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# SENATE BILL No. 121

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## 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 9-22-1-2; IC 9-29-11-1; IC 10-14-2-5; 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, 2004.

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### Meeks C

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January 6, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Introduced

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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## SENATE BILL No. 121



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, 2004]: 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, AS AMENDED BY P.L.2-2003,
- 9 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2004]: Sec. 1. Each retirement plan for employees of the state
- 11 or of a political subdivision shall report annually on September 1 to the
- 12 public employees' retirement fund the information from the preceding
- 13 fiscal year necessary for the actuary of the fund to perform an actuarial
- 14 valuation of each plan. Where the director and actuary of the fund
- 15 consider it appropriate, the actuary may combine one (1) retirement
- 16 plan with another or with the public employees' retirement fund for the
- 17 purposes of the actuarial valuation. The retirement plans covered by
- 18 this chapter are the following:
- 19 (1) The state excise police and conservation enforcement officers'
- 20 retirement plan established under IC 5-10-5.5.
- 21 (2) The "trust fund" and "pension trust" of the state police
- 22 department established under IC 10-12-2.
- 23 (3) Each of the police pension funds established or covered under
- 24 IC 19-1-18 (**repealed**), IC 19-1-30 (**repealed**), IC 19-1-25-4
- 25 (**repealed**), or IC 36-8.
- 26 (4) Each of the firemen's pension funds established or covered
- 27 under IC 19-1-37 (**repealed**), IC 18-1-12 (**repealed**), IC 19-1-44
- 28 (**repealed**), or IC 36-8.
- 29 (5) Each of the retirement funds for utility employees authorized
- 30 under IC 19-3-22 (**repealed**) or IC 36-9 or established under
- 31 IC 19-3-31 (**repealed**).
- 32 (6) Each county ~~police force~~ **sheriff's office (as defined in**
- 33 **IC 36-1-2-4.2)** pension trust and trust fund authorized under
- 34 IC 17-3-14 (**repealed**) or IC 36-8.
- 35 (7) The Indiana judges' retirement fund established under
- 36 IC 33-13-8.
- 37 (8) Each retirement program adopted by a board of a local health
- 38 department as authorized under IC 16-1-4-25 (before its repeal)
- 39 or IC 16-20-1-3.
- 40 (9) Each retirement benefit program of a joint city-county health
- 41 department under IC 16-1-7-16 (before its repeal).
- 42 (10) Each pension and retirement plan adopted by the board of

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- 1 trustees or governing body of a county hospital as authorized
- 2 under IC 16-12.1-3-8 (before its repeal) or IC 16-22-3-11.
- 3 (11) Each pension or retirement plan and program for hospital
- 4 personnel in certain city hospitals as authorized under
- 5 IC 16-12.2-5 (before its repeal) or IC 16-23-1.
- 6 (12) Each retirement program of the health and hospital
- 7 corporation of a county as authorized under IC 16-12-21-27
- 8 (before its repeal) or IC 16-22-8-34.
- 9 (13) Each pension plan provided by a city, town, or county
- 10 housing authority as authorized under IC 36-7.
- 11 (14) Each pension and retirement program adopted by a public
- 12 transportation corporation as authorized under IC 36-9.
- 13 (15) Each system of pensions and retirement benefits of a regional
- 14 transportation authority as authorized or required by IC 36-9.
- 15 (16) Each employee pension plan adopted by the board of an
- 16 airport authority under IC 8-22-3.
- 17 (17) The pension benefit paid for the national guard by the state
- 18 as established under IC 10-16-7.
- 19 (18) The pension fund allowed employees of the Wabash Valley
- 20 interstate commission as authorized under IC 13-5-1-3
- 21 **(repealed).**
- 22 (19) Each system of pensions and retirement provided by a unit
- 23 under IC 36-1-3.
- 24 SECTION 3. IC 5-10-8-2.2, AS AMENDED BY P.L.86-2003,
- 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2004]: Sec. 2.2. (a) As used in this section, "dependent"
- 27 means a natural child, stepchild, or adopted child of a public safety
- 28 employee who:
- 29 (1) is less than eighteen (18) years of age;
- 30 (2) is eighteen (18) years of age or older and physically or
- 31 mentally disabled (using disability guidelines established by the
- 32 Social Security Administration); or
- 33 (3) is at least eighteen (18) and less than twenty-three (23) years
- 34 of age and is enrolled in and regularly attending a secondary
- 35 school or is a full-time student at an accredited college or
- 36 university.
- 37 (b) As used in this section, "public safety employee" means a
- 38 full-time firefighter, police officer, county ~~police officer~~, **deputy**
- 39 **sheriff**, or sheriff.
- 40 (c) This section applies only to local unit public employers and their
- 41 public safety employees.
- 42 (d) A local unit public employer may provide programs of group

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1 health insurance for its active and retired public safety employees  
2 through one (1) of the following methods:

- 3 (1) By purchasing policies of group insurance.
- 4 (2) By establishing self-insurance programs.
- 5 (3) By electing to participate in the local unit group of local units  
6 that offer the state employee health plan under section 6.6 of this  
7 chapter.

8 A local unit public employer may provide programs of group insurance  
9 other than group health insurance for the local unit public employer's  
10 active and retired public safety employees by purchasing policies of  
11 group insurance and by establishing self-insurance programs. However,  
12 the establishment of a self-insurance program is subject to the approval  
13 of the unit's fiscal body.

14 (e) A local unit public employer may pay a part of the cost of group  
15 insurance for its active and retired public safety employees. However,  
16 a local unit public employer that provides group life insurance for its  
17 active and retired public safety employees shall pay a part of the cost  
18 of that insurance.

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

21 (g) ~~After June 30, 1989,~~ A local unit public employer that provides  
22 a group health insurance program for its active public safety employees  
23 shall also provide a group health insurance program to the following  
24 persons:

- 25 (1) Retired public safety employees.
- 26 (2) Public safety employees who are receiving disability benefits  
27 under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- 28 (3) Surviving spouses and dependents of public safety employees  
29 who die while in active service or after retirement.

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

- 32 (1) may elect to have the person's spouse, dependents, or spouse  
33 and dependents covered under the group health insurance  
34 program at the time the person retires or becomes disabled;
- 35 (2) must file a written request for insurance coverage with the  
36 employer within ninety (90) days after the person retires or begins  
37 receiving disability benefits; and
- 38 (3) must pay an amount equal to the total of the employer's and  
39 the employee's premiums for the group health insurance for an  
40 active public safety employee (however, the employer may elect  
41 to pay any part of the person's premiums).

42 (i) Except as provided in IC 36-8-6-9.7(f), IC 36-8-6-10.1(h),

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1 IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h),  
 2 IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), ~~IC 36-8-8-14.1(h)~~;  
 3 **IC 36-8-8-14.1(h)**, and IC 36-8-10-16.5 for a surviving spouse or  
 4 dependent of a public safety employee who dies in the line of duty, a  
 5 surviving spouse or dependent who is eligible for group health  
 6 insurance under subsection (g)(3):

- 7 (1) may elect to continue coverage under the group health  
 8 insurance program after the death of the public safety employee;  
 9 (2) must file a written request for insurance coverage with the  
 10 employer within ninety (90) days after the death of the public  
 11 safety employee; and  
 12 (3) must pay the amount that the public safety employee would  
 13 have been required to pay under this section for coverage selected  
 14 by the surviving spouse or dependent (however, the employer may  
 15 elect to pay any part of the surviving spouse's or dependents'  
 16 premiums).

17 (j) A retired or disabled public safety employee's eligibility for  
 18 group health insurance under this section ends on the earlier of the  
 19 following:

- 20 (1) When the public safety employee becomes eligible for  
 21 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.  
 22 (2) When the employer terminates the health insurance program  
 23 for active public safety employees.

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

- 26 (1) When the surviving spouse becomes eligible for Medicare  
 27 coverage as prescribed by 42 U.S.C. 1395 et seq.  
 28 (2) When the unit providing the insurance terminates the health  
 29 insurance program for active public safety employees.  
 30 (3) The date of the surviving spouse's remarriage.  
 31 (4) When health insurance becomes available to the surviving  
 32 spouse through employment.

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

- 35 (1) When the dependent becomes eligible for Medicare coverage  
 36 as prescribed by 42 U.S.C. 1395 et seq.  
 37 (2) When the unit providing the insurance terminates the health  
 38 insurance program for active public safety employees.  
 39 (3) When the dependent no longer meets the criteria set forth in  
 40 subsection (a).  
 41 (4) When health insurance becomes available to the dependent  
 42 through employment.

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1 (m) A public safety employee who is on leave without pay is entitled  
2 to participate for ninety (90) days in any group health insurance  
3 program maintained by the local unit public employer for active public  
4 safety employees if the public safety employee pays an amount equal  
5 to the total of the employer's and the employee's premiums for the  
6 insurance. However, the employer may pay all or part of the employer's  
7 premium for the insurance.

8 (n) A local unit public employer may provide group health  
9 insurance for retired public safety employees or their spouses not  
10 covered by subsections (g) through (l) and may provide group health  
11 insurance that contains provisions more favorable to retired public  
12 safety employees and their spouses than required by subsections (g)  
13 through (l). A local unit public employer may provide group health  
14 insurance to a public safety employee who is on leave without pay for  
15 a longer period than required by subsection (m), and may continue to  
16 pay all or a part of the employer's premium for the insurance while the  
17 employee is on leave without pay.

18 SECTION 4. IC 5-10-10-4, AS AMENDED BY P.L.56-2003,  
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2004]: Sec. 4. As used in this chapter, "public safety officer"  
21 means any of the following:

- 22 (1) A state police officer.
- 23 (2) A county sheriff.
- 24 (3) A county ~~police officer.~~ **deputy sheriff.**
- 25 (4) A correctional officer.
- 26 (5) An excise police officer.
- 27 (6) A county ~~police reserve officer.~~ **deputy sheriff.**
- 28 (7) A city police reserve officer.
- 29 (8) A conservation enforcement officer.
- 30 (9) A town marshal.
- 31 (10) A deputy town marshal.
- 32 (11) A probation officer.
- 33 (12) A state university police officer appointed under  
34 IC 20-12-3.5.
- 35 (13) An emergency medical services provider (as defined in  
36 IC 16-41-10-1) who is:
  - 37 (A) employed by a political subdivision (as defined in  
38 IC 36-1-2-13); and
  - 39 (B) not eligible for a special death benefit under IC 36-8-6-20,  
40 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- 41 (14) A firefighter who is employed by the fire department of a  
42 state university.

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1 SECTION 5. IC 5-10-13-2, AS ADDED BY P.L.185-2002,  
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2004]: Sec. 2. As used in this chapter, "employee" means an  
 4 individual who:

5 (1) is employed full time by the state or a political subdivision of  
 6 the state as:

7 (A) a member of a fire department (as defined in IC 36-8-1-8);

8 (B) an emergency medical services provider (as defined in  
 9 IC 16-41-10-1);

10 (C) a member of a police department (as defined in  
 11 IC 36-8-1-9);

12 (D) a correctional officer (as defined in IC 5-10-10-1.5);

13 (E) a state police officer;

14 (F) a county ~~police officer~~; **deputy sheriff**;

15 (G) a county sheriff;

16 (H) an excise police officer;

17 (I) a conservation enforcement officer;

18 (J) a town marshal; or

19 (K) a deputy town marshal;

20 (2) in the course of the individual's employment is at high risk for  
 21 occupational exposure to an exposure risk disease; and

22 (3) is not employed elsewhere in a similar capacity.

23 SECTION 6. IC 9-13-2-92 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 92. (a) "Law  
 25 enforcement officer", except as provided in subsection (b), includes the  
 26 following:

27 (1) A state police officer.

28 (2) A city ~~or town or county~~ police officer.

29 (3) A sheriff ~~or deputy sheriff~~.

30 (4) A county coroner.

31 (5) A conservation officer.

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

35 SECTION 7. IC 9-18-3-6 IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2004]: Sec. 6. The bureau may issue distinctive  
 37 permanent plates under this chapter to each of the following:

38 (1) The state police department.

39 (2) The department of natural resources.

40 (3) County ~~police~~ **sheriff's** departments.

41 (4) City police departments.

42 SECTION 8. IC 9-22-1-2 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2004]: Sec. 2. As used in this chapter, "officer"  
2 means the following:

- 3 (1) A regular member of the state police department.
- 4 (2) A regular member of a city or town police department.
- 5 (3) A town marshal or town marshal deputy.
- 6 (4) A regular member of the county ~~police force~~: **sheriff's office**  
7 **(as defined in IC 36-1-2-4.2).**
- 8 (5) An individual of an agency designated by ordinance of the  
9 fiscal body.

10 SECTION 9. IC 9-29-11-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The main  
12 department, office, agency, or other person under whose supervision a  
13 law enforcement officer carries on the law enforcement officer's duties  
14 may charge a fee that is fixed by ordinance of the fiscal body in an  
15 amount not less than three dollars (\$3) for each report.

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

- 18 (1) If the department supplying a copy of the accident report is the  
19 state police department, in a separate account known as the  
20 "accident report account". The account may be expended at the  
21 discretion of the state police superintendent for a purpose  
22 reasonably related to the keeping of accident reports and records  
23 or the prevention of street and highway accidents.
- 24 (2) If ~~the department supplying~~ a copy of the accident report is  
25 **supplied by the sheriff county police**, or county coroner, in a  
26 separate account known as the "accident report account". The  
27 account may be expended at the discretion of the chief  
28 administrative officer of the entity that charged the fee for any  
29 purpose reasonably related to the keeping of accident reports and  
30 records or the prevention of street and highway accidents.
- 31 (3) If the department supplying a copy of the accident report is a  
32 city or town police department, in the local law enforcement  
33 continuing education fund established by IC 5-2-8-2.

34 SECTION 10. IC 10-14-2-5, AS ADDED BY P.L.142-2003,  
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2004]: Sec. 5. (a) For purposes of this section, "member of the  
37 military or public safety officer" means an individual who is:

- 38 (1) a member of a fire department (as defined in IC 36-8-1-8);
- 39 (2) an emergency medical service provider (as defined in  
40 IC 16-41-10-1);
- 41 (3) a member of a police department (as defined in IC 36-8-1-9);
- 42 (4) a correctional officer (as defined in IC 5-10-10-1.5);

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- 1 (5) a state police officer;
- 2 (6) a county ~~police officer~~; **deputy sheriff**;
- 3 (7) a police reserve officer;
- 4 (8) a county sheriff;
- 5 (9) a deputy sheriff;
- 6 (10) an excise police officer;
- 7 (11) a conservation enforcement officer;
- 8 (12) a town marshal;
- 9 (13) a deputy town marshal;
- 10 (14) a university police officer appointed under IC 20-12-3.5;
- 11 (15) a probation officer;
- 12 (16) a paramedic;
- 13 (17) a volunteer firefighter (as defined in IC 36-8-12-2);
- 14 (18) an emergency medical technician or a paramedic working in
- 15 a volunteer capacity;
- 16 (19) a member of the armed forces of the United States;
- 17 (20) a member of the Indiana Air National Guard; or
- 18 (21) a member of the Indiana Army National Guard.

19 (b) For purposes of this section, "dies in the line of duty" refers to  
 20 a death that occurs as a direct result of personal injury or illness  
 21 resulting from any action that a member of the military or public safety  
 22 officer, in the member of the military's or public safety officer's official  
 23 capacity, is obligated or authorized by rule, regulation, condition of  
 24 employment or services, or law to perform in the course of performing  
 25 the member of the military's or public safety officer's duty.

26 (c) If a member of the military or public safety officer dies in the  
 27 line of duty, a state flag shall be presented to:  
 28 (1) the surviving spouse;  
 29 (2) the surviving children if there is no surviving spouse; or  
 30 (3) the surviving parent or parents if there is no surviving spouse  
 31 and there are no surviving children.

32 (d) The state emergency management agency shall administer this  
 33 section and may adopt rules under IC 4-22-2 to implement this section.

34 SECTION 11. IC 14-13-2-18 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. The commission  
 36 may do the following:

- 37 (1) Adopt bylaws for the regulation of the commission's affairs  
 38 and the conduct of the commission's business.
- 39 (2) Adopt an official seal, which may not be the seal of the state.
- 40 (3) Maintain a principal office and other offices that the  
 41 commission designates.
- 42 (4) Sue and be sued in the name and style of "Little Calumet

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

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- 1 improvement, or development of any part of the projects of the
- 2 commission; and
- 3 (B) aid or contributions from any source of money, property,
- 4 labor, or other things of value;
- 5 to be held, used, and applied only for the purposes, consistent
- 6 with the purposes of this chapter, for which the grants and
- 7 contributions may be made.
- 8 (14) Hold, use, administer, and expend money that is appropriated
- 9 or transferred to the commission.
- 10 (15) Assist or cooperate with a political subdivision or public
- 11 agency, department, or commission, including the payment of
- 12 money or the transfer of property to the political subdivision or
- 13 public agency, department, or commission by the commission if
- 14 the commission considers the assistance or cooperation
- 15 appropriate in furtherance of the purposes of this chapter.
- 16 (16) Accept assistance and cooperation from a political
- 17 subdivision or public agency, department, or commission,
- 18 including the acceptance of money or property by the commission
- 19 from the political subdivision or public agency, department, or
- 20 commission, if the commission considers the assistance or
- 21 cooperation appropriate in furtherance of the purposes of this
- 22 chapter.
- 23 (17) Do all acts and things necessary or proper to carry out the
- 24 powers expressly granted in this chapter.
- 25 (18) Enter into and carry out the terms of a nonfederal interest (as
- 26 defined by 42 U.S.C. 1962d-5b).
- 27 (19) Provide police protection for the commission's property and
- 28 activities by:
- 29 (A) requesting assistance from state ~~or city or county~~ police
- 30 authorities **or the county sheriff's office (as defined in**
- 31 **IC 36-1-2-4.2);** or
- 32 (B) having specified employees deputized as police officers.
- 33 (20) Make contracts and leases for facilities and services.
- 34 (21) Appoint the administrative officers and employees necessary
- 35 to carry out the work of the commission, fix their duties and
- 36 compensation, and delegate authority to perform ministerial acts
- 37 in all cases except where final action of the commission is
- 38 necessary.
- 39 (22) Engage in self-supporting activities.
- 40 (23) Contract for special and temporary services and for
- 41 professional assistance.
- 42 (24) Invoke any legal, equitable, or special remedy for the

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1 enforcement of this chapter.

2 SECTION 12. IC 20-12-19.5-1, AS AMENDED BY P.L.32-2003,

3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

4 JULY 1, 2004]: Sec. 1. (a) The children of:

5 (1) regular, paid law enforcement officers;

6 (2) regular, paid firefighters;

7 (3) volunteer firefighters (as defined in IC 36-8-12-2);

8 (4) county ~~police~~ reserve ~~officers~~; **deputy sheriffs**;

9 (5) city police reserve officers;

10 (6) paramedics (as defined in IC 16-18-2-266);

11 (7) emergency medical technicians (as defined in

12 IC 16-18-2-112); or

13 (8) advanced emergency medical technicians (as defined in

14 IC 16-18-2-6 **(repealed)**);

15 who have been killed in the line of duty shall not be required to pay

16 tuition or mandatory fees at any state supported college, university, or

17 technical school, so long as the children are under the age of

18 twenty-three (23) and are full-time students pursuing a prescribed

19 course of study.

20 (b) The surviving spouse of a:

21 (1) regular, paid law enforcement officer;

22 (2) regular, paid firefighter;

23 (3) volunteer firefighter (as defined in IC 36-8-12-2);

24 (4) county ~~police~~ reserve ~~officer~~; **deputy sheriff**;

25 (5) city police reserve officer;

26 (6) paramedic (as defined in IC 16-18-2-266);

27 (7) emergency medical technician (as defined in IC 16-18-2-112);

28 or

29 (8) advanced emergency medical technician (as defined in

30 IC 16-18-2-6 **(repealed)**);

31 who has been killed in the line of duty may not be required to pay

32 tuition or mandatory fees at any state supported college, university, or

33 technical school, so long as the surviving spouse is pursuing a

34 prescribed course of study at the institution towards an undergraduate

35 degree.

36 (c) This section applies to the children and surviving spouse of a:

37 (1) regular, paid law enforcement officer;

38 (2) regular, paid firefighter;

39 (3) volunteer firefighter (as defined in IC 36-8-12-2);

40 (4) county ~~police~~ reserve ~~officer~~; **deputy sheriff**;

41 (5) city police reserve officer;

42 (6) paramedic (as defined in IC 16-18-2-266);

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1 (7) emergency medical technician (as defined in IC 16-18-2-112);  
 2 or  
 3 (8) advanced emergency medical technician (as defined in  
 4 IC 16-18-2-6);  
 5 if the public safety officer described in this subsection was a resident  
 6 of Indiana and was killed in the line of duty before, on, or after July 1,  
 7 1993.

8 SECTION 13. IC 33-10.5-8-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The county shall  
 10 furnish all supplies, including all blanks, forms, and papers of every  
 11 kind required for use in all cases, and all furniture, books, papers,  
 12 stationery, recording devices, and other equipment and supplies of  
 13 every character necessary for the keeping of the records of the  
 14 proceedings and maintaining of the county court.

15 (b) The county shall provide a suitable place or places for the  
 16 holding of court for the judge of the county court sitting in the county.  
 17 The county shall pay the salary of the deputy clerk, county ~~police~~  
 18 ~~officer, sheriff or deputy sheriff~~, bailiff, and reporter assigned to the  
 19 county court as prescribed by law.

20 SECTION 14. IC 33-15-7-2 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. Such sheriff, by  
 22 himself or a county ~~police officer, deputy sheriff~~, shall attend such  
 23 court in term time, execute all the orders thereof, preserve order  
 24 therein, and execute, by himself or a county ~~police officer, deputy~~  
 25 ~~sheriff~~, all process issued out of such court.

26 SECTION 15. IC 35-47-4.5-3, AS ADDED BY P.L.70-2000,  
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2004]: Sec. 3. As used in this chapter, "public safety officer"  
 29 means:

- 30 (1) a state police officer;
- 31 (2) a county sheriff;
- 32 (3) a county ~~police officer, deputy sheriff~~;
- 33 (4) a correctional officer;
- 34 (5) an excise police officer;
- 35 (6) a county ~~police reserve officer, deputy sheriff~~;
- 36 (7) a city police officer;
- 37 (8) a city police reserve officer;
- 38 (9) a conservation enforcement officer;
- 39 (10) a town marshal;
- 40 (11) a deputy town marshal;
- 41 (12) a state university police officer appointed under
- 42 IC 20-12-3.5;

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- 1 (13) a probation officer;
- 2 (14) a firefighter (as defined in IC 9-18-34-1);
- 3 (15) an emergency medical technician; or
- 4 (16) a paramedic.

5 SECTION 16. IC 36-1-2-4.2 IS ADDED TO THE INDIANA CODE  
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 7 1, 2004]: **Sec. 4.2. "County sheriff's office" means:**

- 8 **(1) the sheriff of a county; and**
- 9 **(2) all deputy sheriffs of the county.**

10 SECTION 17. IC 36-2-2-15 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The county  
 12 auditor or a member of the executive may administer all oaths required  
 13 by this chapter.

- 14 (b) The executive may:
  - 15 (1) punish contempt by a fine of not more than three dollars (\$3)
  - 16 or by imprisonment for not more than twenty-four (24) hours; and
  - 17 (2) enforce its orders by attachment or other compulsory process.

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

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

23 SECTION 18. IC 36-2-3-6 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) At its regular  
 25 meeting required by section 7(b)(1) of this chapter, the fiscal body shall  
 26 elect a president and president pro tempore from its members.

- 27 (b) The county auditor is the clerk of the fiscal body and shall:
  - 28 (1) preserve the fiscal body's records in his office;
  - 29 (2) keep an accurate record of the fiscal body's proceedings;
  - 30 (3) record the ayes and nays on each vote appropriating money or
  - 31 fixing the rate of a tax levy; and
  - 32 (4) record the ayes and nays on other votes when requested to do
  - 33 so by two (2) or more members.

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

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

40 SECTION 19. IC 36-8-3-20 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2004] : Sec. 20. (a) This section  
 42 applies to counties and towns as well as cities.

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- 1 (b) A unit may provide by ordinance for any number of police
- 2 reserve officers.
- 3 (c) Police reserve officers shall be appointed by the same authority
- 4 that appoints regular members of the department.
- 5 (d) Police reserve officers may be designated by another name
- 6 specified by ordinance.
- 7 (e) Police reserve officers may not be members of the regular police
- 8 department but have all of the same police powers as regular members,
- 9 except as limited by the rules of the department. Each department may
- 10 adopt rules to limit the authority of police reserve officers.
- 11 (f) To the extent that money is appropriated for a purpose listed in
- 12 this subsection, police reserve officers may receive any of the
- 13 following:
  - 14 (1) A uniform allowance.
  - 15 (2) Compensation for time lost from other employment because
  - 16 of court appearances.
  - 17 (3) Insurance for life, accident, and sickness coverage.
  - 18 (4) In the case of county ~~police reserve officers~~, **deputy sheriffs**,
  - 19 compensation for lake patrol duties that the county sheriff assigns
  - 20 and approves for compensation.
  - 21 (g) Police reserve officers are not eligible to participate in any
  - 22 pension program provided for regular members of the department.
  - 23 (h) A police reserve officer may not be appointed until ~~he~~ **the police**
  - 24 **reserve officer** has completed the training and probationary period
  - 25 specified by rules of the department.
  - 26 (i) A police reserve officer appointed by the department ~~after June~~
  - 27 ~~30, 1993~~, may not:
    - 28 (1) make an arrest;
    - 29 (2) conduct a search or a seizure of a person or property; or
    - 30 (3) carry a firearm;
  - 31 unless the police reserve officer successfully completes a pre-basic
  - 32 course under IC 5-2-1-9(f).
  - 33 (j) A police reserve officer may be covered by the medical treatment
  - 34 and burial expense provisions of the worker's compensation law
  - 35 (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases
  - 36 law (IC 22-3-7). If compensability of the injury is an issue, the
  - 37 administrative procedures of IC 22-3-2 through IC 22-3-6 and
  - 38 IC 22-3-7 shall be used to determine the issue.
  - 39 (k) A police reserve officer carrying out lake patrol duties under this
  - 40 chapter is immune from liability under IC 34-30-12, notwithstanding
  - 41 the payment of compensation to the officer.
  - 42 SECTION 20. IC 36-8-4-10, AS AMENDED BY P.L.95-2003,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2004]: Sec. 10. (a) Subject to subsection (b), the board or  
3 persons having the authority to employ members of the fire or police  
4 department shall give a preference for employment according to the  
5 following priority:

- 6 (1) A war veteran who has been honorably discharged from the  
7 United States armed forces.
- 8 (2) A person whose mother or father was a:
  - 9 (A) firefighter of a unit;
  - 10 (B) municipal police officer; or
  - 11 (C) county ~~police officer~~; **deputy sheriff**;
  - 12 who died in the line of duty (as defined in IC 5-10-10-2).

13 (b) A person described in subsection (a) may not receive a  
14 preference for employment unless the person:

- 15 (1) applies; and
- 16 (2) meets all employment requirements prescribed:
  - 17 (A) by law, including physical and age requirements; and
  - 18 (B) by the fire **department, or** police department, **or sheriff's**  
19 **office.**

20 SECTION 21. IC 36-8-10-2 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. As used in this  
22 chapter:

23 "Board" refers to the sheriff's merit board established under this  
24 chapter.

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

26 "Eligible employee" means the sheriff of a county or a county ~~police~~  
27 ~~officer~~; **deputy sheriff.**

28 "Employee beneficiary" means an eligible employee who has  
29 completed an application to become an employee beneficiary and who  
30 has had the proper deductions made from ~~his~~ **the employee's** wages as  
31 required in the pension trust agreement.

32 "Net amount paid into the trust fund from wages of an employee  
33 beneficiary" means the amount of money actually paid in from the  
34 wages of the employee beneficiary, plus interest at the rate of three  
35 percent (3%) compounded annually and less a sum including interest  
36 at the same rate, paid from the trust fund to the employee beneficiary  
37 or to a governmental fund for the credit or benefit of the employee  
38 beneficiary.

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

42 "Trust fund" means the assets of the pension trust and consists of

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

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

8 SECTION 22. IC 36-8-10-3 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The fiscal body  
10 of each county shall, by ordinance, establish a sheriff's merit board to  
11 be known as the \_\_\_\_\_ county sheriff's merit  
12 board (inserting the name of the county).

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

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

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

37 SECTION 23. IC 36-8-10-4 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) A county ~~police~~  
39 ~~force~~ **sheriff's office** is established in each county. The members are  
40 employees of the county, and the sheriff of the county shall assign their  
41 duties according to law.

42 (b) The expenses of the **members of the county** ~~police force~~

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1 **sheriff's office** are a part of the sheriff's department budget. The board  
2 may recommend the number and salary of the personnel, but the county  
3 fiscal body shall determine the budget and salaries.

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

12 SECTION 24. IC 36-8-10-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Each sheriff shall  
14 appoint a prison matron for the county. The sheriff shall set the  
15 qualifications for that position. Except as provided in subsection (b),  
16 the sheriff has complete hiring authority over the position of prison  
17 matron.

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

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

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

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

30 (e) The prison matron and assistant matrons:

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

35 SECTION 25. IC 36-8-10-5.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.5. (a) Except as  
37 provided in subsection (b), the sheriff has complete hiring authority  
38 over the position of chief deputy.

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

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

4 SECTION 26. IC 36-8-10-10, AS AMENDED BY P.L.14-2000,  
 5 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2004]: Sec. 10. (a) Except for the position of chief deputy, the  
 7 position of prison matron, and in a county with a population of more  
 8 than fifty thousand (50,000), temporary administrative ranks or  
 9 positions established and appointed by the sheriff, the sheriff, with the  
 10 approval of the board, shall establish a classification of ranks, grades,  
 11 and positions for county ~~police officers~~ **deputy sheriffs** in the  
 12 department. For each rank, grade, and position established, the sheriff,  
 13 with the approval of the board, shall:

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

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

30 (c) In a county with a population of more than fifty thousand  
 31 (50,000), the sheriff may:

- 32 (1) establish a temporary administrative rank or position within
- 33 the county ~~police~~ **sheriff's** department; and
- 34 (2) appoint a county ~~police officer~~ **deputy sheriff** that has served
- 35 as a county ~~police officer~~ **deputy sheriff** for at least five (5) years
- 36 to and remove a county ~~police officer~~ **deputy sheriff** from a
- 37 temporary administrative rank or position;

38 without the approval of the board. Any temporary administrative rank  
 39 or position established pursuant to this section shall not diminish or  
 40 reduce the number and classifications of the existing merit ranks within  
 41 the county ~~police~~ **sheriff's** department. A county ~~police officer~~ **deputy**  
 42 **sheriff** appointed under this subsection must have served as a county

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

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

13 SECTION 27. IC 36-8-10-10.4, AS ADDED BY P.L.95-2003,  
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2004]: Sec. 10.4. (a) Subject to subsection (b), the board shall  
 16 give a preference for employment according to the following priority:

17 (1) A war veteran who has been honorably discharged from the  
 18 United States armed forces.

19 (2) A person whose mother or father was a:

20 (A) firefighter of a unit;

21 (B) municipal police officer; or

22 (C) county ~~police officer;~~ **deputy sheriff;**

23 who died in the line of duty (as defined in IC 5-10-10-2).

24 (b) A person described in subsection (a) may not receive a  
 25 preference for employment unless the person:

26 (1) applies; and

27 (2) meets all employment requirements prescribed:

28 (A) by law, including physical and age requirements; and

29 (B) by the department.

30 SECTION 28. IC 36-8-10-10.6 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10.6. (a) The sheriff  
 32 may appoint as a special deputy any person who is employed by a  
 33 governmental entity as defined in IC 35-41-1 or private employer, the  
 34 nature of which employment necessitates that the person have the  
 35 powers of a law enforcement officer. During the term of ~~his~~ **a special**  
 36 **deputy's** appointment and while ~~he~~ **a special deputy** is fulfilling the  
 37 specific responsibilities for which the appointment is made, a special  
 38 deputy has the powers, privileges, and duties of a county ~~police officer~~  
 39 **deputy sheriff** under this chapter, subject to any written limitations  
 40 and specific requirements imposed by the sheriff and signed by the  
 41 special deputy. A special deputy is subject to the direction of the sheriff  
 42 and shall obey the rules and orders of the department. A special deputy

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1 may be removed by the sheriff at any time, without notice and without  
2 assigning any cause.

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

- 6 (1) be twenty-one (21) years of age or older;
- 7 (2) never have been convicted of a felony, or a misdemeanor  
8 involving moral turpitude;
- 9 (3) be of good moral character; and
- 10 (4) have sufficient training to insure the proper performance of  
11 their authorized duties.

12 (c) Except as provided in subsection (d), a special deputy shall wear  
13 a uniform the design and color of which is easily distinguishable from  
14 the uniforms of the Indiana state police, the regular county ~~police force~~,  
15 **sheriff's office** and all municipal police and fire forces located in the  
16 county.

17 (d) The sheriff may permit a special deputy to wear the uniform of  
18 the regular county ~~police force~~ **sheriff's office** if the special deputy:

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

24 The sheriff may revoke permission for the special deputy to wear the  
25 uniform of the regular county ~~police force~~ **sheriff's office** at any time  
26 without cause or notice.

27 (e) The sheriff may also appoint one (1) legal deputy, who must be  
28 a member of the Indiana bar. The legal deputy does not have police  
29 powers. The legal deputy may continue to practice law. However,  
30 neither the legal deputy nor any attorney in partnership with ~~him~~ **the**  
31 **legal deputy** may represent a defendant in a criminal case.

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

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

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

41 SECTION 29. IC 36-8-10-11 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The sheriff may

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1 dismiss, demote, or temporarily suspend a county ~~police officer~~ **deputy**  
2 **sheriff** for cause after preferring charges in writing and after a fair  
3 public hearing before the board, which is reviewable in the circuit  
4 court. Written notice of the charges and hearing must be delivered by  
5 certified mail to the officer to be disciplined at least fourteen (14) days  
6 before the date set for the hearing. The ~~officer~~ **deputy sheriff** may be  
7 represented by counsel. The board shall make specific findings of fact  
8 in writing to support its decision.

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

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

- 17 (1) be a candidate for elective office and serve in that office if
- 18 elected;
- 19 (2) be appointed to an office and serve in that office if appointed;
- 20 and
- 21 (3) except when in uniform or on duty, solicit votes or campaign
- 22 funds for the officer or others.

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

26 (e) An appeal under subsection (a) must be taken by filing in court,  
27 within thirty (30) days after the date the decision is rendered, a verified  
28 complaint stating in a concise manner the general nature of the charges  
29 against the officer, the decision of the board, and a demand for the  
30 relief asserted by the ~~officer~~ **deputy sheriff**. A bond must also be filed  
31 that guarantees the appeal will be prosecuted to a final determination  
32 and that the plaintiff will pay all costs only if the court finds that the  
33 board's decision should be affirmed. The bond must be approved as  
34 bonds for costs are approved in other cases. The county must be named  
35 as the sole defendant and the plaintiff shall have a summons issued as  
36 in other cases against the county. Neither the board nor the members  
37 of it may be made parties defendant to the complaint, but all are bound  
38 by service upon the county and the judgment rendered by the court.

39 (f) All appeals shall be tried by the court. The appeal shall be heard  
40 de novo only upon any new issues related to the charges upon which  
41 the decision of the board was made. Within ten (10) days after the  
42 service of summons, the board shall file in court a complete written

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1 transcript of all papers, entries, and other parts of the record relating to  
 2 the particular case. Inspection of these documents by the person  
 3 affected, or by the person's agent, must be permitted by the board  
 4 before the appeal is filed, if requested. The court shall review the  
 5 record and decision of the board on appeal.

6 (g) The court shall make specific findings and state the conclusions  
 7 of law upon which its decision is made. If the court finds that the  
 8 decision of the board appealed from should in all things be affirmed,  
 9 its judgment should so state. If the court finds that the decision of the  
 10 board appealed from should not be affirmed in all things, then the court  
 11 shall make a general finding, setting out sufficient facts to show the  
 12 nature of the proceeding and the court's decision on it. The court shall  
 13 either:

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

16 (h) The final judgment of the court may be appealed by either party.  
 17 Upon the final disposition of the appeal by the courts, the clerk shall  
 18 certify and file a copy of the final judgment of the court to the board,  
 19 which shall conform its decisions and records to the order and  
 20 judgment of the court. If the decision is reversed or modified, then the  
 21 board shall pay to the party entitled to it any salary or wages withheld  
 22 from the party pending the appeal and to which the party is entitled  
 23 under the judgment of the court.

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

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

31 SECTION 30. IC 36-8-10-11.5 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11.5. (a) As used in this  
 33 section, "care" includes:

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

41 (b) After deducting expenditures paid by an insurance or worker's  
 42 compensation program, a county shall pay for the care of the following

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persons:

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

(A) suffers an injury; or

(B) contracts an illness;

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

(2) A jail employee who:

(A) suffers an injury; or

(B) contracts an illness;

while the employee is on duty.

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

SECTION 31. IC 36-8-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. A sheriff may participate in the pension trust in the same manner as a county ~~police officer~~ **deputy sheriff**. In addition, a sheriff who is not participating in the pension trust after the creation of the pension trust in ~~his~~ **the sheriff's** county may make a payment to the pension trust in the amount of contributions ~~he~~ **the sheriff** would have made had ~~he~~ **the sheriff** been participating while a sheriff, plus interest at three percent (3%) compounded annually. The sheriff is entitled to credit for the years of service as a sheriff for all purposes of the pension trust if ~~he~~ **the sheriff** makes this payment.

SECTION 32. IC 36-8-13-3, AS AMENDED BY P.L.95-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The executive of a township, with the approval of the legislative body, may do the following:

(1) Purchase firefighting and emergency services apparatus and equipment for the township, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the township but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a:

(i) firefighter of a unit;

(ii) municipal police officer; or

(iii) county ~~police officer~~; **deputy sheriff**;

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1           who died in the line of duty (as defined in IC 5-10-10-2).  
2           A person described in this subdivision may not receive a  
3           preference for employment unless the person applies for  
4           employment and meets all employment requirements prescribed  
5           by law, including physical and age requirements, and all  
6           employment requirements prescribed by the fire department.  
7           (2) Contract with a municipality in the township or in a  
8           contiguous township that maintains adequate firefighting or  
9           emergency services apparatus and equipment to provide fire  
10          protection or emergency services for the township in accordance  
11          with IC 36-1-7.  
12          (3) Cooperate with a municipality in the township or in a  
13          contiguous township in the purchase, maintenance, and upkeep of  
14          firefighting or emergency services apparatus and equipment for  
15          use in the municipality and township in accordance with  
16          IC 36-1-7.  
17          (4) Contract with a volunteer fire department that has been  
18          organized to fight fires in the township for the use and operation  
19          of firefighting apparatus and equipment that has been purchased  
20          by the township in order to save the private and public property  
21          of the township from destruction by fire, including use of the  
22          apparatus and equipment in an adjoining township by the  
23          department if the department has made a contract with the  
24          executive of the adjoining township for the furnishing of  
25          firefighting service within the township.  
26          (5) Contract with a volunteer fire department that maintains  
27          adequate firefighting service in accordance with IC 36-8-12.  
28          (b) This subsection applies only to townships that provide fire  
29          protection or emergency services or both under subsection (a)(1) and  
30          to municipalities that have all municipal territory completely within a  
31          township and do not have a full-time paid fire department. A township  
32          may provide fire protection or emergency services or both without  
33          contracts inside the corporate boundaries of the municipalities if before  
34          July 1 of a year the following occur:  
35                  (1) The legislative body of the municipality adopts an ordinance  
36                  to have the township provide the services without a contract.  
37                  (2) The township legislative body passes a resolution approving  
38                  the township's provision of the services without contracts to the  
39                  municipality.  
40          In a township providing services to a municipality under this section,  
41          the legislative body of either the township or a municipality in the  
42          township may opt out of participation under this subsection by adopting

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1 an ordinance or a resolution, respectively, before July 1 of a year.

2 (c) This subsection applies only to a township that:

- 3 (1) is located in a county containing a consolidated city;
- 4 (2) has at least three (3) included towns (as defined in
- 5 IC 36-3-1-7) that have all municipal territory completely within
- 6 the township on January 1, 1996; and
- 7 (3) provides fire protection or emergency services, or both, under
- 8 subsection (a)(1);

9 and to included towns (as defined in IC 36-3-1-7) that have all the  
 10 included town's municipal territory completely within the township. A  
 11 township may provide fire protection or emergency services, or both,  
 12 without contracts inside the corporate boundaries of the municipalities  
 13 if before August 1 of the year preceding the first calendar year to which  
 14 this subsection applies the township legislative body passes a  
 15 resolution approving the township's provision of the services without  
 16 contracts to the municipality. The resolution must identify the included  
 17 towns to which the resolution applies. In a township providing services  
 18 to a municipality under this section, the legislative body of the  
 19 township may opt out of participation under this subsection by adopting  
 20 a resolution before July 1 of a year. A copy of a resolution adopted  
 21 under this subsection shall be submitted to the executive of each  
 22 included town covered by the resolution, the county auditor, and the  
 23 department of local government finance.

24 SECTION 33. IC 36-10-3-10 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) The board shall:

- 26 (1) exercise general supervision of and make rules for the
- 27 department;
- 28 (2) establish rules governing the use of the park and recreation
- 29 facilities by the public;
- 30 (3) provide police protection for its property and activities, either
- 31 by requesting assistance from state ~~or municipal or county~~ police
- 32 authorities **or from the county sheriff's office** or by having
- 33 specified employees deputized as police officers. **However**, the
- 34 deputized employees ~~however~~; are not eligible for police pension
- 35 benefits or other emoluments of police officers;
- 36 (4) appoint the necessary administrative officers of the
- 37 department and fix their duties;
- 38 (5) establish standards and qualifications for the appointment of
- 39 all personnel and approve their appointments without regard to
- 40 politics;
- 41 (6) make recommendations and an annual report to the executive
- 42 and fiscal body of the unit concerning the operation of the board

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1 and the status of park and recreation programs in the district;  
 2 (7) prepare and submit an annual budget in the same manner as  
 3 other executive departments of the unit; and  
 4 (8) appoint a member of the board to serve on another kind of  
 5 board or commission, whenever a statute allows a park or  
 6 recreation board to do this.

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

10 SECTION 34. IC 36-10-7.5-6 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The park governor  
 12 shall do the following:

13 (1) Exercise general supervision of and make rules for the  
 14 department.

15 (2) Establish rules governing the use of the park and recreation  
 16 facilities by the public.

17 (3) Provide police protection for park property and activities,  
 18 either by requesting assistance from state ~~or municipal or county~~  
 19 police authorities or **the county sheriff's office** or by having  
 20 specified employees deputized as police officers. The deputized  
 21 employees, however, are not eligible for police pension benefits  
 22 or other emoluments of police officers.

23 (4) Appoint the necessary administrative officers of the  
 24 department and fix their duties.

25 (5) Establish standards and qualifications for the appointment of  
 26 all personnel and approve their appointments without regard to  
 27 politics.

28 (6) Make recommendations and an annual report to the legislative  
 29 body concerning the operation of the department and the status of  
 30 park and recreation programs in the township.

31 (7) Prepare and submit an annual budget in the same manner as  
 32 other budgets of the township.

33 SECTION 35. [EFFECTIVE JULY 1, 2004] **(a) This act does not**  
 34 **affect:**

35 **(1) rights or liabilities accrued;**

36 **(2) penalties incurred;**

37 **(3) crimes committed; or**

38 **(4) proceedings begun;**

39 **before the effective date of this act. Those rights, liabilities,**  
 40 **penalties, crimes, and proceedings continue and shall be imposed**  
 41 **and enforced under prior law as if this act had not been enacted.**

42 **(b) Any reference to a:**

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1           **(1) county police force; or**  
2           **(2) county police officer;**  
3       **in legal documents created before the effective date of this act shall**  
4       **be treated as being a reference to either a sheriff's office or a**  
5       **deputy sheriff, as applicable.**

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