



Reprinted
January 20, 2010

HOUSE BILL No. 1193

DIGEST OF HB 1193 (Updated January 19, 2010 2:48 pm - DI 107)

Citations Affected: IC 5-2; IC 20-26; IC 20-34.

Synopsis: Juvenile, education, and law enforcement matters. Creates the law enforcement, school policing, and youth work group (work group) to be staffed and administered by the criminal justice institute. Requires the work group to study and make specific recommendations concerning law enforcement, school policing, and youth. Requires the law enforcement training board (board) to include minimum basic training on interacting with juveniles. Provides that a security guard employed by a school corporation may not carry a firearm on school corporation property unless the security guard has received specific training. Requires the board to offer certain training for security guards employed by school corporations. Requires certain law enforcement officers to receive continuing education concerning interacting with juveniles and de-escalation techniques appropriate for youth. Requires each school corporation to annually submit a report to the department of education (department) concerning: (1) student arrests; (2) the use of school corporation police departments and security guards; and (3) whether the school corporation has an agreement with a law enforcement agency concerning arresting students on school corporation property. Requires the department of education to summarize the school corporations' reports and to submit the summary to the legislative council and the education roundtable. Requires the department of education to post the reports on its web site.

Effective: July 1, 2010.

Lawson L, Crawford, Pryor, Pond

January 7, 2010, read first time and referred to Committee on Judiciary.
January 13, 2010, amended, reported — Do Pass.
January 19, 2010, read second time, amended, ordered engrossed.

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HB 1193—LS 6731/DI 107+



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.

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HOUSE BILL No. 1193

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.43-2009,
2 SECTION 1, P.L.77-2009, SECTION 2, AND P.L.93-2009, SECTION
3 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) The board shall adopt in
5 accordance with IC 4-22-2 all necessary rules to carry out the
6 provisions of this chapter. The rules, which shall be adopted only after
7 necessary and proper investigation and inquiry by the board, shall
8 include the establishment of the following:
9 (1) Minimum standards of physical, educational, mental, and
10 moral fitness which shall govern the acceptance of any person for
11 training by any law enforcement training school or academy
12 meeting or exceeding the minimum standards established
13 pursuant to this chapter.
14 (2) Minimum standards for law enforcement training schools
15 administered by towns, cities, counties, law enforcement training
16 centers, agencies, or departments of the state.
17 (3) Minimum standards for courses of study, attendance



1 requirements, equipment, and facilities for approved town, city,
 2 county, and state law enforcement officer, police reserve officer,
 3 and conservation reserve officer training schools.
 4 (4) Minimum standards for a course of study on cultural diversity
 5 awareness that must be required for each person accepted for
 6 training at a law enforcement training school or academy.
 7 (5) Minimum qualifications for instructors at approved law
 8 enforcement training schools.
 9 (6) Minimum basic training requirements which law enforcement
 10 officers appointed to probationary terms shall complete before
 11 being eligible for continued or permanent employment.
 12 (7) Minimum basic training requirements which law enforcement
 13 officers appointed on other than a permanent basis shall complete
 14 in order to be eligible for continued employment or permanent
 15 appointment.
 16 (8) Minimum basic training requirements which law enforcement
 17 officers appointed on a permanent basis shall complete in order
 18 to be eligible for continued employment.
 19 (9) Minimum basic training requirements for each person
 20 accepted for training at a law enforcement training school or
 21 academy that include six (6) hours of training in interacting with:
 22 (A) persons with *autism*, mental illness, addictive disorders,
 23 mental retardation, and developmental disabilities; *and*
 24 (B) *missing endangered adults (as defined in*
 25 *IC 12-7-2-131.3)*;
 26 to be provided by persons approved by the secretary of family and
 27 social services and the board.
 28 (10) Minimum standards for a course of study on human and
 29 sexual trafficking that must be required for each person accepted
 30 for training at a law enforcement training school or academy and
 31 for inservice training programs for law enforcement officers. The
 32 course must cover the following topics:
 33 (A) Examination of the human and sexual trafficking laws
 34 (IC 35-42-3.5).
 35 (B) Identification of human and sexual trafficking.
 36 (C) Communicating with traumatized persons.
 37 (D) Therapeutically appropriate investigative techniques.
 38 (E) Collaboration with federal law enforcement officials.
 39 (F) Rights of and protections afforded to victims.
 40 (G) Providing documentation that satisfies the Declaration of
 41 Law Enforcement Officer for Victim of Trafficking in Persons
 42 (Form I-914, Supplement B) requirements established under

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federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(11) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include training on interacting with juveniles and de-escalation techniques appropriate for youth. The board shall consider adopting training curriculum as suggested by the law enforcement, school policing, and youth work group established under IC 5-2-6.9.

(b) ~~Except as provided in subsection (t);~~ A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, 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 law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:

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1 (A) attorney; or
 2 (B) investigator;
 3 designated by the securities commissioner as a police officer of
 4 the state under IC 23-19-6-1(i).

5 Before a law enforcement officer appointed after June 30, 1993,
 6 completes the basic training requirements, the law enforcement officer
 7 may exercise the police powers described in subsection (d) if the
 8 officer successfully completes the pre-basic course established in
 9 subsection (f). Successful completion of the pre-basic course authorizes
 10 a law enforcement officer to exercise the police powers described in
 11 subsection (d) for one (1) year after the date the law enforcement
 12 officer is appointed.

13 (f) The board shall adopt rules under IC 4-22-2 to establish a
 14 pre-basic course for the purpose of training:

- 15 (1) law enforcement officers;
- 16 (2) police reserve officers (as described in IC 36-8-3-20); and
- 17 (3) conservation reserve officers (as described in IC 14-9-8-27);

18 regarding the subjects of arrest, search and seizure, the lawful use of
 19 force, *interacting with individuals with autism*, **interacting with**
 20 **juveniles**, and the operation of an emergency vehicle. The pre-basic
 21 course must be offered on a periodic basis throughout the year at
 22 regional sites statewide. The pre-basic course must consist of at least
 23 forty (40) hours of course work. The board may prepare the classroom
 24 part of the pre-basic course using available technology in conjunction
 25 with live instruction. The board shall provide the course material, the
 26 instructors, and the facilities at the regional sites throughout the state
 27 that are used for the pre-basic course. In addition, the board may certify
 28 pre-basic courses that may be conducted by other public or private
 29 training entities, including postsecondary educational institutions.

30 (g) The board shall adopt rules under IC 4-22-2 to establish a
 31 mandatory inservice training program for police officers. After June 30,
 32 1993, a law enforcement officer who has satisfactorily completed basic
 33 training and has been appointed to a law enforcement department or
 34 agency on either a full-time or part-time basis is not eligible for
 35 continued employment unless the officer satisfactorily completes the
 36 mandatory inservice training requirements established by rules adopted
 37 by the board. Inservice training must include:

- 38 (1) training in interacting with persons with mental illness,
 39 addictive disorders, mental retardation, *autism*, and
 40 developmental disabilities, to be provided by persons approved by
 41 the secretary of family and social services and the board; ~~and~~
 42 (2) training concerning human and sexual trafficking; **and**

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(3) interacting with juveniles.

The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.
- (6) *The program must require training in:*
 - (A) interacting with individuals with autism; and**
 - (B) interacting with juveniles.**

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.

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- (9) Cultural diversity.
- (j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.
- (k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:
 - (1) the police chief of any city;
 - (2) the police chief of any town having a metropolitan police department; and
 - (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.
- A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.
- (l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.
- (m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).
- (n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:
 - (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
 - (2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and
 - (3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).
- (o) The board shall adopt rules under IC 4-22-2 to establish a

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- 1 refresher course for an officer who:
- 2 (1) is hired by an Indiana law enforcement department or agency
- 3 as a law enforcement officer;
- 4 (2) has not been employed as a law enforcement officer for at
- 5 least six (6) years and less than ten (10) years before the officer
- 6 is hired under subdivision (1) due to the officer's resignation or
- 7 retirement;
- 8 (3) is hired under subdivision (1) in an upper level policymaking
- 9 position; and
- 10 (4) completed at any time a basic training course certified by the
- 11 board before the officer is hired under subdivision (1).

12 A refresher course established under this subsection may not exceed

13 one hundred twenty (120) hours of course work. All credit hours

14 received for successfully completing the police chief executive training

15 program under subsection (i) shall be applied toward the refresher

16 course credit hour requirements. **The program must require training**

17 **in interacting with juveniles.**

18 (p) Subject to subsection (q), an officer to whom subsection (n) or

19 (o) applies must successfully complete the refresher course described

20 in subsection (n) or (o) not later than six (6) months after the officer's

21 date of hire, or the officer loses the officer's powers of:

- 22 (1) arrest;
- 23 (2) search; and
- 24 (3) seizure.

25 (q) A law enforcement officer who has worked as a law enforcement

26 officer for less than twenty-five (25) years before being hired under

27 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course

28 described in subsection (n) or (o) and must repeat the full basic training

29 course to regain law enforcement powers. However, a law enforcement

30 officer who has worked as a law enforcement officer for at least

31 twenty-five (25) years before being hired under subsection (n)(1) or

32 (o)(1) and who otherwise satisfies the requirements of subsection (n)

33 or (o) is not required to repeat the full basic training course to regain

34 law enforcement power but shall attend the refresher course described

35 in subsection (n) or (o) and the pre-basic training course established

36 under subsection (f).

37 (r) This subsection applies only to a gaming agent employed as a

38 law enforcement officer by the Indiana gaming commission. A gaming

39 agent appointed after June 30, 2005, may exercise the police powers

40 described in subsection (d) if:

- 41 (1) the agent successfully completes the pre-basic course
- 42 established in subsection (f); and

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1 (2) the agent successfully completes any other training courses
2 established by the Indiana gaming commission in conjunction
3 with the board.

4 (s) This subsection applies only to a securities enforcement officer
5 designated as a law enforcement officer by the securities
6 commissioner. A securities enforcement officer may exercise the police
7 powers described in subsection (d) if:

8 (1) the securities enforcement officer successfully completes the
9 pre-basic course established in subsection (f); and

10 (2) the securities enforcement officer successfully completes any
11 other training courses established by the securities commissioner
12 in conjunction with the board.

13 (t) As used in this section, "upper level policymaking position"
14 refers to the following:

15 (1) If the authorized size of the department or town marshal
16 system is not more than ten (10) members, the term refers to the
17 position held by the police chief or town marshal.

18 (2) If the authorized size of the department or town marshal
19 system is more than ten (10) members but less than fifty-one (51)
20 members, the term refers to:

- 21 (A) the position held by the police chief or town marshal; and
- 22 (B) each position held by the members of the police
23 department or town marshal system in the next rank and pay
24 grade immediately below the police chief or town marshal.

25 (3) If the authorized size of the department or town marshal
26 system is more than fifty (50) members, the term refers to:

- 27 (A) the position held by the police chief or town marshal; and
- 28 (B) each position held by the members of the police
29 department or town marshal system in the next two (2) ranks
30 and pay grades immediately below the police chief or town
31 marshal.

32 (u) *This subsection applies only to a correctional police officer*
33 *employed by the department of correction. A correctional police officer*
34 *may exercise the police powers described in subsection (d) if:*

35 (1) *the officer successfully completes the pre-basic course*
36 *described in subsection (f); and*

37 (2) *the officer successfully completes any other training courses*
38 *established by the department of correction in conjunction with*
39 *the board.*

40 SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.130-2009,
41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2010]: Sec. 3. The institute is established to do the following:

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- 1 (1) Evaluate state and local programs associated with:
 - 2 (A) the prevention, detection, and solution of criminal
 - 3 offenses;
 - 4 (B) law enforcement; and
 - 5 (C) the administration of criminal and juvenile justice.
- 6 (2) Improve and coordinate all aspects of law enforcement,
- 7 juvenile justice, and criminal justice in this state.
- 8 (3) Stimulate criminal and juvenile justice research.
- 9 (4) Develop new methods for the prevention and reduction of
- 10 crime.
- 11 (5) Prepare applications for funds under the Omnibus Act and the
- 12 Juvenile Justice Act.
- 13 (6) Administer victim and witness assistance funds.
- 14 (7) Administer the traffic safety functions assigned to the institute
- 15 under IC 9-27-2.
- 16 (8) Compile and analyze information and disseminate the
- 17 information to persons who make criminal justice decisions in this
- 18 state.
- 19 (9) Serve as the criminal justice statistical analysis center for this
- 20 state.
- 21 (10) Identify grants and other funds that can be used by the
- 22 department of correction to carry out its responsibilities
- 23 concerning sex or violent offender registration under IC 11-8-8.
- 24 (11) Administer the application and approval process for
- 25 designating an area of a consolidated or second class city as a
- 26 public safety improvement area under IC 36-8-19.5.
- 27 (12) Develop and maintain a meth watch program to inform
- 28 retailers and the public about illicit methamphetamine production,
- 29 distribution, and use in Indiana.
- 30 (13) Establish, maintain, and operate, subject to specific
- 31 appropriation by the general assembly, a web site containing a list
- 32 of properties (as defined in IC 5-2-6-19(b)) that have been used
- 33 as the site of a methamphetamine laboratory.
- 34 (14) Develop and manage the gang crime witness protection
- 35 program established by section 21 of this chapter.
- 36 (15) Identify grants and other funds that can be used to fund the
- 37 gang crime witness protection program.
- 38 (16) After December 31, 2008, administer the licensing of:
 - 39 (A) commercial driver training schools; and
 - 40 (B) instructors at commercial driver training schools.
- 41 (17) Administer any sexual offense services.
- 42 (18) Administer domestic violence programs.

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- 1 (19) Administer assistance to victims of human sexual trafficking
- 2 offenses as provided in IC 35-42-3.5-4.
- 3 (20) Administer the domestic violence prevention and treatment
- 4 fund under IC 5-2-6.7.
- 5 (21) Administer the family violence and victim assistance fund
- 6 under IC 5-2-6.8.
- 7 **(22) Administer and provide staff support to the law**
- 8 **enforcement, school policing, and youth work group under**
- 9 **IC 5-2-6.9.**

10 SECTION 3. IC 5-2-6.9 IS ADDED TO THE INDIANA CODE AS
 11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2010]:

13 **Chapter 6.9. Law Enforcement, School Policing, and Youth**
 14 **Work Group**

15 **Sec. 1. (a) As used in this chapter, "institute" means the Indiana**
 16 **criminal justice institute established by IC 5-2-6-3.**

17 **(b) As used in this chapter, "work group" means the law**
 18 **enforcement, school policing, and youth work group established by**
 19 **section 2 of this chapter.**

20 **Sec. 2. (a) The law enforcement, school policing, and youth work**
 21 **group is established.**

22 **(b) The institute shall staff and administer the work group.**

23 **(c) The institute may adopt rules under IC 4-22-2 to administer**
 24 **the work group.**

25 **Sec. 3. (a) The work group consists of twenty-six (26) voting**
 26 **members, including:**

- 27 **(1) the executive director of the Indiana criminal justice**
- 28 **institute or the executive director's designee;**
- 29 **(2) the executive director of the Indiana law enforcement**
- 30 **academy or the executive director's designee;**
- 31 **(3) the state superintendent of public instruction or the state**
- 32 **superintendent's designee;**
- 33 **(4) the executive director of the Indiana judicial center or the**
- 34 **executive director's designee;**
- 35 **(5) the executive director of the public defender council of**
- 36 **Indiana or the executive director's designee;**
- 37 **(6) the executive director of the prosecuting attorneys council**
- 38 **of Indiana or the executive director's designee;**
- 39 **(7) the executive director of the Indiana sheriff's association**
- 40 **or the executive director's designee;**
- 41 **(8) a judge having juvenile court jurisdiction, appointed by**
- 42 **the governor;**

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- 1 (9) a chief of police, police officer, or town marshal, appointed
- 2 by the attorney general;
- 3 (10) a pediatric physician, appointed by the chief justice of the
- 4 supreme court;
- 5 (11) a psychologist who treats adolescent children, appointed
- 6 by the speaker of the house of representatives;
- 7 (12) a law enforcement officer employed by a law enforcement
- 8 agency who routinely works in a school, appointed by the
- 9 minority leader of the house of representatives;
- 10 (13) an attorney licensed to practice law in Indiana who is a
- 11 member of the Indiana State Bar Association, appointed by
- 12 the president pro tempore of the senate;
- 13 (14) an individual who is less than nineteen (19) years of age,
- 14 appointed by the minority leader of the senate;
- 15 (15) a school teacher who is employed by a junior high school,
- 16 middle school, or high school, appointed by the governor;
- 17 (16) a school social worker, appointed by the attorney
- 18 general;
- 19 (17) a school attorney, appointed by the chief justice of the
- 20 supreme court;
- 21 (18) a school principal from an urban school district,
- 22 appointed by the speaker of the house of representatives;
- 23 (19) a school principal from a suburban or rural school
- 24 district, appointed by the minority leader of the house of
- 25 representatives;
- 26 (20) an individual who represents or is employed by a child
- 27 advocate organization, appointed by the president pro
- 28 tempore of the senate;
- 29 (21) a special education teacher, appointed by the minority
- 30 leader of the senate;
- 31 (22) a law school professor, appointed by the governor;
- 32 (23) a university or college professor who has studied or
- 33 specializes in school discipline and racial equity issues of
- 34 children, appointed by the attorney general;
- 35 (24) the director of a law enforcement training school or
- 36 academy other than the Indiana law enforcement academy,
- 37 appointed by the chief justice of the supreme court;
- 38 (25) a parent of a child who is enrolled in high school,
- 39 appointed by the speaker of the house of representatives; and
- 40 (26) a parent of a child who is enrolled in high school,
- 41 appointed by the president pro tempore of the senate.
- 42 (b) The work group also consists of four (4) members of the

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1 general assembly who shall serve as nonvoting members of the
2 work group. The president pro tempore of the senate shall appoint
3 two (2) senators, who may not be members of the same political
4 party. The speaker of the house of representatives shall appoint
5 two (2) representatives, who may not be members of the same
6 political party.

7 (c) The individual appointed under subsection (a)(22) shall serve
8 as the chairperson of the work group.

9 (d) The individuals appointing work group members under this
10 section should strive for a diverse group of appointees reflecting a
11 variety of ethnic groups and races and both men and women.

12 Sec. 4. The work group shall meet one (1) time per month at the
13 call of the chairperson.

14 Sec. 5. Thirteen (13) voting members of the work group
15 constitute a quorum. The work group is not prohibited from
16 conducting business as a result of a vacancy in the work group. In
17 the case of a vacancy, a new appointee shall serve for the
18 remainder of the unexpired term. A vacancy shall be filled from
19 the same group that was represented by the outgoing member.

20 Sec. 6. All appointments of the work group's members are
21 renewable.

22 Sec. 7. (a) A member of the work group who is not a state
23 employee is not entitled to a minimum salary per diem provided by
24 IC 4-10-11-2.1(b) and is not entitled to reimbursement for traveling
25 expenses.

26 (b) A member of the work group who is a state employee is
27 entitled to reimbursement for traveling expenses and other
28 expenses actually incurred in connection with the member's duties,
29 as provided in the state travel policies and procedures established
30 by the Indiana department of administration and approved by the
31 budget agency.

32 Sec. 8. (a) Before July 1 of each year, the work group shall
33 submit an annual report to the:

- 34 (1) legislative council;
- 35 (2) governor;
- 36 (3) department of education;
- 37 (4) Indiana law enforcement academy;
- 38 (5) commission on courts established by IC 33-23-10-1;
- 39 (6) education roundtable established by IC 20-19-4-2;
- 40 (7) chief justice of the supreme court; and
- 41 (8) board for the coordination of programs serving vulnerable
42 individuals established by IC 4-23-30.2-8.

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(b) The report must include the findings and recommendations of the board.

(c) The report submitted to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 9. The institute shall:

(1) provide staff support to the work group; and

(2) post the work group's:

(A) meeting minutes; and

(B) reports;

on the institute's web site.

Sec. 10. (a) The work group shall:

(1) recommend legislation to the general assembly;

(2) study and recommend training curricula to the Indiana law enforcement academy concerning law enforcement officer interactions with juveniles;

(3) study and recommend training curricula concerning law enforcement, school policing, and juveniles, as described in subsection (b), for:

(A) school resources officers;

(B) teachers;

(C) school administrators;

(D) school corporation police officers; and

(E) privately contracted security officers who work in schools;

(4) study and make recommendations concerning methods by which law enforcement agencies may improve interactions with juveniles;

(5) study and recommend methods by which law enforcement agencies and schools may collaborate on reducing juvenile involvement in the juvenile justice system, including:

(A) when school administrators should be notified before a student is arrested;

(B) what types of arrests should not occur on school property;

(C) recommendations regarding school administrators and law enforcement agencies reviewing school safety policies;

(D) policies concerning parental notification of student arrests; and

(E) the use of alternatives to arrest;

(6) study and recommend pilot programs for school districts and law enforcement agencies to reduce juvenile involvement in the juvenile justice system based on best practices;

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- 1 (7) study and recommend guidelines for school districts to
- 2 adopt to reduce juvenile involvement in the juvenile justice
- 3 system;
- 4 (8) study and recommend whether law enforcement agencies
- 5 should employ juvenile justice specialists to:
- 6 (A) train law enforcement officers on appropriate law
- 7 enforcement interactions with juveniles;
- 8 (B) collaborate with schools to reduce law enforcement
- 9 interactions with juveniles; and
- 10 (C) develop alternatives to arresting juveniles;
- 11 (9) study and recommend educational curricula to the
- 12 department of education for students regarding:
- 13 (A) the juvenile justice and criminal justice systems;
- 14 (B) the types of conduct that can lead to school discipline;
- 15 (C) the consequences of being arrested; and
- 16 (D) restorative justice principles;
- 17 (10) study and recommend training curricula for school
- 18 employees concerning:
- 19 (A) the juvenile justice system;
- 20 (B) alternatives to student suspension, expulsion, and
- 21 arrest;
- 22 (C) restorative justice; and
- 23 (D) the consequences of arresting a youth;
- 24 (11) study and recommend the use of school security guards
- 25 by school corporations and whether additional training is
- 26 recommended for school security guards to make arrests,
- 27 conduct searches, and carry firearms on school corporation
- 28 property; and
- 29 (12) study the use of zero (0) tolerance policies by schools and
- 30 the impact that zero (0) tolerance policies have for youth
- 31 involvement in the juvenile justice system.
- 32 (b) The recommendations under subsection (a)(3) may include
- 33 recommendations for training concerning:
- 34 (1) adolescent development;
- 35 (2) adolescent psychology;
- 36 (3) children with disabilities and special needs;
- 37 (4) law enforcement interactions with youth in schools;
- 38 (5) relationship building;
- 39 (6) implications for asserting authority;
- 40 (7) cultural competency; and
- 41 (8) alternatives to referral, arrest, and detention.
- 42 (c) The work group shall make a recommendation regarding the

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1 **issue stated in subsection (a)(11) by August 1, 2011.**

2 **Sec. 11. The work group shall conduct its first meeting by**
3 **August 1, 2010.**

4 **Sec. 12. This chapter expires June 30, 2015.**

5 SECTION 4. IC 5-2-8-1, AS AMENDED BY P.L.20-2009,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2010]: Sec. 1. (a) The following definitions apply in this
8 section:

9 (1) "Abuse" means:

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

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

14 (2) "County law enforcement agency" includes:

15 (A) postsecondary educational institution police officers
16 appointed under IC 21-17-5 or IC 21-39-4; and

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

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

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

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

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

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

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

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- 1 (h) A county law enforcement agency program shall provide to each
- 2 law enforcement officer employed by the county and may provide to
- 3 each law enforcement officer employed by a city or town law
- 4 enforcement agency within the county continuing education concerning
- 5 the following:
- 6 (1) Duties of a law enforcement officer in enforcing restraining
- 7 orders, protective orders, temporary injunctions, and permanent
- 8 injunctions involving abuse.
- 9 (2) Guidelines for making felony and misdemeanor arrests in
- 10 cases involving abuse.
- 11 (3) Techniques for handling incidents of abuse that:
- 12 (A) minimize the likelihood of injury to the law enforcement
- 13 officer; and
- 14 (B) promote the safety of a victim.
- 15 (4) Information about the nature and extent of abuse.
- 16 (5) Information about the legal rights of and remedies available
- 17 to victims of abuse.
- 18 (6) How to document and collect evidence in an abuse case.
- 19 (7) The legal consequences of abuse.
- 20 (8) The impact on children of law enforcement intervention in
- 21 abuse cases.
- 22 (9) Services and facilities available to victims of abuse and
- 23 abusers.
- 24 (10) Verification of restraining orders, protective orders,
- 25 temporary injunctions, and permanent injunctions.
- 26 (11) Policies concerning arrest or release of suspects in abuse
- 27 cases.
- 28 (12) Emergency assistance to victims of abuse and criminal
- 29 justice options for victims of abuse.
- 30 (13) Landlord-tenant concerns in abuse cases.
- 31 (14) The taking of an abused child into protective custody.
- 32 (15) Assessment of a situation in which a child may be seriously
- 33 endangered if the child is left in the child's home.
- 34 (16) Assessment of a situation involving an endangered adult (as
- 35 defined in IC 12-10-3-2).
- 36 (17) Response to a sudden, unexpected infant death.
- 37 (18) Performing cardiopulmonary resuscitation and the Heimlich
- 38 maneuver.
- 39 **(19) Two (2) hours of instruction regarding how to interact**
- 40 **with juveniles and de-escalation techniques appropriate for**
- 41 **youth.**
- 42 (i) A county law enforcement agency may enter into an agreement

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1 with other law enforcement agencies to provide the continuing
2 education required by this section and section 2(f) of this chapter.

3 SECTION 5. IC 5-2-8-2, AS AMENDED BY P.L.20-2009,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 2. (a) The following definitions apply in this
6 section:

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

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

10 (A) postsecondary educational institution police officers
11 appointed under IC 21-17-5 or IC 21-39-4; and

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

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

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

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

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

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

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

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

38 (3) Techniques for handling incidents of abuse that:

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

41 (B) promote the safety of a victim.

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

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- 1 (5) Information about the legal rights of and remedies available
- 2 to victims of abuse.
- 3 (6) How to document and collect evidence in an abuse case.
- 4 (7) The legal consequences of abuse.
- 5 (8) The impact on children of law enforcement intervention in
- 6 abuse cases.
- 7 (9) Services and facilities available to victims of abuse and
- 8 abusers.
- 9 (10) Verification of restraining orders, protective orders,
- 10 temporary injunctions, and permanent injunctions.
- 11 (11) Policies concerning arrest or release of suspects in abuse
- 12 cases.
- 13 (12) Emergency assistance to victims of abuse and criminal
- 14 justice options for victims of abuse.
- 15 (13) Landlord-tenant concerns in abuse cases.
- 16 (14) The taking of an abused child into protective custody.
- 17 (15) Assessment of a situation in which the child may be seriously
- 18 endangered if the child is left in the child's home.
- 19 (16) Assessment of a situation involving an endangered adult (as
- 20 defined in IC 12-10-3-2).
- 21 (17) Response to a sudden, unexpected infant death.
- 22 (18) Performing cardiopulmonary resuscitation and the Heimlich
- 23 maneuver.
- 24 **(19) Two (2) hours of instruction regarding how to interact**
- 25 **with juveniles and de-escalation techniques appropriate for**
- 26 **youth.**
- 27 (g) A city or town law enforcement agency may enter into an
- 28 agreement with other county, city, or town law enforcement agencies
- 29 to provide the continuing education required by this section and section
- 30 1(h) of this chapter.
- 31 SECTION 6. IC 5-2-8-5 IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) There is established the state
- 33 police training fund. The fund consists of amounts collected under
- 34 IC 33-37-4-1(b)(4), IC 33-37-4-2(b)(3), and IC 33-37-4-3(b)(4) on
- 35 behalf of the state police department.
- 36 (b) If the state police department files a claim under IC 33-37-8-4
- 37 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
- 38 fund, the fiscal officer of the city or town or the county auditor shall
- 39 deposit fees collected under the cause numbers submitted by the state
- 40 police department into the state police training fund established under
- 41 this section.
- 42 (c) Claims against the state police training fund must be submitted

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1 in accordance with IC 5-11-10.

2 (d) Money in excess of one hundred dollars (\$100) that is
3 unencumbered and remains in the state police training fund for at least
4 one (1) entire calendar year from the date of its deposit shall, at the end
5 of the state's fiscal year, be deposited in the law enforcement training
6 fund established under IC 5-2-1-13(b).

7 (e) As used in this subsection, "abuse" has the meaning set forth in
8 section 1(a) of this chapter. As a part of the state police department's
9 in-service training, the department shall provide to each law
10 enforcement officer employed by the department continuing education
11 concerning the following:

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

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

17 (3) Techniques for handling incidents of abuse that:

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

20 (B) promote the safety of a victim.

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

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

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

25 (7) The legal consequences of abuse.

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

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

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

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

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

36 (13) Landlord-tenant concerns in abuse cases.

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

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

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

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

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(18) Two (2) hours of instruction regarding how to interact with juveniles and de-escalation techniques appropriate for youth.

The cost of providing continuing education under this subsection shall be paid from money in the state police training fund.

SECTION 7. IC 20-26-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 17. School Security Guards

Sec. 1. An individual employed by or under contract to a school corporation, including a security guard or a special deputy whose powers and duties are described in IC 36-8-10-10.6, may not carry a firearm on school corporation property unless the individual successfully completes a pre-basic training course under IC 5-2-1-9(f). The individual must also complete the training under IC 5-2-1-9(a)(11) within one (1) year of starting employment with or providing services under a contract to a school corporation.

SECTION 8. IC 20-34-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 6. Student Safety Reporting

Sec. 1. (a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:

- (1) The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests.**
- (2) The offenses for which students were arrested on school corporation property.**
- (3) The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property.**
- (4) Statistics concerning the age, race, and gender of students arrested on school corporation property and categorizing the statistics by offenses.**
- (5) Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report:**
 - (A) the number of officers in the school corporation police department; and**

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1 **(B) the training the officers must complete.**
2 **(6) If the school corporation employs private security guards**
3 **to enforce rules or laws on school property, a detailed**
4 **explanation of the use of private security guards by the school**
5 **corporation.**
6 **(7) If the school corporation has an agreement with a local**
7 **law enforcement agency regarding procedures to arrest**
8 **students on school property, a detailed explanation of the use**
9 **of the local law enforcement agency by the school corporation.**
10 **(b) By August 1 of each year, the department shall submit a**
11 **report to:**
12 **(1) the legislative council;**
13 **(2) the education roundtable established by IC 20-19-4-2; and**
14 **(3) the board for the coordination of programs serving**
15 **vulnerable individuals established by IC 4-23-30.2-8;**
16 **providing a summary of the reports submitted to the department**
17 **under subsection (a). The report to the legislative council must be**
18 **in an electronic format under IC 5-14-6.**
19 **(c) By August 1 of each year, the department must post the**
20 **reports described in subsections (a) and (b) on the department's**
21 **Internet web site.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, line 25, delete "thirty-two (32)" and insert "**twenty-four (24)**".

Page 10, delete lines 41 through 42.

Page 11, line 1, delete "(9)" and insert "**(8)**".

Page 11, line 2, delete "attorney general;" and insert "**governor;**".

Page 11, delete lines 3 through 5.

Page 11, line 6, delete "(11)" and insert "**(9)**".

Page 11, line 6, delete "from a" and insert ",".

Page 11, delete line 7.

Page 11, line 8, delete "(50,000),".

Page 11, line 8, delete "speaker of the house of" and insert "**attorney general;**".

Page 11, delete line 9.

Page 11, line 10, delete "(12)" and insert "**(10)**".

Page 11, line 10, delete "minority leader of" and insert "**chief justice of the supreme court;**".

Page 11, delete line 11.

Page 11, line 12, delete "(13)" and insert "**(11)**".

Page 11, line 13, delete "president pro tempore of the senate;" and insert "**speaker of the house of representatives;**".

Page 11, delete lines 14 through 19.

Page 11, line 20, delete "(17)" and insert "**(12)**".

Page 11, line 21, after "the" insert "**minority leader of the house of representatives;**".

Page 11, delete line 22.

Page 11, line 23, delete "(18)" and insert "**(13)**".

Page 11, line 24, after "Indiana" insert "**State**".

Page 11, line 24, after "by the" insert "**president pro tempore of the senate;**".

Page 11, delete line 25.

Page 11, line 26, before "an" delete "(19)" and insert "**(14)**".

Page 11, line 27, delete "house of" and insert "**senate;**".

Page 11, delete line 28.

Page 11, delete lines 29 through 30.

Page 11, line 31, delete "(21)" and insert "**(15)**".

Page 11, line 31, delete "high".

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Page 11, line 31, delete "rural school" and insert "**junior high school, middle school, or high school,**".

Page 11, line 32, delete "district,".

Page 11, line 32, delete "minority leader of the senate;" and insert "**governor;**".

Page 11, line 33, delete "(22)" and insert "(16)".

Page 11, line 33, delete "governor;" and insert "**attorney general;**".

Page 11, line 34, delete "(23)" and insert "(17)".

Page 11, line 34, delete "attorney general;" and insert "**chief justice of the supreme court;**".

Page 11, line 35, delete "(24)" and insert "(18)".

Page 11, line 35, delete "administrator" and insert "**principal**".

Page 11, line 36, delete "chief justice of the supreme court;" and insert "**speaker of the house of representatives;**".

Page 11, line 37, delete "(25)" and insert "(19)".

Page 11, line 37, delete "administrator" and insert "**principal**".

Page 11, line 38, delete "speaker" and insert "**minority leader**".

Page 11, line 40, delete "(26)" and insert "(20)".

Page 11, line 41, delete "minority leader of" and insert "**president pro tempore of the senate;**".

Page 11, delete line 42.

Page 12, delete lines 1 through 3.

Page 12, line 4, delete "(28)" and insert "(21)".

Page 12, line 6, delete "(29)" and insert "(22)".

Page 12, line 7, delete "(30)" and insert "(23)".

Page 12, line 9, delete "general;" and insert "**general; and**".

Page 12, line 10, delete "(31)" and insert "(24)".

Page 12, line 12, delete "court; and" and insert "**court.**".

Page 12, delete lines 13 through 14.

Page 12, line 22, delete "(a)(7)" and insert "(a)(22)".

Page 12, line 29, delete "Sixteen (16)" and insert "**Twelve (12)**".

Page 13, line 12, delete "and".

Page 13, line 13, delete "court." and insert "**court; and**

(8) board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8.".

Page 14, line 24, delete "develop" and insert "**recommend**".

Page 14, line 24, after "curricula" insert "**to the department of education**".

Page 21, line 25, delete "and".

Page 21, line 26, after ";" insert "**and**

(3) the board for the coordination of programs serving

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vulnerable individuals established by IC 4-23-30.2-8;".

and when so amended that said bill do pass.

(Reference is to HB 1193 as introduced.)

PRYOR, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1193 be amended to read as follows:

Page 10, line 25, delete "twenty-four (24)" and insert "**twenty-six (26)**".

Page 11, line 34, delete "and".

Page 11, line 37, delete "court." and insert "**court;**

(25) a parent of a child who is enrolled in high school, appointed by the speaker of the house of representatives; and

(26) a parent of a child who is enrolled in high school, appointed by the president pro tempore of the senate."

Page 12, line 10, delete "Twelve (12)" and insert "**Thirteen (13)**".

(Reference is to HB 1193 as printed January 14, 2010.)

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