



February 22, 2010

**ENGROSSED
SENATE BILL No. 187**

DIGEST OF SB 187 (Updated February 16, 2010 11:25 am - DI 44)

Citations Affected: IC 5-2; IC 10-11; IC 10-19; noncode.

Synopsis: Indiana intelligence fusion center. Moves the operation of the Indiana intelligence fusion center (fusion center) from the department of homeland security to the state police department. Makes conforming amendments. Provides that the chief information officer of the office of technology is a member of the counterterrorism and security council. Repeals provisions establishing the fusion center within the department of homeland security. Requires the budget agency to transfer any funds and balances necessary to implement the transfer of the fusion center from the department of homeland security to the state police department.

Effective: Upon passage; July 1, 2010.

**Wyss, Arnold, Charbonneau, Steele,
Paul, Landske**

(HOUSE SPONSORS — TINCHER, RUPPEL, BARNES)

January 5, 2010, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

January 12, 2010, amended, reported favorably — Do Pass.

January 14, 2010, read second time, ordered engrossed.

January 15, 2010, engrossed.

January 19, 2010, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 2, 2010, read first time and referred to Committee on Interstate and International Cooperation.

February 22, 2010, reported — Do Pass.

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ES 187—LS 6638/DI 103+



February 22, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

ENGROSSED SENATE BILL No. 187



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

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

1 SECTION 1. IC 5-2-4-1, AS AMENDED BY P.L.1-2007,
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 1. As used in this chapter, unless the context
4 otherwise requires:

5 (1) "Criminal history information" means information collected
6 by criminal justice agencies or individuals consisting of
7 identifiable descriptions and notations of arrests, detentions,
8 indictments, informations, or other formal criminal charges, and
9 any disposition arising therefrom, sentencing, correctional
10 supervision, and release.

11 (2) "Criminal intelligence information" means information on
12 identifiable individuals compiled in an effort to anticipate,
13 prevent, or monitor possible criminal activity, including terrorist
14 activity. "Criminal intelligence information" does not include
15 criminal investigative information, which is information on
16 identifiable individuals compiled in the course of the
17 investigation of specific criminal acts.

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1 (3) "Criminal justice agency" means any agency or department of
 2 any level of government which performs as its principal function
 3 the apprehension, prosecution, adjudication, incarceration, **or**
 4 rehabilitation of criminal offenders, or location of parents with
 5 child support obligations under 42 U.S.C. 653. The term includes:
 6 (A) a nongovernmental entity that performs as its principal
 7 function the:
 8 (i) apprehension, prosecution, adjudication, incarceration, or
 9 rehabilitation of criminal offenders; or
 10 (ii) location of parents with child support obligations under
 11 42 U.S.C. 653;
 12 under a contract with an agency or department of any level of
 13 government;
 14 (B) the department of homeland security; and
 15 (C) the Indiana intelligence fusion center established by
 16 ~~IC 10-19-10-2~~ **IC 10-11-9-2**.
 17 SECTION 2. IC 10-11-2-32 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2010]: **Sec. 32. The superintendent shall operate the Indiana**
 20 **intelligence fusion center established by IC 10-11-9-2.**
 21 SECTION 3. IC 10-11-9 IS ADDED TO THE INDIANA CODE AS
 22 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2010]:
 24 **Chapter 9. Indiana Intelligence Fusion Center**
 25 **Sec. 1. As used in this chapter, "collect" means to solicit or**
 26 **receive.**
 27 **Sec. 2. The Indiana intelligence fusion center is established to:**
 28 **(1) collect;**
 29 **(2) integrate;**
 30 **(3) evaluate;**
 31 **(4) analyze;**
 32 **(5) disseminate; and**
 33 **(6) maintain;**
 34 **criminal intelligence information and other information to support**
 35 **governmental agencies and private organizations in detecting,**
 36 **preventing, investigating, and responding to criminal and terrorist**
 37 **activity in compliance with applicable state and federal laws and**
 38 **regulations, including 28 CFR 23.**
 39 **Sec. 3. (a) The department shall operate the Indiana intelligence**
 40 **fusion center under the direction of the governor.**
 41 **(b) The department shall cooperate with:**
 42 **(1) the department of homeland security;**

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1 (2) local, state, or federal government agencies; and
2 (3) private organizations;
3 subject to applicable state and federal laws and regulations,
4 including 28 CFR 23.

5 Sec. 4. The Indiana intelligence fusion center may collect
6 criminal intelligence information only if:

- 7 (1) reasonable suspicion exists that the subject of the criminal
8 intelligence information is involved with or has knowledge of
9 possible criminal or terrorist activity; and
10 (2) the criminal intelligence information is relevant to the
11 criminal or terrorist activity.

12 SECTION 4. IC 10-19-3-3, AS AMENDED BY P.L.101-2006,
13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2010]: Sec. 3. The executive director shall do the following:

- 15 (1) Serve as the chief executive and administrative officer of the
16 department.
17 (2) Serve as the director of the council.
18 (3) Administer the application for, and disbursement of, federal
19 and state homeland security money for all Indiana state and local
20 governments.
21 (4) Develop a single strategic plan for preparing and responding
22 to homeland security emergencies in consultation with the
23 council.
24 (5) Serve as the state coordinating officer under federal law for all
25 matters relating to emergency and disaster mitigation,
26 preparedness, response, and recovery.
27 (6) Use and allocate the services, facilities, equipment, personnel,
28 and resources of any state agency, on the governor's behalf, as is
29 reasonably necessary in the preparation for, response to, or
30 recovery from an emergency or disaster situation that threatens or
31 has occurred in Indiana.
32 (7) Develop a plan to protect key state assets and public
33 infrastructure from a disaster or terrorist attack.
34 ~~(8) Operate the fusion center.~~

35 SECTION 5. IC 10-19-8-2, AS AMENDED BY P.L.120-2008,
36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2010]: Sec. 2. (a) The council consists of the following
38 members:

- 39 (1) The lieutenant governor.
40 (2) The executive director.
41 (3) The superintendent of the state police department.
42 (4) The adjutant general.

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- 1 (5) The state health commissioner.
- 2 (6) The commissioner of the department of environmental
- 3 management.
- 4 (7) The director of the Indiana state department of agriculture.
- 5 (8) The chairman of the Indiana utility regulatory commission.
- 6 (9) The commissioner of the Indiana department of transportation.
- 7 (10) The executive director of the Indiana criminal justice
- 8 institute.
- 9 (11) The commissioner of the bureau of motor vehicles.
- 10 (12) A local law enforcement officer or a member of the law
- 11 enforcement training academy appointed by the governor.
- 12 (13) The speaker of the house of representatives or the speaker's
- 13 designee.
- 14 (14) The president pro tempore of the senate or the president pro
- 15 tempore's designee.
- 16 (15) The chief justice of the supreme court.
- 17 (16) The director of the department of natural resources or, if
- 18 designated by the director, the deputy director who manages the
- 19 bureau of law enforcement and administration.
- 20 (17) The state veterinarian.
- 21 **(18) The chief information officer of the office of technology.**
- 22 (b) The members of the council under subsection (a)(13), (a)(14),
- 23 and (a)(15) are nonvoting members.
- 24 (c) Representatives of the United States Department of Justice may
- 25 serve as members of the council as the council and the Department of
- 26 Justice may determine. Any representatives of the Department of
- 27 Justice serve as nonvoting members of the council.
- 28 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 29 JULY 1, 2010]: IC 10-19-1-5; IC 10-19-10.
- 30 SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) The budget**
- 31 **agency shall, in consultation with the department of homeland**
- 32 **security and the state police department, transfer any funds and**
- 33 **balances necessary to implement the transfer of operation of the**
- 34 **Indiana intelligence fusion center from the department of**
- 35 **homeland security under IC 10-19-10 (before its repeal by this act)**
- 36 **to the state police department under IC 10-11-9, as added by this**
- 37 **act.**
- 38 **(b) This SECTION expires June 30, 2011.**
- 39 SECTION 8. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 187, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 5. IC 10-19-8-2, AS AMENDED BY P.L.120-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The council consists of the following members:

- (1) The lieutenant governor.
- (2) The executive director.
- (3) The superintendent of the state police department.
- (4) The adjutant general.
- (5) The state health commissioner.
- (6) The commissioner of the department of environmental management.
- (7) The director of the Indiana state department of agriculture.
- (8) The chairman of the Indiana utility regulatory commission.
- (9) The commissioner of the Indiana department of transportation.
- (10) The executive director of the Indiana criminal justice institute.
- (11) The commissioner of the bureau of motor vehicles.
- (12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.
- (13) The speaker of the house of representatives or the speaker's designee.
- (14) The president pro tempore of the senate or the president pro tempore's designee.
- (15) The chief justice of the supreme court.
- (16) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.
- (17) The state veterinarian.

(18) The chief information officer of the office of technology.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of

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Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 187 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

HARRIS, Chair

Committee Vote: yeas 8, nays 0.

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