

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1326 be amended to read as follows:

- 1 Page 1, after line 17, begin a new paragraph and insert:
2 "SECTION 2. IC 5-2-10.1-2, AS AMENDED BY P.L.106-2005,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 2. (a) The Indiana safe schools fund is established
5 to do the following:
6 (1) Promote school safety through the:
7 (A) purchase of equipment for the detection of firearms and
8 other weapons;
9 (B) use of dogs trained to detect firearms, drugs, explosives,
10 and illegal substances; and
11 (C) purchase of other equipment and materials used to
12 enhance the safety of schools.
13 (2) Combat truancy.
14 (3) Provide matching grants to schools for school safe haven
15 programs.
16 (4) Provide grants for school safety and safety plans.
17 (5) Provide educational outreach and training to school personnel
18 concerning:
19 (A) the identification of;
20 (B) the prevention of; and
21 (C) intervention in;
22 bullying.
23 **(6) Provide educational outreach and training to school**
24 **personnel concerning:**
25 **(A) the identification of;**
26 **(B) the prevention of; and**
27 **(C) intervention in;**
28 **criminal gang activity.**
29 (b) The fund consists of amounts deposited:
30 (1) under IC 33-37-9-4; and
31 (2) from any other public or private source.
32 (c) The institute shall determine grant recipients from the fund with

1 a priority on awarding grants in the following order:

2 (1) A grant for a safety plan.

3 (2) A safe haven grant requested under section 10 of this chapter.

4 (3) A safe haven grant requested under section 7 of this chapter.

5 (d) Upon recommendation of the council, the institute shall establish
6 a method for determining the maximum amount a grant recipient may
7 receive under this section.

8 SECTION 3. IC 5-2-10.1-11, AS AMENDED BY P.L.106-2005,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]: Sec. 11. (a) The school safety specialist training and
11 certification program is established.

12 (b) The school safety specialist training program shall provide:

13 (1) annual training sessions, which may be conducted through
14 distance learning or at regional centers; and

15 (2) information concerning best practices and available resources;
16 for school safety specialists and county school safety commissions.

17 (c) The department of education shall do the following:

18 (1) Assemble an advisory group of school safety specialists from
19 around the state to make recommendations concerning the
20 curriculum and standards for school safety specialist training.

21 (2) Develop an appropriate curriculum and the standards for the
22 school safety specialist training and certification program. The
23 department of education may consult with national school safety
24 experts in developing the curriculum and standards. The
25 curriculum developed under this subdivision must include
26 training in:

27 (A) identifying, preventing, and intervening in bullying; **and**

28 (B) **identifying, preventing, and intervening in criminal**
29 **gang activity.**

30 (3) Administer the school safety specialist training program and
31 notify the institute of candidates for certification who have
32 successfully completed the training program.

33 (d) The institute shall do the following:

34 (1) Establish a school safety specialist certificate.

35 (2) Review the qualifications of each candidate for certification
36 named by the department of education.

37 (3) Present a certificate to each school safety specialist that the
38 institute determines to be eligible for certification.

39 SECTION 4. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 12. (a) Each school within a school corporation
42 shall establish a safe school committee. The committee may be a
43 subcommittee of the committee that develops the strategic and
44 continuous school improvement and achievement plan under
45 IC 20-31-5.

46 (b) The department of education and the school corporation's school
47 safety specialist shall provide materials to assist a safe school
48 committee in developing a plan for the school that addresses the
49 following issues:

50 (1) Unsafe conditions, crime prevention, school violence,
51 bullying, **criminal gang activity**, and other issues that prevent the

- 1 maintenance of a safe school.
- 2 (2) Professional development needs for faculty and staff to
3 implement methods that decrease problems identified under
4 subdivision (1).
- 5 (3) Methods to encourage:
- 6 (A) involvement by the community and students;
- 7 (B) development of relationships between students and school
8 faculty and staff; and
- 9 (C) use of problem solving teams.
- 10 (c) As a part of the plan developed under subsection (b), each safe
11 school committee shall provide a copy of the floor plans for each
12 building located on the school's property that clearly indicates each
13 exit, the interior rooms and hallways, and the location of any hazardous
14 materials located in the building to the law enforcement agency and the
15 fire department that have jurisdiction over the school."
- 16 Page 4, between lines 20 and 21, begin a new paragraph and insert:
17 "SECTION 12. IC 20-18-2-2.7 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2012]: **Sec. 2.7. "Criminal gang" has the**
20 **meaning set forth in IC 35-45-9-1.**
- 21 SECTION 13. IC 20-18-2-16, AS AMENDED BY P.L.90-2011,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]: Sec. 16. (a) "School corporation", for purposes of this
24 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,
25 **IC 20-28-11.5**, IC 20-30-8, and IC 20-43), means a public school
26 corporation established by Indiana law. The term includes a:
- 27 (1) school city;
- 28 (2) school town;
- 29 (3) school township;
- 30 (4) consolidated school corporation;
- 31 (5) metropolitan school district;
- 32 (6) township school corporation;
- 33 (7) county school corporation;
- 34 (8) united school corporation; or
- 35 (9) community school corporation.
- 36 (b) "School corporation", for purposes of IC 20-26-1 through
37 IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.
- 38 (c) "School corporation", for purposes of IC 20-20-33, **IC 20-26-18**,
39 and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).
- 40 (d) "School corporation", for purposes of IC 20-43, has the meaning
41 set forth in IC 20-43-1-23.
- 42 (e) "School corporation", for purposes of IC 20-28-11.5, has the
43 meaning set forth in IC 20-28-11.5-3."
- 44 Page 7, between lines 7 and 8, begin a new paragraph and insert:
45 "SECTION 17. IC 20-19-3-11 IS ADDED TO THE INDIANA
46 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
47 [EFFECTIVE JULY 1, 2012]: **Sec. 11. (a) The department, in**
48 **collaboration with the Indiana criminal justice institute, the**
49 **department of child services, and any organization that has**

1 expertise in providing criminal gang education, prevention, or
 2 intervention that the department determines to be appropriate,
 3 shall:

4 (1) identify or develop model educational materials on
 5 criminal gang activity; and

6 (2) develop and maintain a model policy to address criminal
 7 gangs and criminal gang activity in schools.

8 (b) Not later than July 1, 2013, the department shall make the
 9 model policy developed under subsection (a)(2) available to assist
 10 schools in the development and implementation of a criminal gang
 11 policy for the schools' school corporations under IC 20-26-18.

12 (c) The model educational materials on criminal gang activity
 13 identified or developed under subsection (a)(1) must include
 14 information:

15 (1) to educate students and parents on the extent to which
 16 criminal gang activity exists;

17 (2) regarding the negative societal impact that criminal gangs
 18 have on the community;

19 (3) on methods to discourage participation in criminal gangs;
 20 and

21 (4) on methods of providing intervention to a child suspected
 22 of participating in criminal gang activity.

23 (d) The model criminal gang policy developed under subsection
 24 (a)(2) must include:

25 (1) a statement prohibiting criminal gang activity in schools;

26 (2) a statement prohibiting reprisal or retaliation against an
 27 individual who reports suspected criminal gang activity;

28 (3) a definition of "criminal gang" and "criminal gang
 29 activity" that is consistent with the definition in IC 35-45-9-1.

30 (4) a statement of standard consequences and remedial
 31 actions for:

32 (A) individuals engaged in criminal gang activity; and

33 (B) individuals found to have made false accusations
 34 concerning criminal gang activity;

35 (5) model procedures for:

36 (A) reporting suspected criminal gang activity; and

37 (B) the prompt investigation of suspected criminal gang
 38 activity;

39 (6) information about the types of support services, including
 40 family support services, available for a student suspected of
 41 participating in criminal gang activity; and

42 (7) recommendations concerning criminal gang prevention
 43 and intervention services and programs for students that
 44 maximize community participation and the use of federal
 45 funding.".

46 Page 19, between lines 23 and 24, begin a new line block indented
 47 and insert:

48 "(21) IC 20-26-18 (criminal gang measures).".

49 Page 24, between lines 39 and 40, begin a new paragraph and insert:

50 "SECTION 68. IC 20-26-18 IS ADDED TO THE INDIANA CODE

1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]:

3 **Chapter 18. Criminal Gang Measures**

4 **Sec. 1. This chapter applies to every school corporation,**
5 **including a charter school (as defined in IC 20-24-1-4) and a school**
6 **city to which IC 20-25 applies.**

7 **Sec. 2. (a) Not later than June 1, 2014, the governing body of**
8 **each school corporation must establish a written policy to address**
9 **criminal gangs and criminal gang activity in schools. The**
10 **governing body of a school corporation may develop the policy in**
11 **consultation with:**

- 12 (1) parents;
- 13 (2) school employees;
- 14 (3) local law enforcement officials;
- 15 (4) the county prosecutor;
- 16 (5) the county public defender;
- 17 (6) organizations that have expertise in criminal gang
- 18 education, prevention, or intervention; and
- 19 (7) any other person or entity the governing body of the school
- 20 corporation determines to be appropriate.

21 **(b) The policy must meet all of the requirements for the**
22 **department's model criminal gang policy set forth in**
23 **IC 20-19-3-11(d).**

24 **(c) Not later than September 1, 2014, each school corporation**
25 **shall submit a copy of its criminal gang policy to the department.**

26 **Sec. 3. A school corporation shall put a copy of the school**
27 **corporation's criminal gang policy established under section 2 of**
28 **this chapter:**

- 29 (1) on its Internet web site;
- 30 (2) in school student handbooks; and
- 31 (3) in any location the school corporation determines to be
- 32 appropriate.

33 **Sec. 4. A school corporation shall establish the following**
34 **educational programs in its efforts to address criminal gang**
35 **activity:**

- 36 (1) An educational criminal gang awareness program for
- 37 students, school employees, and parents.
- 38 (2) A school employee development program to provide
- 39 training to school employees in the implementation of the
- 40 criminal gang policy established under section 2 of this
- 41 chapter.

42 **Sec. 5. The governing body of a school corporation may**
43 **establish a program to provide criminal gang intervention services**
44 **to students.**

45 **Sec. 6. A school corporation may enter into a memorandum of**
46 **understanding with:**

- 47 (1) the county prosecutor of the county in which the school
- 48 corporation is located; or
- 49 (2) a juvenile court with jurisdiction in the school
- 50 corporation;

1 to foster coordination of gang prevention, intervention, and
2 suppression efforts.

3 **Sec. 7. (a)** Not later than June 1, 2015, and before June 2 of each
4 year thereafter, each school corporation shall submit to the
5 department a written report, on forms developed by the
6 department, outlining the activities undertaken as part of the
7 school corporation's compliance with this chapter.

8 **(b)** Not later than November 1, 2015, and before November 2 of
9 each year thereafter, the department shall submit a comprehensive
10 report concerning criminal gang activity in schools to the governor
11 and the general assembly. A report submitted to the general
12 assembly under this subsection must be in an electronic format
13 under IC 5-14-6. The report must include the following:

14 **(1)** A summary of the activities reported to the department
15 under subsection (a).

16 **(2)** Any recommendations or conclusions made by the
17 department to assist in the prevention of, education about,
18 and intervention in criminal gang activity in schools."

19 Page 29, after line 42, begin a new paragraph and insert:

20 "SECTION 84. IC 20-33-8-13.7 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2012]: **Sec. 13.7 (a)** Discipline rules adopted
23 by the governing body of a school corporation under section 12 of
24 this chapter must:

25 **(1)** prohibit criminal gang activity; and

26 **(2)** include provisions concerning education about, parental
27 involvement in preventing, reporting of, investigation of, and
28 intervention in criminal gang activity.

29 **(b)** The discipline rules adopted in compliance with subsection
30 (a) must apply when a student is:

31 **(1)** on school grounds immediately before or during school
32 hours, immediately after school hours, or at any other time
33 when the school is being used by a school group;

34 **(2)** at a school activity, function, or event held off school
35 grounds;

36 **(3)** traveling to or from school or a school activity, function,
37 or event; or

38 **(4)** using property or equipment provided by the school.

39 **(c)** This section may not be construed to give rise to a cause of
40 action against a person or school corporation based on an
41 allegation of noncompliance with this section. Noncompliance with
42 this section may not be used as evidence against a school
43 corporation in a cause of action.

44 SECTION 85. IC 20-33-9-10.5 IS ADDED TO THE INDIANA
45 CODE AS A NEW SECTION TO READ AS FOLLOWS
46 [EFFECTIVE JULY 1, 2012]: **Sec. 10.5.** In addition to any other
47 duty to report arising under this article, a school employee who has
48 reason to believe that a student or school employee has committed:

49 **(1)** a crime under IC 35-45-9-3 (criminal gang participation);

50 **(2)** a crime under IC 35-45-9-4 (criminal gang intimidation);

1 **(3) a crime under IC 35-45-9-5 (criminal gang recruitment);**
 2 **or**
 3 **(4) a delinquent act that would be a crime under one (1) of the**
 4 **statutes referred to in subdivisions (1) through (3) if**
 5 **committed by an adult;**
 6 **shall report that information as required by section 11 of this**
 7 **chapter.**

8 SECTION 86. IC 20-33-9-11, AS AMENDED BY P.L.72-2006,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 11. (a) If an individual who is required to make a
 11 report under this chapter is a member of the staff of a school, the
 12 individual shall make the report by immediately notifying the ~~principal~~
 13 **of the school or school corporation administration** that:

- 14 **(1) a school employee may have received a threat or may be the**
 15 **victim of intimidation, battery, or harassment; or**
 16 **(2) the individual has reason to believe that a student or a**
 17 **school employee has committed a crime or delinquent act**
 18 **referred to in section 10.5 of this chapter.**

19 (b) An individual who receives a report under subsection (a) shall
 20 immediately make a report or cause a report to be made under section
 21 13 of this chapter.

22 SECTION 87. IC 20-33-9-13, AS AMENDED BY P.L.72-2006,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 13. An individual who has a duty under sections
 25 10 through 12 of this chapter to report that:

- 26 **(1) a school employee may have received a threat or may be the**
 27 **victim of intimidation, battery, or harassment; or**
 28 **(2) the individual has reason to believe that a student or a**
 29 **school employee has committed a crime or delinquent act**
 30 **referred to in section 10.5 of this chapter;**

31 shall immediately make an oral report to the local law enforcement
 32 agency.

33 SECTION 88. IC 20-33-9-14.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2012]: **Sec. 14.5. Except as provided in**
 36 **section 15 of this chapter, an individual, other than a person**
 37 **accused of committing a crime or delinquent act referred to in**
 38 **section 10.5 of this chapter, who:**

- 39 **(1) makes, or causes to be made, a report under this chapter;**
 40 **or**
 41 **(2) participates in any judicial proceeding or other**
 42 **proceeding:**
 43 **(A) arising from a report made under this chapter; or**
 44 **(B) relating to the subject matter of a report made under**
 45 **this chapter;**

46 **is immune from any civil or criminal liability that might otherwise**
 47 **be imposed because of such actions."**

48 Page 30, between lines 19 and 20, begin a new paragraph and insert:
 49 "SECTION 90. IC 34-30-2-85.1, AS AMENDED BY P.L.1-2005,
 50 SECTION 220, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2012]: Sec. 85.1. (a) IC 20-33-9-14
2 (Concerning a person who reports or causes a report to be made of a
3 threat against, or intimidation of, a school employee).

4 **(b) IC 20-33-9-14.5 (Concerning an individual who reports or**
5 **causes a report to be made of a crime or delinquent act involving**
6 **criminal gang activity)."**

7 Renumber all SECTIONS consecutively.

(Reference is to EHB 1326 as printed February 24, 2012)

Senator MERRITT