



March 6, 2013

ENGROSSED HOUSE BILL No. 1044

DIGEST OF HB 1044 (Updated March 5, 2013 12:03 pm - DI 71)

Citations Affected: IC 5-2.

Synopsis: Public safety training on Alzheimer's and dementia. Specifies that the law enforcement academy must provide training regarding persons with Alzheimer's disease or related senile dementia. Specifies that the law enforcement academy must provide in service training concerning interacting with missing and endangered adults.

Effective: July 1, 2013.

Friend, Karickhoff, Speedy, Klinker
(SENATE SPONSORS — HEAD, ARNOLD J)

January 7, 2013, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 15, 2013, reported — Do Pass.

January 17, 2013, read second time, amended, ordered engrossed.

January 18, 2013, engrossed.

January 22, 2013, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

March 5, 2013, reported favorably — Do Pass.

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EH 1044—LS 6163/DI 87+



March 6, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1044

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.1-2010,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.
16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,

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1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.

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

6 (5) Minimum qualifications for instructors at approved law
7 enforcement training schools.

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

11 (7) Minimum basic training requirements which law enforcement
12 officers appointed on other than a permanent basis shall complete
13 in order to be eligible for continued employment or permanent
14 appointment.

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

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

21 (A) persons with autism, mental illness, addictive disorders,
22 mental retardation, and developmental disabilities; ~~and~~

23 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
24 **and**

25 **(C) persons with Alzheimer's disease or related senile**
26 **dementia;**

27 to be provided by persons approved by the secretary of family and
28 social services and the board.

29 (10) Minimum standards for a course of study on human and
30 sexual trafficking that must be required for each person accepted
31 for training at a law enforcement training school or academy and
32 for inservice training programs for law enforcement officers. The
33 course must cover the following topics:

34 (A) Examination of the human and sexual trafficking laws
35 (IC 35-42-3.5).

36 (B) Identification of human and sexual trafficking.

37 (C) Communicating with traumatized persons.

38 (D) Therapeutically appropriate investigative techniques.

39 (E) Collaboration with federal law enforcement officials.

40 (F) Rights of and protections afforded to victims.

41 (G) Providing documentation that satisfies the Declaration of
42 Law Enforcement Officer for Victim of Trafficking in Persons

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- 1 (Form I-914, Supplement B) requirements established under
 2 federal law.
- 3 (H) The availability of community resources to assist human
 4 and sexual trafficking victims.
- 5 (b) A law enforcement officer appointed after July 5, 1972, and
 6 before July 1, 1993, may not enforce the laws or ordinances of the state
 7 or any political subdivision unless the officer has, within one (1) year
 8 from the date of appointment, successfully completed the minimum
 9 basic training requirements established under this chapter by the board.
 10 If a person fails to successfully complete the basic training
 11 requirements within one (1) year from the date of employment, the
 12 officer may not perform any of the duties of a law enforcement officer
 13 involving control or direction of members of the public or exercising
 14 the power of arrest until the officer has successfully completed the
 15 training requirements. This subsection does not apply to any law
 16 enforcement officer appointed before July 6, 1972, or after June 30,
 17 1993.
- 18 (c) Military leave or other authorized leave of absence from law
 19 enforcement duty during the first year of employment after July 6,
 20 1972, shall toll the running of the first year, which shall be calculated
 21 by the aggregate of the time before and after the leave, for the purposes
 22 of this chapter.
- 23 (d) Except as provided in subsections (e), (l), (r), and (s), a law
 24 enforcement officer appointed to a law enforcement department or
 25 agency after June 30, 1993, may not:
- 26 (1) make an arrest;
 27 (2) conduct a search or a seizure of a person or property; or
 28 (3) carry a firearm;
- 29 unless the law enforcement officer successfully completes, at a board
 30 certified law enforcement academy or at a law enforcement training
 31 center under section 10.5 or 15.2 of this chapter, the basic training
 32 requirements established by the board under this chapter.
- 33 (e) This subsection does not apply to:
- 34 (1) a gaming agent employed as a law enforcement officer by the
 35 Indiana gaming commission; or
 36 (2) an:
 37 (A) attorney; or
 38 (B) investigator;
 39 designated by the securities commissioner as a police officer of
 40 the state under IC 23-19-6-1(i).
 41 Before a law enforcement officer appointed after June 30, 1993,
 42 completes the basic training requirements, the law enforcement officer

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1 may exercise the police powers described in subsection (d) if the
 2 officer successfully completes the pre-basic course established in
 3 subsection (f). Successful completion of the pre-basic course authorizes
 4 a law enforcement officer to exercise the police powers described in
 5 subsection (d) for one (1) year after the date the law enforcement
 6 officer is appointed.

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

9 (1) law enforcement officers;

10 (2) police reserve officers (as described in IC 36-8-3-20); and

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

24 (g) The board shall adopt rules under IC 4-22-2 to establish a
 25 mandatory inservice training program for police officers. After June 30,
 26 1993, a law enforcement officer who has satisfactorily completed basic
 27 training and has been appointed to a law enforcement department or
 28 agency on either a full-time or part-time basis is not eligible for
 29 continued employment unless the officer satisfactorily completes the
 30 mandatory inservice training requirements established by rules adopted
 31 by the board. Inservice training must include training in interacting
 32 with persons with mental illness, addictive disorders, mental
 33 retardation, autism, ~~and~~ developmental disabilities, **missing**
 34 **endangered adults (as defined in IC 12-7-2-131.3), and Alzheimer's**
 35 **disease or related senile dementia**, to be provided by persons
 36 approved by the secretary of family and social services and the board,
 37 and training concerning human and sexual trafficking. The board may
 38 approve courses offered by other public or private training entities,
 39 including postsecondary educational institutions, as necessary in order
 40 to ensure the availability of an adequate number of inservice training
 41 programs. The board may waive an officer's inservice training
 42 requirements if the board determines that the officer's reason for

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1 lacking the required amount of inservice training hours is due to either
 2 of the following:
 3 (1) An emergency situation.
 4 (2) The unavailability of courses.
 5 (h) The board shall also adopt rules establishing a town marshal
 6 basic training program, subject to the following:
 7 (1) The program must require fewer hours of instruction and class
 8 attendance and fewer courses of study than are required for the
 9 mandated basic training program.
 10 (2) Certain parts of the course materials may be studied by a
 11 candidate at the candidate's home in order to fulfill requirements
 12 of the program.
 13 (3) Law enforcement officers successfully completing the
 14 requirements of the program are eligible for appointment only in
 15 towns employing the town marshal system (IC 36-5-7) and having
 16 not more than one (1) marshal and two (2) deputies.
 17 (4) The limitation imposed by subdivision (3) does not apply to an
 18 officer who has successfully completed the mandated basic
 19 training program.
 20 (5) The time limitations imposed by subsections (b) and (c) for
 21 completing the training are also applicable to the town marshal
 22 basic training program.
 23 (6) The program must require training in interacting with
 24 individuals with autism.
 25 (i) The board shall adopt rules under IC 4-22-2 to establish an
 26 executive training program. The executive training program must
 27 include training in the following areas:
 28 (1) Liability.
 29 (2) Media relations.
 30 (3) Accounting and administration.
 31 (4) Discipline.
 32 (5) Department policy making.
 33 (6) Lawful use of force.
 34 (7) Department programs.
 35 (8) Emergency vehicle operation.
 36 (9) Cultural diversity.
 37 (j) A police chief shall apply for admission to the executive training
 38 program within two (2) months of the date the police chief initially
 39 takes office. A police chief must successfully complete the executive
 40 training program within six (6) months of the date the police chief
 41 initially takes office. However, if space in the executive training
 42 program is not available at a time that will allow completion of the

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1 executive training program within six (6) months of the date the police
 2 chief initially takes office, the police chief must successfully complete
 3 the next available executive training program that is offered after the
 4 police chief initially takes office.

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

- 9 (1) the police chief of any city;
 10 (2) the police chief of any town having a metropolitan police
 11 department; and
 12 (3) the chief of a consolidated law enforcement department
 13 established under IC 36-3-1-5.1.

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

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

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

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

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

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

- 37 (1) is hired by an Indiana law enforcement department or agency
 38 as a law enforcement officer;
 39 (2) has not been employed as a law enforcement officer for at
 40 least six (6) years and less than ten (10) years before the officer
 41 is hired under subdivision (1) due to the officer's resignation or
 42 retirement;



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1 (3) is hired under subdivision (1) in an upper level policymaking
 2 position; and
 3 (4) completed at any time a basic training course certified by the
 4 board before the officer is hired under subdivision (1).

5 A refresher course established under this subsection may not exceed
 6 one hundred twenty (120) hours of course work. All credit hours
 7 received for successfully completing the police chief executive training
 8 program under subsection (i) shall be applied toward the refresher
 9 course credit hour requirements.

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

- 14 (1) arrest;
 15 (2) search; and
 16 (3) seizure.

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

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

- 33 (1) the agent successfully completes the pre-basic course
 34 established in subsection (f); and
 35 (2) the agent successfully completes any other training courses
 36 established by the Indiana gaming commission in conjunction
 37 with the board.

38 (s) This subsection applies only to a securities enforcement officer
 39 designated as a law enforcement officer by the securities
 40 commissioner. A securities enforcement officer may exercise the police
 41 powers described in subsection (d) if:

- 42 (1) the securities enforcement officer successfully completes the

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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1044, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FRYE R, Chair

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1044 be amended to read as follows:

Page 4, line 33, after "disabilities," insert "**missing endangered adults (as defined in IC 12-7-2-131.3)**".

(Reference is to HB 1044 as printed January 15, 2013.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1044, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1044 as reprinted January 18, 2013.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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