
HOUSE BILL No. 1033

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8.

Synopsis: Police and firefighter residency. Provides that a city or town may adopt an ordinance, and a township may adopt a resolution, specifying where a member of a police or fire department may reside. Provides that the ordinance or resolution may not apply to an individual who is a member of the police or fire department on the date the ordinance or resolution is adopted. Repeals statutes concerning residency of members of town and township police and fire departments.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1033



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

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

- 1 SECTION 1. IC 36-8-4-2, AS AMENDED BY P.L.65-2008,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 2. (a) Members of the police and fire departments
- 4 must reside in Indiana. ~~within:~~
- 5 (1) the county in which the city is located; or
- 6 (2) a county that is contiguous to the county in which the city is
- 7 located.
- 8 (b) ~~In a consolidated city, a member who was residing outside the~~
- 9 ~~county on January 1, 1975, is exempt from subsection (a):~~
- 10 (c) A city with a population of less than seven thousand five
- 11 hundred (7,500) may adopt an ordinance that requires a member of the
- 12 city's police or fire department to comply with the following:
- 13 (1) Reside within the county in which the city is located;
- 14 (2) Have adequate means of transportation into the city;
- 15 (3) Maintain in the member's residence telephone service with the
- 16 city.
- 17 (d) This subsection applies to a city that:



1 (1) has a population of less than seven thousand five hundred
 2 (7,500); and
 3 (2) adopted an ordinance to establish the requirements described
 4 in this subsection before September 1, 1984.

5 A city may require, in addition to the requirements of subsection (c),
 6 that a member of the police or fire department reside within the city
 7 until the member has served in the department for five (5) years:

8 (e) An ordinance adopted under subsection (c) or described in
 9 subsection (d)(2) may not require a member of a city's police or fire
 10 department to reside within the county in which the city is located if the
 11 member resides outside the county on the date the ordinance is
 12 adopted:

13 **(b) Subject to subsection (a), a city may adopt an ordinance**
 14 **specifying where a member of a police or fire department may**
 15 **reside. The ordinance may not apply to an individual who is a**
 16 **member of the police or fire department on the date the ordinance**
 17 **is adopted.**

18 SECTION 2. IC 36-8-4.5-4, AS ADDED BY P.L.65-2008,
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 4. (a) A member of a town police or fire
 21 department must reside in Indiana. within:

22 (1) the county in which the town is located; or
 23 (2) a county that is contiguous to the county in which the town is
 24 located:

25 **(b) Subject to subsection (a), a town may adopt an ordinance**
 26 **specifying where a member of a police or fire department may**
 27 **reside. The ordinance may not apply to an individual who is a**
 28 **member of the police or fire department on the date the ordinance**
 29 **is adopted.**

30 SECTION 3. IC 36-8-13.5-4, AS ADDED BY P.L.65-2008,
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 4. (a) A member of a township fire department
 33 must reside in Indiana. within:

34 (1) the county in which the township is located; or
 35 (2) a county that is contiguous to the county in which the
 36 township is located:

37 **(b) Subject to subsection (a), a township may adopt a resolution**
 38 **specifying where a member of a fire department may reside. The**
 39 **resolution may not apply to an individual who is a member of the**
 40 **fire department on the date the resolution is adopted.**

41 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE
 42 JULY 1, 2011]: IC 36-8-4.5-5; IC 36-8-4.5-6; IC 36-8-4.5-7;

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1 IC 36-8-4.5-8; IC 36-8-13.5-5; IC 36-8-13.5-6; IC 36-8-13.5-7.

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