

SENATE BILL No. 328

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-3-1-5.1.

Synopsis: Consolidated law enforcement department. Specifies that the consolidated law enforcement department in a consolidated city is a division of the department of public safety.

Effective: July 1, 2012.

Merritt

January 9, 2012, read first time and referred to Committee on Local Government.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 328



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 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),
- 2 SECTION 400, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2012]: Sec. 5.1. (a) Except for those duties that
- 4 are reserved by law to the county sheriff in this section, the city-county
- 5 legislative body may by majority vote adopt an ordinance, approved by
- 6 the mayor, to consolidate the police department of the consolidated city
- 7 and the county sheriff's department **into the consolidated law**
- 8 **enforcement department, which must be a division of the**
- 9 **department of public safety.**
- 10 (b) The city-county legislative body may not adopt an ordinance
- 11 under this section unless it first:
- 12 (1) holds a public hearing on the proposed consolidation; and
- 13 (2) determines that:
- 14 (A) reasonable and adequate police protection can be provided
- 15 through the consolidation; and
- 16 (B) the consolidation is in the public interest.
- 17 (c) If an ordinance is adopted under this section, the consolidation



1 shall take effect on the date specified in the ordinance.

2 (d) Notwithstanding any other law, an ordinance adopted under this
 3 section must provide that the county sheriff's department shall be
 4 responsible for all the following for the consolidated city and the
 5 county under the direction and control of the sheriff:

6 (1) County jail operations and facilities.

7 (2) Emergency communications.

8 (3) Security for buildings and property owned by:

9 (A) the consolidated city;

10 (B) the county; or

11 (C) both the consolidated city and county.

12 (4) Service of civil process and collection of taxes under tax
 13 warrants.

14 (5) Sex and violent offender registration.

15 (e) The following apply if an ordinance is adopted under this
 16 section:

17 (1) The department of local government finance shall adjust the
 18 maximum permissible ad valorem property tax levy of the
 19 consolidated city and the county for property taxes first due and
 20 payable in the year a consolidation takes effect under this section.
 21 When added together, the adjustments under this subdivision
 22 must total zero (0).

23 (2) The ordinance must specify which law enforcement officers
 24 of the police department and which law enforcement officers of
 25 the county sheriff's department shall be law enforcement officers
 26 of the consolidated law enforcement department.

27 (3) The ordinance may not prohibit the providing of law
 28 enforcement services for an excluded city under an interlocal
 29 agreement under IC 36-1-7.

30 (4) A member of the county police force who:

31 (A) was an employee beneficiary of the sheriff's pension trust
 32 before the consolidation of the law enforcement departments;
 33 and

34 (B) after the consolidation becomes a law enforcement officer
 35 of the consolidated law enforcement department;

36 remains an employee beneficiary of the sheriff's pension trust.
 37 The member retains, after the consolidation, credit in the sheriff's
 38 pension trust for service earned while a member of the county
 39 police force and continues to earn service credit in the sheriff's
 40 pension trust as a member of the consolidated law enforcement
 41 department for purposes of determining the member's benefits
 42 from the sheriff's pension trust.

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1 (5) A member of the police department of the consolidated city
 2 who:
 3 (A) was a member of the 1953 fund or the 1977 fund before
 4 the consolidation of the law enforcement departments; and
 5 (B) after the consolidation becomes a law enforcement officer
 6 of the consolidated law enforcement department;
 7 remains a member of the 1953 fund or the 1977 fund. The
 8 member retains, after the consolidation, credit in the 1953 fund or
 9 the 1977 fund for service earned while a member of the police
 10 department of the consolidated city and continues to earn service
 11 credit in the 1953 fund or the 1977 fund as a member of the
 12 consolidated law enforcement department for purposes of
 13 determining the member's benefits from the 1953 fund or the
 14 1977 fund.
 15 (6) The ordinance must designate the merit system that shall
 16 apply to the law enforcement officers of the consolidated law
 17 enforcement department.
 18 (7) The ordinance must designate who shall serve as a coapplicant
 19 for a warrant or an extension of a warrant under IC 35-33.5-2.
 20 (8) The consolidated city may levy property taxes within the
 21 consolidated city's maximum permissible ad valorem property tax
 22 levy limit to provide for the payment of the expenses for the
 23 operation of the consolidated law enforcement department. The
 24 police special service district established under section 6 of this
 25 chapter may levy property taxes to provide for the payment of
 26 expenses for the operation of the consolidated law enforcement
 27 department within the territory of the police special service
 28 district. Property taxes to fund the pension obligation under
 29 IC 36-8-7.5 may be levied only by the police special service
 30 district within the police special service district. The consolidated
 31 city may not levy property taxes to fund the pension obligation
 32 under IC 36-8-7.5. Property taxes to fund the pension obligation
 33 under IC 36-8-8 for members of the 1977 police officers' and
 34 firefighters' pension and disability fund who were members of the
 35 police department of the consolidated city on the effective date of
 36 the consolidation may be levied only by the police special service
 37 district within the police special service district. Property taxes to
 38 fund the pension obligation under IC 36-8-10 for members of the
 39 sheriff's pension trust and under IC 36-8-8 for members of the
 40 1977 police officers' and firefighters' pension and disability fund
 41 who were not members of the police department of the
 42 consolidated city on the effective date of the consolidation may be

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1 levied by the consolidated city within the consolidated city's
 2 maximum permissible ad valorem property tax levy. The assets of
 3 the consolidated city's 1953 fund and the assets of the sheriff's
 4 pension trust may not be pledged after the effective date of the
 5 consolidation as collateral for any loan.
 6 (9) The executive of the consolidated city shall provide for an
 7 independent evaluation and performance audit, due before March
 8 1 of the year following the adoption of the consolidation
 9 ordinance and for the following two (2) years, to determine:
 10 (A) the amount of any cost savings, operational efficiencies, or
 11 improved service levels; and
 12 (B) any tax shifts among taxpayers;
 13 that result from the consolidation. The independent evaluation
 14 and performance audit must be provided to the legislative council
 15 in an electronic format under IC 5-14-6 and to the budget
 16 committee.
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