

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 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1092

AN ACT to amend the Indiana Code concerning military service.

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

SECTION 1. IC 10-16-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. ~~An officer and enlisted person of the Indiana national guard is exempt from:~~

- (1) ~~service on any jury in any court of Indiana; and~~
- (2) ~~service in any posse comitatus.~~

An individual who serves on active duty in the armed forces of the United States or the Indiana National Guard is exempt from service on any jury in any court of Indiana.

SECTION 2. IC 10-17-12-8, AS ADDED BY P.L.58-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The military family relief fund is established beginning January 1, 2007, to provide assistance with food, housing, utilities, medical services, basic transportation, **child care**, and other essential family support expenses that have become difficult to afford for families of Indiana residents who are:

- (1) members of:
 - (A) a reserve component of the armed forces; or
 - (B) the national guard; and
- (2) called to active duty after September 11, 2001.

(b) The department shall expend the money in the fund exclusively to provide grants for assistance as described in subsection (a).

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(c) The director shall administer the fund.

SECTION 3. IC 22-2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 13. Military Family Leave

Sec. 1. This chapter applies to an employer that employs at least fifty (50) employees for each working day during each of at least twenty (20) calendar work weeks.

Sec. 2. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the Army;**
- (2) the Navy;**
- (3) the Air Force;**
- (4) the Coast Guard;**
- (5) the Marine Corps; or**
- (6) the Merchant Marine.**

Sec. 3. As used in this chapter, "employee" means a person employed or permitted to work or perform services for remuneration under a contract of hire, written or oral, by an employer.

Sec. 4. As used in this chapter, the term "employer" includes the state and political subdivisions of the state.

Sec. 5. As used in this chapter, "grandparent" means a biological grandparent.

Sec. 6. As used in this chapter, "health care benefits" means employer provided health coverage, including coverage for medical care, prescription drugs, vision care, medical savings accounts, or any other health related benefit.

Sec. 7. As used in this chapter, "active duty" means full-time service on active duty orders in:

- (1) the armed forces of the United States; or**
- (2) the National Guard;**

for a period that exceeds eighty-nine (89) consecutive calendar days.

Sec. 8. As used in this chapter, "National Guard" means:

- (1) the Indiana Army National Guard; or**
- (2) the Indiana Air National Guard.**

Sec. 9. As used in this chapter, "parent" means:

- (1) a biological father or mother;**
- (2) an adoptive father or mother; or**
- (3) a court appointed guardian or custodian.**

Sec. 10. As used in this chapter, "sibling" means a brother or

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sister by blood, half-blood, or adoption.

Sec. 11. (a) An employee who:

- (1) has been employed by an employer for at least twelve (12) months;**
- (2) has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the day the leave begins; and**
- (3) is the spouse, parent, grandparent, or sibling of a person who is ordered to active duty;**

is entitled to an unpaid leave of absence as provided in subsection (b).

(b) An employee may take a leave of absence during one (1) or more of the following periods:

- (1) During the thirty (30) days before active duty orders are in effect.**
- (2) During a period in which the person ordered to active duty is on leave while active duty orders are in effect.**
- (3) During the thirty (30) days after the active duty orders are terminated.**

(c) The leave of absence allowed each year under subsection (a) may not exceed a total of ten (10) working days.

(d) An eligible employee may elect, or an employer may require the employee, to substitute any earned paid vacation leave, personal leave, or other paid leave, except for paid medical or sick leave, available to the employee for leave provided under this chapter for any part of the ten (10) day period of such leave.

Sec. 12. (a) An employee who wants to take a leave of absence under this chapter shall provide written notice, including a copy of the active duty orders if available, to the employee's employer of the date the leave will begin. An employee shall give at least thirty (30) days notice before the date on which the employee intends to begin the leave, unless the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin.

(b) An employer may require verification of an employee's eligibility for the leave. If an employee fails to provide verification required under this subsection, an employer may consider the employee's absence from employment unexcused.

Sec. 13. (a) Except as provided in subsection (b), after an employee takes a leave of absence under this chapter, an employee must be restored to:

- (1) the position that the employee held before the leave; or**
- (2) a position equivalent to the position that the employee held**

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before the leave, with equivalent seniority, pay, benefits, and other terms and conditions of employment.

(b) An employer is not required to restore an employee to a position described in subsection (a) if the employer proves that the reason that the employee was not restored to the position is unrelated to the employee's exercise of the employee's rights under this chapter.

Sec. 14. An employer shall permit an employee who is taking a leave of absence under this chapter to continue the employee's health care benefits at the employee's expense.

Sec. 15. An employer shall not interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this chapter.

Sec. 16. (a) An employee may bring a civil action at law to enforce this chapter.

(b) A circuit court may:

- (1) enjoin any act or practice that violates this chapter; and
- (2) order any other equitable relief that is just and proper under the circumstances to redress the violation of or to enforce this chapter.

SECTION 4. IC 22-9-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 9. Access to Public Accommodations by Active Duty Military Personnel

Sec. 1. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) National Guard.

Sec. 2. As used in this chapter, "armed forces of the United States" means the active or reserve components of the:

- (1) Army;
- (2) Navy;
- (3) Air Force;
- (4) Coast Guard;
- (5) Marine Corps; or
- (6) Merchant Marine.

Sec. 3. As used in this chapter, "National Guard" means the:

- (1) Indiana Army National Guard or the Army National Guard of another state; or
- (2) Indiana Air National Guard or the Air National Guard of another state.

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Sec. 4. A person who provides lodging for compensation at a motel, a hotel, or another place of public accommodation may not refuse to rent or lease a room to an individual solely because the individual is less than twenty-one (21) years of age if the individual is on active duty.

Sec. 5. A person who violates this chapter commits a Class C infraction.

SECTION 5. [EFFECTIVE JULY 1, 2007] IC 22-2-13, as added by this act, does not excuse noncompliance with a provision of a collective bargaining agreement or other employment benefit program or plan in effect on July 1, 2007, that is not in substantial conflict with IC 22-2-13, as added by this act. IC 22-2-13, as added by this act, does not justify an employer reducing employment benefits provided by the employer that exceed the benefits required by IC 22-2-13, as added by this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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