approved in other cases. The county must be named
- 20 as the sole defendant and the plaintiff shall have a summons issued as
- 21 in other cases against the county. Neither the board nor the members
- 22 of it may be made parties defendant to the complaint, but all are bound
- 23 by service upon the county and the judgment rendered by the court.
- 24 (f) All appeals shall be tried by the court. The appeal shall be heard
- 25 de novo only upon any new issues related to the charges upon which
- 26 the decision of the board was made. Within ten (10) days after the
- 27 service of summons, the board shall file in court a complete written
- 28 transcript of all papers, entries, and other parts of the record relating to
- 29 the particular case. Inspection of these documents by the person
- 30 affected, or by the person's agent, must be permitted by the board
- 31 before the appeal is filed, if requested. The court shall review the
- 32 record and decision of the board on appeal.
- 33 (g) The court shall make specific findings and state the conclusions
- 34 of law upon which its decision is made. If the court finds that the
- 35 decision of the board appealed from should in all things be affirmed,
- 36 its judgment should so state. If the court finds that the decision of the
- 37 board appealed from should not be affirmed in all things, then the court
- 38 shall make a general finding, setting out sufficient facts to show the
- 39 nature of the proceeding and the court's decision on it. The court shall
- 40 either:
- 41 (1) reverse the decision of the board; or
- 42 (2) order the decision of the board to be modified.

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1 (h) The final judgment of the court may be appealed by either party.  
 2 Upon the final disposition of the appeal by the courts, the clerk shall  
 3 certify and file a copy of the final judgment of the court to the board,  
 4 which shall conform its decisions and records to the order and  
 5 judgment of the court. If the decision is reversed or modified, then the  
 6 board shall pay to the party entitled to it any salary or wages withheld  
 7 from the party pending the appeal and to which the party is entitled  
 8 under the judgment of the court.

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

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

16 SECTION 29. IC 36-8-10-11.5 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11.5. (a) As used in this  
 18 section, "care" includes:

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

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

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

- 30 (A) suffers an injury; or  
 31 (B) contracts an illness;

32 while the ~~officer~~ **deputy sheriff** is on duty or while the ~~officer~~  
 33 **deputy sheriff** is off duty and is responding to an offense or a  
 34 reported offense.

- 35 (2) A jail employee who:

- 36 (A) suffers an injury; or  
 37 (B) contracts an illness;

38 while the employee is on duty.

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

41 SECTION 30. IC 36-8-10-13 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. A sheriff may

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1 participate in the pension trust in the same manner as a county ~~police~~  
 2 ~~officer~~ **deputy sheriff**. In addition, a sheriff who is not participating  
 3 in the pension trust after the creation of the pension trust in his county  
 4 may make a payment to the pension trust in the amount of contributions  
 5 he would have made had he been participating while a sheriff, plus  
 6 interest at three percent (3%) compounded annually. The sheriff is  
 7 entitled to credit for the years of service as a sheriff for all purposes of  
 8 the pension trust if he makes this payment.

9 SECTION 31. IC 36-10-3-10 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) The board shall:

- 11 (1) exercise general supervision of and make rules for the  
 12 department;
- 13 (2) establish rules governing the use of the park and recreation  
 14 facilities by the public;
- 15 (3) provide police protection for its property and activities, either  
 16 by requesting assistance from state ~~or municipal or county~~ police  
 17 authorities **or from the county sheriff's office (as defined in**  
 18 **IC 36-1-2-4.2)** or by having specified employees deputized as  
 19 police officers; the deputized employees, however, are not eligible  
 20 for police pension benefits or other emoluments of police officers;
- 21 (4) appoint the necessary administrative officers of the  
 22 department and fix their duties;
- 23 (5) establish standards and qualifications for the appointment of  
 24 all personnel and approve their appointments without regard to  
 25 politics;
- 26 (6) make recommendations and an annual report to the executive  
 27 and fiscal body of the unit concerning the operation of the board  
 28 and the status of park and recreation programs in the district;
- 29 (7) prepare and submit an annual budget in the same manner as  
 30 other executive departments of the unit; and
- 31 (8) appoint a member of the board to serve on another kind of  
 32 board or commission, whenever a statute allows a park or  
 33 recreation board to do this.

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

37 SECTION 32. IC 36-10-7.5-6 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. The park governor  
 39 shall do the following:

- 40 (1) Exercise general supervision of and make rules for the  
 41 department.
- 42 (2) Establish rules governing the use of the park and recreation

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- 1 facilities by the public.
- 2 (3) Provide police protection for park property and activities,  
 3 either by requesting assistance from state ~~or municipal or county~~  
 4 police authorities or **the county sheriff's office (as defined in**  
 5 **IC 36-1-2-4.2) or** by having specified employees deputized as  
 6 police officers. The deputized employees, however, are not  
 7 eligible for police pension benefits or other emoluments of police  
 8 officers.
- 9 (4) Appoint the necessary administrative officers of the  
 10 department and fix their duties.
- 11 (5) Establish standards and qualifications for the appointment of  
 12 all personnel and approve their appointments without regard to  
 13 politics.
- 14 (6) Make recommendations and an annual report to the legislative  
 15 body concerning the operation of the department and the status of  
 16 park and recreation programs in the township.
- 17 (7) Prepare and submit an annual budget in the same manner as  
 18 other budgets of the township.
- 19 SECTION 33. [EFFECTIVE JULY 1, 2003] (a) **This act does not**  
 20 **affect:**
- 21 (1) **rights or liabilities accrued;**  
 22 (2) **penalties incurred;**  
 23 (3) **crimes committed; or**  
 24 (4) **proceedings begun;**  
 25 **before the effective date of this act. Those rights, liabilities,**  
 26 **penalties, crimes, and proceedings continue and shall be imposed**  
 27 **and enforced under prior law as if this act had not been enacted.**
- 28 (b) **Any reference to a:**
- 29 (1) **county police force; or**  
 30 (2) **county police officer;**  
 31 **in legal documents created before the effective date of this act shall**  
 32 **be treated as being the same as either a sheriff's office or a deputy**  
 33 **sheriff, as applicable.**

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