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# HOUSE BILL No. 1409

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-1; IC 11-12-11; IC 35-41-1-17.

**Synopsis:** Community corrections police officers. Authorizes a community corrections advisory board to appoint certain individuals as community corrections police officers. Requires a community corrections police officer to complete a pre-basic training course approved by the law enforcement training board and the appointing community corrections advisory board. Grants community corrections police officers police powers, but only: (1) in connection with offenses committed on the property of the community corrections program; (2) in connection with an offense involving a person participating in the community corrections program; (3) in connection with an offense committed in the presence of an officer; or (4) while assisting another law enforcement officer who has requested the assistance of the community corrections police officer.

**Effective:** July 1, 2011.

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January 18, 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. 1409



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

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

1 SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.77-2009,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 2. For the purposes of this chapter, and unless the  
4 context clearly denotes otherwise, the following definitions apply  
5 throughout this chapter:

6 (1) "Law enforcement officer" means an appointed officer or  
7 employee hired by and on the payroll of the state, any of the  
8 state's political subdivisions, or a public or private postsecondary  
9 educational institution whose board of trustees has established a  
10 police department under IC 21-17-5-2 or IC 21-39-4-2 who is  
11 granted lawful authority to enforce all or some of the penal laws  
12 of the state of Indiana and who possesses, with respect to those  
13 laws, the power to effect arrests for offenses committed in the  
14 officer's or employee's presence. However, the following are  
15 expressly excluded from the term "law enforcement officer" for  
16 the purposes of this chapter:

17 (A) A constable.



- 1 (B) A special officer whose powers and duties are described
- 2 in IC 36-8-3-7 or a special deputy whose powers and duties are
- 3 described in IC 36-8-10-10.6.
- 4 (C) A county police reserve officer who receives compensation
- 5 for lake patrol duties under IC 36-8-3-20(f)(4).
- 6 (D) A conservation reserve officer who receives compensation
- 7 for lake patrol duties under IC 14-9-8-27.
- 8 (E) An employee of the gaming commission whose powers
- 9 and duties are described in IC 4-32.2-9.
- 10 (F) A correctional police officer described in IC 11-8-9.
- 11 **(G) A community corrections police officer described in**
- 12 **IC 11-12-11.**
- 13 (2) "Board" means the law enforcement training board created by
- 14 this chapter.
- 15 (3) "Advisory council" means the law enforcement advisory
- 16 council created by this chapter.
- 17 (4) "Executive training program" means the police chief executive
- 18 training program developed by the board under section 9 of this
- 19 chapter.
- 20 (5) "Law enforcement training council" means one (1) of the
- 21 confederations of law enforcement agencies recognized by the
- 22 board and organized for the sole purpose of sharing training,
- 23 instructors, and related resources.
- 24 (6) "Training regarding the lawful use of force" includes
- 25 classroom and skills training in the proper application of hand to
- 26 hand defensive tactics, use of firearms, and other methods of:
- 27 (A) overcoming unlawful resistance; or
- 28 (B) countering other action that threatens the safety of the
- 29 public or a law enforcement officer.
- 30 (7) "Hiring or appointing authority" means:
- 31 (A) the chief executive officer, board, or other entity of a
- 32 police department or agency with authority to appoint and hire
- 33 law enforcement officers; or
- 34 (B) the governor, mayor, board, or other entity with the
- 35 authority to appoint a chief executive officer of a police
- 36 department or agency.
- 37 SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.1-2010,
- 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2011]: Sec. 9. (a) The board shall adopt in accordance with
- 40 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
- 41 The rules, which shall be adopted only after necessary and proper
- 42 investigation and inquiry by the board, shall include the establishment

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1 of the following:

2 (1) Minimum standards of physical, educational, mental, and  
3 moral fitness which shall govern the acceptance of any person for  
4 training by any law enforcement training school or academy  
5 meeting or exceeding the minimum standards established  
6 pursuant to this chapter.

7 (2) Minimum standards for law enforcement training schools  
8 administered by towns, cities, counties, law enforcement training  
9 centers, agencies, or departments of the state.

10 (3) Minimum standards for courses of study, attendance  
11 requirements, equipment, and facilities for approved town, city,  
12 county, and state law enforcement officer, police reserve officer,  
13 and conservation reserve officer training schools.

14 (4) Minimum standards for a course of study on cultural diversity  
15 awareness that must be required for each person accepted for  
16 training at a law enforcement training school or academy.

17 (5) Minimum qualifications for instructors at approved law  
18 enforcement training schools.

19 (6) Minimum basic training requirements which law enforcement  
20 officers appointed to probationary terms shall complete before  
21 being eligible for continued or permanent employment.

22 (7) Minimum basic training requirements which law enforcement  
23 officers appointed on other than a permanent basis shall complete  
24 in order to be eligible for continued employment or permanent  
25 appointment.

26 (8) Minimum basic training requirements which law enforcement  
27 officers appointed on a permanent basis shall complete in order  
28 to be eligible for continued employment.

29 (9) Minimum basic training requirements for each person  
30 accepted for training at a law enforcement training school or  
31 academy that include six (6) hours of training in interacting with:

32 (A) persons with autism, mental illness, addictive disorders,  
33 mental retardation, and developmental disabilities; and

34 (B) missing endangered adults (as defined in IC 12-7-2-131.3);  
35 to be provided by persons approved by the secretary of family and  
36 social services and the board.

37 (10) Minimum standards for a course of study on human and  
38 sexual trafficking that must be required for each person accepted  
39 for training at a law enforcement training school or academy and  
40 for inservice training programs for law enforcement officers. The  
41 course must cover the following topics:

42 (A) Examination of the human and sexual trafficking laws

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- 1 (IC 35-42-3.5).
- 2 (B) Identification of human and sexual trafficking.
- 3 (C) Communicating with traumatized persons.
- 4 (D) Therapeutically appropriate investigative techniques.
- 5 (E) Collaboration with federal law enforcement officials.
- 6 (F) Rights of and protections afforded to victims.
- 7 (G) Providing documentation that satisfies the Declaration of
- 8 Law Enforcement Officer for Victim of Trafficking in Persons
- 9 (Form I-914, Supplement B) requirements established under
- 10 federal law.
- 11 (H) The availability of community resources to assist human
- 12 and sexual trafficking victims.

13 (b) A law enforcement officer appointed after July 5, 1972, and  
 14 before July 1, 1993, may not enforce the laws or ordinances of the state  
 15 or any political subdivision unless the officer has, within one (1) year  
 16 from the date of appointment, successfully completed the minimum  
 17 basic training requirements established under this chapter by the board.  
 18 If a person fails to successfully complete the basic training  
 19 requirements within one (1) year from the date of employment, the  
 20 officer may not perform any of the duties of a law enforcement officer  
 21 involving control or direction of members of the public or exercising  
 22 the power of arrest until the officer has successfully completed the  
 23 training requirements. This subsection does not apply to any law  
 24 enforcement officer appointed before July 6, 1972, or after June 30,  
 25 1993.

26 (c) Military leave or other authorized leave of absence from law  
 27 enforcement duty during the first year of employment after July 6,  
 28 1972, shall toll the running of the first year, which shall be calculated  
 29 by the aggregate of the time before and after the leave, for the purposes  
 30 of this chapter.

31 (d) Except as provided in subsections (e), (l), (r), and (s), a law  
 32 enforcement officer appointed to a law enforcement department or  
 33 agency after June 30, 1993, may not:

- 34 (1) make an arrest;
- 35 (2) conduct a search or a seizure of a person or property; or
- 36 (3) carry a firearm;

37 unless the law enforcement officer successfully completes, at a board  
 38 certified law enforcement academy or at a law enforcement training  
 39 center under section 10.5 or 15.2 of this chapter, the basic training  
 40 requirements established by the board under this chapter.

41 (e) This subsection does not apply to:

- 42 (1) a gaming agent employed as a law enforcement officer by the

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

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

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

- 17 (1) law enforcement officers;
  - 18 (2) police reserve officers (as described in IC 36-8-3-20); and
  - 19 (3) conservation reserve officers (as described in IC 14-9-8-27);
- 20 regarding the subjects of arrest, search and seizure, the lawful use of  
 21 force, interacting with individuals with autism, and the operation of an  
 22 emergency vehicle. The pre-basic course must be offered on a periodic  
 23 basis throughout the year at regional sites statewide. The pre-basic  
 24 course must consist of at least forty (40) hours of course work. The  
 25 board may prepare the classroom part of the pre-basic course using  
 26 available technology in conjunction with live instruction. The board  
 27 shall provide the course material, the instructors, and the facilities at  
 28 the regional sites throughout the state that are used for the pre-basic  
 29 course. In addition, the board may certify pre-basic courses that may be  
 30 conducted by other public or private training entities, including  
 31 postsecondary educational institutions.

32 (g) The board shall adopt rules under IC 4-22-2 to establish a  
 33 mandatory inservice training program for police officers. After June 30,  
 34 1993, a law enforcement officer who has satisfactorily completed basic  
 35 training and has been appointed to a law enforcement department or  
 36 agency on either a full-time or part-time basis is not eligible for  
 37 continued employment unless the officer satisfactorily completes the  
 38 mandatory inservice training requirements established by rules adopted  
 39 by the board. Inservice training must include training in interacting  
 40 with persons with mental illness, addictive disorders, mental  
 41 retardation, autism, and developmental disabilities, to be provided by  
 42 persons approved by the secretary of family and social services and the

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

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

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

- 13 (1) The program must require fewer hours of instruction and class  
 14 attendance and fewer courses of study than are required for the  
 15 mandated basic training program.
- 16 (2) Certain parts of the course materials may be studied by a  
 17 candidate at the candidate's home in order to fulfill requirements  
 18 of the program.
- 19 (3) Law enforcement officers successfully completing the  
 20 requirements of the program are eligible for appointment only in  
 21 towns employing the town marshal system (IC 36-5-7) and having  
 22 not more than one (1) marshal and two (2) deputies.
- 23 (4) The limitation imposed by subdivision (3) does not apply to an  
 24 officer who has successfully completed the mandated basic  
 25 training program.
- 26 (5) The time limitations imposed by subsections (b) and (c) for  
 27 completing the training are also applicable to the town marshal  
 28 basic training program.
- 29 (6) The program must require training in interacting with  
 30 individuals with autism.

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

- 34 (1) Liability.
- 35 (2) Media relations.
- 36 (3) Accounting and administration.
- 37 (4) Discipline.
- 38 (5) Department policy making.
- 39 (6) Lawful use of force.
- 40 (7) Department programs.
- 41 (8) Emergency vehicle operation.
- 42 (9) Cultural diversity.

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1 (j) A police chief shall apply for admission to the executive training  
 2 program within two (2) months of the date the police chief initially  
 3 takes office. A police chief must successfully complete the executive  
 4 training program within six (6) months of the date the police chief  
 5 initially takes office. However, if space in the executive training  
 6 program is not available at a time that will allow completion of the  
 7 executive training program within six (6) months of the date the police  
 8 chief initially takes office, the police chief must successfully complete  
 9 the next available executive training program that is offered after the  
 10 police chief initially takes office.

11 (k) A police chief who fails to comply with subsection (j) may not  
 12 continue to serve as the police chief until completion of the executive  
 13 training program. For the purposes of this subsection and subsection  
 14 (j), "police chief" refers to:

- 15 (1) the police chief of any city;
- 16 (2) the police chief of any town having a metropolitan police  
 17 department; and
- 18 (3) the chief of a consolidated law enforcement department  
 19 established under IC 36-3-1-5.1.

20 A town marshal is not considered to be a police chief for these  
 21 purposes, but a town marshal may enroll in the executive training  
 22 program.

23 (l) A fire investigator in the division of fire and building safety  
 24 appointed after December 31, 1993, is required to comply with the  
 25 basic training standards established under this chapter.

26 (m) The board shall adopt rules under IC 4-22-2 to establish a  
 27 program to certify handgun safety courses, including courses offered  
 28 in the private sector, that meet standards approved by the board for  
 29 training probation officers in handgun safety as required by  
 30 IC 11-13-1-3.5(3).

31 (n) The board shall adopt rules under IC 4-22-2 to establish a  
 32 refresher course for an officer who:

- 33 (1) is hired by an Indiana law enforcement department or agency  
 34 as a law enforcement officer;
- 35 (2) has not been employed as a law enforcement officer for at  
 36 least two (2) years and less than six (6) years before the officer is  
 37 hired under subdivision (1) due to the officer's resignation or  
 38 retirement; and
- 39 (3) completed at any time a basic training course certified by the  
 40 board before the officer is hired under subdivision (1).

41 (o) The board shall adopt rules under IC 4-22-2 to establish a  
 42 refresher course for an officer who:

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

11 A refresher course established under this subsection may not exceed  
 12 one hundred twenty (120) hours of course work. All credit hours  
 13 received for successfully completing the police chief executive training  
 14 program under subsection (i) shall be applied toward the refresher  
 15 course credit hour requirements.

16 (p) Subject to subsection (q), an officer to whom subsection (n) or  
 17 (o) applies must successfully complete the refresher course described  
 18 in subsection (n) or (o) not later than six (6) months after the officer's  
 19 date of hire, or the officer loses the officer's powers of:

- 20 (1) arrest;
- 21 (2) search; and
- 22 (3) seizure.

23 (q) A law enforcement officer who has worked as a law enforcement  
 24 officer for less than twenty-five (25) years before being hired under  
 25 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course  
 26 described in subsection (n) or (o) and must repeat the full basic training  
 27 course to regain law enforcement powers. However, a law enforcement  
 28 officer who has worked as a law enforcement officer for at least  
 29 twenty-five (25) years before being hired under subsection (n)(1) or  
 30 (o)(1) and who otherwise satisfies the requirements of subsection (n)  
 31 or (o) is not required to repeat the full basic training course to regain  
 32 law enforcement power but shall attend the refresher course described  
 33 in subsection (n) or (o) and the pre-basic training course established  
 34 under subsection (f).

35 (r) This subsection applies only to a gaming agent employed as a  
 36 law enforcement officer by the Indiana gaming commission. A gaming  
 37 agent appointed after June 30, 2005, may exercise the police powers  
 38 described in subsection (d) if:

- 39 (1) the agent successfully completes the pre-basic course
- 40 established in subsection (f); and
- 41 (2) the agent successfully completes any other training courses
- 42 established by the Indiana gaming commission in conjunction

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- 1 with the board.
- 2 (s) This subsection applies only to a securities enforcement officer  
3 designated as a law enforcement officer by the securities  
4 commissioner. A securities enforcement officer may exercise the police  
5 powers described in subsection (d) if:
- 6 (1) the securities enforcement officer successfully completes the  
7 pre-basic course established in subsection (f); and  
8 (2) the securities enforcement officer successfully completes any  
9 other training courses established by the securities commissioner  
10 in conjunction with the board.
- 11 (t) As used in this section, "upper level policymaking position"  
12 refers to the following:
- 13 (1) If the authorized size of the department or town marshal  
14 system is not more than ten (10) members, the term refers to the  
15 position held by the police chief or town marshal.
- 16 (2) If the authorized size of the department or town marshal  
17 system is more than ten (10) members but less than fifty-one (51)  
18 members, the term refers to:
- 19 (A) the position held by the police chief or town marshal; and  
20 (B) each position held by the members of the police  
21 department or town marshal system in the next rank and pay  
22 grade immediately below the police chief or town marshal.
- 23 (3) If the authorized size of the department or town marshal  
24 system is more than fifty (50) members, the term refers to:
- 25 (A) the position held by the police chief or town marshal; and  
26 (B) each position held by the members of the police  
27 department or town marshal system in the next two (2) ranks  
28 and pay grades immediately below the police chief or town  
29 marshal.
- 30 (u) This subsection applies only to a correctional police officer  
31 employed by the department of correction. A correctional police officer  
32 may exercise the police powers described in subsection (d) if:
- 33 (1) the officer successfully completes the pre-basic course  
34 described in subsection (f); and  
35 (2) the officer successfully completes any other training courses  
36 established by the department of correction in conjunction with  
37 the board.
- 38 **(v) This subsection applies only to a community corrections**  
39 **police officer employed by a community corrections program. A**  
40 **community corrections police officer may exercise the police**  
41 **powers described in subsection (d) if:**
- 42 **(1) the officer successfully completes the pre-basic course**

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1 described in subsection (f); and  
2 (2) the officer successfully completes any other training  
3 courses established by the appointing community corrections  
4 advisory board.

5 SECTION 3. IC 11-12-11 IS ADDED TO THE INDIANA CODE  
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2011]:

8 **Chapter 11. Community Corrections Police Officers**

9 **Sec. 1. A community corrections advisory board may appoint an**  
10 **individual to serve as a community corrections police officer. An**  
11 **individual appointed to serve as a community corrections police**  
12 **officer may not exercise police powers until the individual**  
13 **successfully completes a program of instruction certified by the**  
14 **department and the appointing law enforcement training board.**

15 **Sec. 2. An individual appointed as a community corrections**  
16 **police officer under section 1 of this chapter shall take an**  
17 **appropriate oath of office in the form and manner prescribed by**  
18 **the appointing community corrections advisory board. A**  
19 **community corrections police officer serves at the pleasure of the**  
20 **advisory board.**

21 **Sec. 3. Except as provided in section 4 of this chapter, a**  
22 **community corrections police officer may:**

- 23 (1) make an arrest;
- 24 (2) conduct a search or a seizure of a person or property;
- 25 (3) carry a firearm; and
- 26 (4) exercise other police powers with respect to the  
27 enforcement of Indiana laws.

28 **Sec. 4. (a) A community corrections police officer may not make**  
29 **an arrest, conduct a search or a seizure of a person or property, or**  
30 **exercise other police powers unless the arrest, search, seizure, or**  
31 **exercise of other police powers is performed:**

- 32 (1) in connection with an offense committed on the property  
33 of the community corrections program;
- 34 (2) in connection with an offense involving a person  
35 participating in a community corrections program;
- 36 (3) in connection with an offense committed in the presence of  
37 the community corrections police officer; or
- 38 (4) while assisting another law enforcement officer who has  
39 requested the assistance of the community corrections police  
40 officer.

41 **(b) The appointing community corrections advisory board may**  
42 **additionally limit the exercise of the powers described in subsection**

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(a).  
SECTION 4. IC 35-41-1-17, AS AMENDED BY P.L.77-2009,  
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2011]: Sec. 17. (a) "Law enforcement officer" means:  
(1) a police officer (including a correctional police officer **or a  
community corrections police officer**), sheriff, constable,  
marshal, prosecuting attorney, special prosecuting attorney,  
special deputy prosecuting attorney, the securities commissioner,  
or the inspector general;  
(2) a deputy of any of those persons;  
(3) an investigator for a prosecuting attorney or for the inspector  
general;  
(4) a conservation officer;  
(5) an enforcement officer of the alcohol and tobacco  
commission; or  
(6) an enforcement officer of the securities division of the office  
of the secretary of state.  
(b) "Federal enforcement officer" means any of the following:  
(1) A Federal Bureau of Investigation special agent.  
(2) A United States Marshals Service marshal or deputy.  
(3) A United States Secret Service special agent.  
(4) A United States Fish and Wildlife Service special agent.  
(5) A United States Drug Enforcement Agency agent.  
(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives  
agent.  
(7) A United States Forest Service law enforcement officer.  
(8) A United States Department of Defense police officer or  
criminal investigator.  
(9) A United States Customs Service agent.  
(10) A United States Postal Service investigator.  
(11) A National Park Service law enforcement commissioned  
ranger.  
(12) United States Department of Agriculture, Office of Inspector  
General special agent.  
(13) A United States Citizenship and Immigration Services  
special agent.  
(14) An individual who is:  
(A) an employee of a federal agency; and  
(B) authorized to make arrests and carry a firearm in the  
performance of the individual's official duties.

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