HOUSE BILL No. 1225

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-8; IC 5-10-10-4; IC 20-25-4-22; IC 20-26-16.

Synopsis: School corporation police department. Provides that the governing body of a school corporation (including a school city) may establish a school corporation police department staffed by police officers who have general police powers. Provides that the governing body of a school corporation may limit the powers of the school corporation police officers. Provides that school corporation police officers' survivors are eligible for death benefits. Requires school corporation police officers to have law enforcement academy education and pre-basic and basic training and to participate in local continuing education programs. Requires a school corporation police officer who was appointed before July 1, 2007, to complete the law enforcement academy education and basic training requirements not later than July 1, 2010. Imposes deadlines for school corporation police officers to begin law enforcement academy education and basic training requirements. Provides that a school corporation police department established before July 1, 2007, is considered a school corporation police department established under this legislation.

Effective: July 1, 2007.

Hinkle, Crawford

January 11, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 115th General Assembly (2007)

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.

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HOUSE BILL No. 1225

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

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

SECTION 1. IC 5-2-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) ~~As used~~ **The following definitions apply** in this section:

(1) "Abuse" means:

(A) conduct that causes bodily injury (as defined in IC 35-41-1-4) or damage to property; or

(B) a threat of conduct that would cause bodily injury (as defined in IC 35-41-1-4) or damage to property.

(2) "County law enforcement agency" includes:

(A) university police officers appointed under IC 20-12-3.5; **and**

(B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based upon

claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars ($100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and

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abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 2. IC 5-2-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) ~~As used~~ **The following definitions apply** in this section:

(1) "Abuse" has the meaning set forth in section 1(a) of this chapter.

(2) "City or town law enforcement agency" includes:

(A) university police officers appointed under IC 20-12-3.5; **and**

(B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal body of the city or town.

(e) To make a claim under IC 33-37-8-4, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of

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that agency.

(f) A city or town law enforcement agency shall provide to each law enforcement officer employed by the city or town law enforcement agency continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which the child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(g) A city or town law enforcement agency may enter into an agreement with other county, city, or town law enforcement agencies to provide the continuing education required by this section and section 1(h) of this chapter.

SECTION 3. IC 5-10-10-4, AS AMENDED BY P.L.43-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "public safety officer"

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means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.

(7) A city police reserve officer.

(8) A conservation enforcement officer.

(9) A town marshal.

(10) A deputy town marshal.

(11) A probation officer.

(12) A state university, college, or junior college police officer appointed under IC 20-12-3.5.

(13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

(14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(15) A firefighter who is employed by the fire department of a state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

(17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(18) A gaming agent of the Indiana gaming commission.

(19) A person who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) appointed as a special deputy under IC 36-8-10-10.6.

(20) A school corporation police officer appointed under IC 20-26-16.

SECTION 4. IC 20-25-4-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. The governing body of a school city may establish a police department under IC 20-26-16.**

SECTION 5. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

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Chapter 16. School Corporation Police Departments

Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12).

Sec. 2. The governing body of a school corporation may establish a school corporation police department under this chapter.

Sec. 3. The governing body of a school corporation may do the following for the school corporation police department:

(1) Appoint school corporation police officers.

(2) Prescribe the duties and direct the conduct of school corporation police officers.

(3) Prescribe distinctive uniforms.

(4) Provide emergency vehicles.

Sec. 4. An individual appointed as a school corporation police officer must successfully complete at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not:

(1) make an arrest;

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

(3) carry a firearm;

unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

Sec. 6. (a) A school corporation police officer appointed under this chapter:

(1) is a law enforcement officer (as defined in IC 5-2-1-2(1));

(2) must take an appropriate oath of office in a form and

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manner prescribed by the governing body;

(3) serves at the governing body's pleasure; and

(4) performs the duties that the governing body assigns.

(b) A school corporation police officer has general police powers, including the power to arrest, without process, all persons who within the view of the school corporation police officer commit any offense. School corporation police officers have the same common law and statutory powers, privileges, and immunities as sheriffs and constables.

(c) A school corporation police officer may serve civil process only to the extent authorized by the governing board. The governing board may limit the powers of the school corporation police officer.

Sec. 7. A school corporation police department established before July 1, 2007, shall be considered, after June 30, 2007, a school corporation police department established under this chapter.

SECTION 6. [EFFECTIVE JULY 1, 2007] **(a) An individual appointed as a school corporation police officer before January 1, 2007, must begin the training and education required under IC 20-26-16-5, as added by this act, not later than January 1, 2008. However, an individual who is unable to begin the training and education not later than January 1, 2008, due to the existence of a waiting list for the training and education must begin the training and education as soon as possible after January 1, 2008.**

(b) An individual appointed as a school corporation police officer after December 31, 2006, and before July 1, 2007, must begin the training and education required under IC 20-26-16-5, as added by this act, not later than one (1) year after the individual's appointment. However, an individual who is unable to begin the training and education within one (1) year after the individual's appointment due to the existence of a waiting list for the training and education must begin the training and education as soon as possible after the expiration of the one (1) year period.

(c) Notwithstanding IC 20-26-16-5, as added by this act, an individual appointed as a school corporation police officer before July 1, 2007, who is unable to complete the training and education required under IC 20-26-16-5, as added by this act, not later than July 1, 2010, due to the existence of a waiting list for the training and education must complete the training and education as soon as possible after July 1, 2010.

(d) This SECTION expires January 1, 2011.

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