



Reprinted  
April 12, 2013

---

---

# ENGROSSED SENATE BILL No. 1

---

DIGEST OF SB 1 (Updated April 11, 2013 3:53 pm - DI 116)

**Citations Affected:** IC 5-2; IC 10-21; IC 20-26; IC 31-37; IC 34-31; IC 35-31.5; IC 35-44.1; IC 35-47.

**Synopsis:** School resource officers. Specifies how a school resource officer program may be established and sets forth duties and responsibilities for school resource officers. Provides that a person, before being appointed as a school resource officer, must successfully  
(Continued next page)

**Effective:** Upon passage; July 1, 2013.

---

---

**Miller Pete, Charbonneau,  
Arnold J, Nugent, Wyss, Hume,  
Miller Patricia, Landske, Randolph**

(HOUSE SPONSORS — TORR, STEUERWALD, LAWSON L, BEHNING,  
BURTON, CLERE, EBERHART, FRIZZELL, GUTWEIN, HAMM, LUCAS,  
MORRISON)

---

---

January 10, 2013, read first time and referred to Committee on Appropriations.  
February 18, 2013, amended, reported favorably — Do Pass.  
February 21, 2013, read second time, amended, ordered engrossed.  
February 22, 2013, engrossed.  
February 25, 2013, read third time, passed. Yeas 43, nays 7.

HOUSE ACTION

March 12, 2013, read first time and referred to Committee on Education.  
April 2, 2013, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
April 9, 2013, amended, reported — Do Pass.  
April 11, 2013, read second time, amended, ordered engrossed.

---

---

C  
O  
P  
Y



complete the training requirements for law enforcement officers and receive 40 hours of certified school resource officer training. Establishes the Indiana secured school fund under the administration of the department of homeland security to provide matching grants to enable school corporations and charter schools to establish programs to: (1) employ school resource officers; (2) conduct threat assessments of school buildings; or (3) purchase safety equipment and technology. Creates the secured school safety board to approve or disapprove applications for matching grants from the fund and to develop best practices for school resource officers. Provides that a matching grant from the Indiana secured school fund may not exceed the following: (1) \$50,000 per year, in the case of a school corporation or charter school that has an ADM of at least 1,000 and is not applying jointly. (2) \$35,000 per year, in the case of a school corporation or charter school that has an ADM of less than 1,000 and is not applying jointly. (3) \$50,000 per year, in the case of a coalition of schools applying jointly. Provides that the secured school safety board shall study and make findings concerning safety measures that are necessary to authorize one or more school employees at each public school in Indiana to possess a firearm on school property. Provides that, before December 1, 2013, the secured school safety board must submit a report to the general assembly. Eliminates the authority to use money in the safe schools fund for certain purposes. Provides that a school corporation or charter school may disclose student information and records to a school resource officer, law enforcement agency, or an official of the juvenile justice system without prior consent under the Family Education Rights and Privacy Act. Requires a law enforcement agency to notify a school if a student is apprehended because of a mental illness. Requires a law enforcement agency to include training to law enforcement officers pertaining to school notification requirements. Provides that for purposes of resisting law enforcement and disarming a law enforcement officer, a law enforcement officer includes a school resource officer and a school corporation police officer. Provides that the secured school safety board shall study and make findings concerning safety measures that are necessary to authorize one or more school employees at each public school in Indiana to possess a firearm on school property. Provides that, before December 1, 2013, the secured school safety board must submit a report to the general assembly.

C  
O  
P  
Y



Reprinted  
April 12, 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 SENATE BILL No. 1

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

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

- 1 SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.106-2005,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 2. (a) The Indiana safe schools fund is  
4 established to do the following:  
5 (1) Promote school safety through the:  
6 (A) **use of dogs trained to detect drugs and illegal**  
7 **substances; and**  
8 (A) **purchase of equipment for the detection of firearms and**  
9 **other weapons;**  
10 (B) **use of dogs trained to detect firearms, drugs, explosives;**  
11 **and illegal substances; and**  
12 (C) **(B) purchase of other equipment and materials used to**  
13 **enhance the safety of schools.**  
14 (2) Combat truancy.  
15 (3) Provide matching grants to schools for school safe haven  
16 programs.  
17 (4) Provide grants for school safety and safety plans.

ES 1—LS 7429/DI 71+



C  
O  
P  
Y

- 1 (5) Provide educational outreach and training to school personnel  
 2 concerning:  
 3 (A) the identification of;  
 4 (B) the prevention of; and  
 5 (C) intervention in;  
 6 bullying.
- 7 (b) The fund consists of amounts deposited:  
 8 (1) under IC 33-37-9-4; and  
 9 (2) from any other public or private source.
- 10 (c) The institute shall determine grant recipients from the fund with  
 11 a priority on awarding grants in the following order:  
 12 (1) A grant for a safety plan.  
 13 (2) A safe haven grant requested under section 10 of this chapter.  
 14 (3) A safe haven grant requested under section 7 of this chapter.
- 15 (d) Upon recommendation of the council, the institute shall establish  
 16 a method for determining the maximum amount a grant recipient may  
 17 receive under this section.
- 18 SECTION 2. IC 5-2-10.1-9 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Each school  
 20 corporation shall designate an individual to serve as the school safety  
 21 specialist for the school corporation.
- 22 (b) The school safety specialist shall be chosen by the  
 23 superintendent of the school corporation with the approval of the  
 24 governing body.
- 25 (c) The school safety specialist shall perform the following duties:  
 26 (1) Serve on the county school safety commission, if a county  
 27 school safety commission is established under section 10 of this  
 28 chapter.  
 29 (2) Participate each year in a number of days of school safety  
 30 training that the council determines.  
 31 (3) With the assistance of the county school safety commission,  
 32 if a county school safety commission is established under section  
 33 10 of this chapter, develop a safety plan for each school in the  
 34 school corporation.  
 35 (4) Coordinate the safety plans of each school in the school  
 36 corporation as required under rules adopted by the Indiana state  
 37 board of education.  
 38 (5) Act as a resource for other individuals in the school  
 39 corporation on issues related to school discipline, safety, and  
 40 security.
- 41 **(d) A school safety plan developed by the school safety specialist**  
 42 **must include the requirements set forth in IC 20-26-18-2(b) and**

C  
 O  
 P  
 Y



1 **must be provided to the secured school safety board (as established**  
 2 **by IC 10-21-1-3) for evaluation.**

3 SECTION 3. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007,  
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 UPON PASSAGE]: Sec. 12. (a) Each school within a school  
 6 corporation shall establish a safe school committee. The committee  
 7 may be a subcommittee of the committee that develops the strategic  
 8 and continuous school improvement and achievement plan under  
 9 IC 20-31-5.

10 (b) The department of education, ~~and~~ the school corporation's school  
 11 safety specialist, **and, upon request, a school resource officer (as**  
 12 **described in IC 20-26-18-1)** shall provide materials to assist a safe  
 13 school committee in developing a plan for the school that addresses the  
 14 following issues:

15 (1) Unsafe conditions, crime prevention, school violence,  
 16 bullying, and other issues that prevent the maintenance of a safe  
 17 school.

18 (2) Professional development needs for faculty and staff to  
 19 implement methods that decrease problems identified under  
 20 subdivision (1).

21 (3) Methods to encourage:

22 (A) involvement by the community and students;

23 (B) development of relationships between students and school  
 24 faculty and staff; and

25 (C) use of problem solving teams.

26 (c) As a part of the plan developed under subsection (b), each safe  
 27 school committee shall provide a copy of the floor plans for each  
 28 building located on the school's property that clearly indicates each  
 29 exit, the interior rooms and hallways, and the location of any hazardous  
 30 materials located in the building to the law enforcement agency and the  
 31 fire department that have jurisdiction over the school, **and to the**  
 32 **department of homeland security established by IC 10-19-2-1.**

33 SECTION 4. IC 10-21 IS ADDED TO THE INDIANA CODE AS  
 34 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
 35 PASSAGE]:

36 **ARTICLE 21. SCHOOL SAFETY**

37 **Chapter 1. School Safety**

38 **Sec. 1. The following definitions apply throughout this chapter:**

39 (1) "ADM" refers to average daily membership determined  
 40 under IC 20-43-4-2.

41 (2) "Board" refers to the secured school safety board  
 42 established by section 3 of this chapter.

C  
o  
p  
y



- 1           (3) "Fund" refers to the Indiana secured school fund
- 2           established by section 2 of this chapter.
- 3           (4) "Local plan" means the school safety plan described in
- 4           IC 20-26-18-2.
- 5           (5) "School corporation or charter school" refers to an
- 6           individual school corporation or charter school but also
- 7           includes:
- 8           (A) a coalition of school corporations;
- 9           (B) a coalition of charter schools; or
- 10          (C) a coalition of both school corporations and charter
- 11          schools;
- 12          that intend to jointly employ a school resource officer or to
- 13          jointly apply for a matching grant under this chapter, unless
- 14          the context clearly indicates otherwise.
- 15          (6) "School resource officer" has the meaning set forth in
- 16          IC 20-26-18-1.
- 17          Sec. 2. (a) The Indiana secured school fund is established to
- 18          provide matching grants to enable school corporations and charter
- 19          schools to establish programs under which a school corporation or
- 20          charter school (or a coalition of schools) may:
- 21           (1) employ a school resource officer or enter into a contract or
- 22           a memorandum of understanding with a:
- 23           (A) local law enforcement agency;
- 24           (B) private entity; or
- 25           (C) nonprofit corporation;
- 26           to employ a school resource officer;
- 27           (2) conduct a threat assessment of the buildings within a
- 28           school corporation or operated by a charter school; or
- 29           (3) purchase equipment and technology to:
- 30           (A) restrict access to school property; or
- 31           (B) expedite notification of first responders.
- 32          (b) The fund shall be administered by the department of
- 33          homeland security.
- 34          (c) The fund consists of:
- 35           (1) appropriations from the general assembly;
- 36           (2) grants from the Indiana safe schools fund established by
- 37           IC 5-2-10.1-2;
- 38           (3) federal grants; and
- 39           (4) amounts deposited from any other public or private
- 40           source.
- 41          (d) The expenses of administering the fund shall be paid from
- 42          money in the fund.

COPY



1 (e) The treasurer of state shall invest the money in the fund not  
2 currently needed to meet the obligations of the fund in the same  
3 manner as other public money may be invested. Interest that  
4 accrues from these investments shall be deposited in the fund.

5 (f) Money in the fund at the end of a state fiscal year does not  
6 revert to the state general fund.

7 Sec. 3. (a) The secured school safety board is established to:

8 (1) approve or disapprove applications for matching grants to  
9 fund programs described in section 2(a) of this chapter;

10 (2) evaluate local plans submitted by school safety specialists  
11 under IC 5-2-10.1-9(d); and

12 (3) develop best practices for a school resource officer to  
13 employ in order to successfully carry out the officer's  
14 responsibilities under IC 20-26-18-1(a)(2).

15 (b) The board consists of thirteen (13) members appointed as  
16 follows:

17 (1) The executive director of the department of homeland  
18 security or the executive director's designee. The executive  
19 director of the department of homeland security or the  
20 executive director's designee serves as the chairperson of the  
21 board.

22 (2) The attorney general or attorney general's designee.

23 (3) The superintendent of the state police department or the  
24 superintendent's designee.

25 (4) A local law enforcement officer appointed by the governor.

26 (5) The state superintendent of public instruction or the  
27 superintendent's designee.

28 (6) The director of the criminal justice institute or the  
29 director's designee.

30 (7) An employee of a local school corporation or a charter  
31 school appointed by the governor.

32 (8) An adolescent development expert or pediatrician  
33 appointed by the governor.

34 (9) A mental health professional appointed by the governor.

35 (10) A member of the senate appointed by the president pro  
36 tempore of the senate.

37 (11) A member of the senate appointed by the minority leader  
38 of the senate.

39 (12) A member of the house of representatives appointed by  
40 the speaker of the house of representatives.

41 (13) A member of the house of representatives appointed by  
42 the minority leader of the house of representatives.

C  
o  
p  
y



1           (c) The board shall establish criteria to be used in evaluating  
2 applications for matching grants from the fund. These criteria  
3 must:

- 4           (1) be consistent with the fund's goals; and  
5           (2) provide for an equitable distribution of grants to school  
6 corporations and charter schools located throughout Indiana.

7           Sec. 4. (a) The board may award a matching grant to enable a  
8 school corporation or charter school (or a coalition of schools  
9 applying jointly) to establish a program to employ a school  
10 resource officer, conduct a threat assessment, or purchase  
11 equipment to restrict access to the school or expedite the  
12 notification of first responders in accordance with section 2(a) of  
13 this chapter.

14           (b) A matching grant awarded to a school corporation or  
15 charter school (or a coalition of schools applying jointly) may not  
16 exceed the lesser of the following during a two (2) year period  
17 beginning on or after May 1, 2013:

- 18           (1) The total cost of the program established by the school  
19 corporation or charter school (or the coalition of schools  
20 applying jointly).

21           (2) The following amounts:

22           (A) Fifty thousand dollars (\$50,000) per year, in the case of  
23 a school corporation or charter school that:

- 24           (i) has an ADM of at least one thousand (1,000); and  
25           (ii) is not applying jointly with any other school  
26 corporation or charter school.

27           (B) Thirty-five thousand dollars (\$35,000) per year, in the  
28 case of a school corporation or charter school that:

- 29           (i) has an ADM of less than one thousand (1,000); and  
30           (ii) is not applying jointly with any other school  
31 corporation or charter school.

32           (C) Fifty thousand dollars (\$50,000) per year, in the case of  
33 a coalition of schools applying jointly.

34           (c) A school corporation or charter school may receive only one  
35 (1) matching grant under this section each year.

36           Sec. 5. (a) A school corporation or charter school may annually  
37 apply to the board for a matching grant from the fund for a  
38 program described in section 2(a) of this chapter.

39           (b) The application must include the following:

- 40           (1) A concise description of the school corporation's or  
41 charter school's security needs.

42           (2) The estimated cost of the program to the school

C  
o  
p  
y



1 corporation or charter school.

2 (3) The extent to which the school corporation or charter  
3 school has access to and support from a nearby law  
4 enforcement agency, if applicable.

5 (4) The ADM of the school corporation or charter school (or  
6 the combined ADM of the coalition of schools applying  
7 jointly).

8 (5) Any other information required by the board.

9 Sec. 6. A school corporation or charter school that is awarded  
10 a matching grant under this chapter is not required to repay or  
11 reimburse the board or fund the amount of the matching grant.

12 Sec. 7. The department of homeland security shall report before  
13 October 1 of each year to the budget committee concerning  
14 matching grants awarded under this chapter during the previous  
15 fiscal year.

16 Sec. 8. (a) The board shall study and make findings concerning  
17 safety measures that are necessary to authorize one (1) or more  
18 school employees at each public school in Indiana to possess a  
19 firearm on school property. The study shall address:

20 (1) training requirements;

21 (2) eligibility requirements; and

22 (3) any other issue the board determines to be appropriate.

23 (b) Before December 1, 2013, the board shall submit a report to  
24 the general assembly containing the board's findings under  
25 subsection (a). The report must be in an electronic format under  
26 IC 5-14-6 and must include any recommendations made by the  
27 board for legislation to be introduced in the 2014 session of the  
28 general assembly.

29 (c) This section expires January 1, 2014.

30 SECTION 5. IC 20-26-18 IS ADDED TO THE INDIANA CODE  
31 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]:

33 **Chapter 18. School Resource Officers**

34 Sec. 1. (a) As used in this chapter, "school resource officer"  
35 means an individual who:

36 (1) has completed the training described in subsection (b); and

37 (2) is employed by or assigned to one (1) or more school  
38 corporations or charter schools to:

39 (A) assist the school safety specialist with the development  
40 and implementation of the school safety plan as provided  
41 in section 2 of this chapter; and

42 (B) carry out any additional responsibilities assigned to the

C  
O  
P  
Y



1 school resource officer under the employment engagement,  
2 contract, or memorandum of understanding and to:

- 3 (i) protect against outside threats to the physical safety  
4 of students;  
5 (ii) prevent unauthorized access to school property; and  
6 (iii) secure schools against violence and natural disasters.

7 (b) Before being appointed as a school resource officer, an  
8 individual must have:

9 (1) successfully completed the minimum training  
10 requirements established for law enforcement officers under  
11 IC 5-2-1-9; and

12 (2) received at least forty (40) hours of certified school  
13 resource officer training through:

14 (A) the Indiana law enforcement training board  
15 established by IC 5-2-1-3;

16 (B) the National Association of School Resource Officers;

17 (C) a certified school resource officer instructor; or

18 (D) another organization that offers certified instruction to  
19 school resource officers.

20 (c) Certified training described in subsection (b)(2) must include  
21 instruction regarding skills, tactics, and strategies necessary to  
22 address the special nature of:

23 (1) school campuses; and

24 (2) school building security needs and characteristics.

25 Sec. 2. (a) A school resource officer may be employed:

26 (1) by one (1) or more school corporations or charter schools  
27 through a contract between a local law enforcement agency  
28 and the school corporation or school corporations or the  
29 charter school or charter schools;

30 (2) by one (1) or more school corporations or charter schools;

31 (3) by a local law enforcement agency that assigns the school  
32 resource officer to one (1) or more school corporations or  
33 charter schools through a memorandum of understanding  
34 between the local law enforcement agency and the school  
35 corporation or school corporations or the charter school or  
36 charter schools; or

37 (4) through a contract between an Indiana business that  
38 employs persons who meet the qualifications of a school  
39 resource officer and the school corporation or school  
40 corporations or the charter school or charter schools.

41 (b) A contract or memorandum of understanding entered into  
42 under subsection (a) must state the nature and scope of a school

C  
O  
P  
Y



1 resource officer's duties and responsibilities. A school resource  
2 officer's duties and responsibilities include the duty to assist the  
3 school corporation's school safety specialist with the development  
4 and implementation of the school safety plan that does the  
5 following:

- 6 (1) Protect against outside threats to the physical safety of
- 7 students.
- 8 (2) Prevent unauthorized access to school property.
- 9 (3) Secure schools against violence and natural disasters.

10 (c) A school resource officer shall consult with local law  
11 enforcement officials and first responders when assisting the school  
12 corporation's school safety specialist in the development of the  
13 school safety plan.

14 (d) On or before August 1 of each year, each school resource  
15 officer, using a format required by the department, shall prepare  
16 and file with the department an evaluation report concerning the  
17 implementation of the school safety plan at each school at which  
18 the school resource officer is employed or to which the school  
19 resource officer is assigned.

20 Sec. 3. (a) A school resource officer may:

- 21 (1) make an arrest;
- 22 (2) conduct a search or a seizure of a person or property using
- 23 the reasonable suspicion standard;
- 24 (3) carry a firearm on or off school property; and
- 25 (4) exercise other police powers with respect to the
- 26 enforcement of Indiana laws.

27 (b) A school resource officer has jurisdiction in every county  
28 where the school corporation or charter school engaging the officer  
29 operates a school or where the school corporation or charter  
30 school's students reside. This subsection does not restrict the  
31 jurisdiction that a school resource officer may possess due to the  
32 officer's employment by a law enforcement agency.

33 Sec. 4. A school corporation or charter school may disclose  
34 student information and records to a school resource officer, a law  
35 enforcement agency, or an official of the juvenile justice system  
36 without prior consent under the Family Education Rights and  
37 Privacy Act (20 U.S.C. 1232g or 34 CFR 9931(a)(5), 99.38).

38 SECTION 6. IC 31-37-4-3, AS AMENDED BY P.L.126-2012,  
39 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2013]: Sec. 3. (a) This section applies if a child is arrested or  
41 taken into custody for allegedly committing an act that would be any of  
42 the following crimes if committed by an adult:

C  
o  
p  
y



- 1 (1) Murder (IC 35-42-1-1).
- 2 (2) Attempted murder (IC 35-41-5-1).
- 3 (3) Voluntary manslaughter (IC 35-42-1-3).
- 4 (4) Involuntary manslaughter (IC 35-42-1-4).
- 5 (5) Reckless homicide (IC 35-42-1-5).
- 6 (6) Aggravated battery (IC 35-42-2-1.5).
- 7 (7) Battery (IC 35-42-2-1).
- 8 (8) Kidnapping (IC 35-42-3-2).
- 9 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- 10 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 11 (11) Incest (IC 35-46-1-3).
- 12 (12) Robbery as a Class A felony or a Class B felony
- 13 (IC 35-42-5-1).
- 14 (13) Burglary as a Class A felony or a Class B felony
- 15 (IC 35-43-2-1).
- 16 (14) Carjacking (IC 35-42-5-2).
- 17 (15) Assisting a criminal as a Class C felony (IC 35-44.1-2-5).
- 18 (16) Escape (IC 35-44.1-3-4) as a Class B felony or Class C
- 19 felony.
- 20 (17) Trafficking with an inmate as a Class C felony
- 21 (IC 35-44.1-3-5).
- 22 (18) Causing death when operating a vehicle (IC 9-30-5-5).
- 23 (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- 24 (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- 25 (21) Possession, use, or manufacture of a weapon of mass
- 26 destruction (IC 35-47-12-1).
- 27 (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- 28 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 29 (24) A violation of IC 35-47.5 (controlled explosives) as a Class
- 30 A or Class B felony.
- 31 (25) A controlled substances offense under IC 35-48.
- 32 (26) A criminal gang offense under IC 35-45-9.
- 33 (b) If a child is taken into custody under this chapter for a crime or
- 34 act listed in subsection (a) **or a situation to which IC 12-26-4-1**
- 35 **applies**, the law enforcement agency that employs the law enforcement
- 36 officer who takes the child into custody shall notify the chief
- 37 administrative officer of the primary or secondary school, including a
- 38 public or nonpublic school, in which the child is enrolled or, if the
- 39 child is enrolled in a public school, the superintendent of the school
- 40 district in which the child is enrolled:
- 41 (1) that the child was taken into custody; and
- 42 (2) of the reason why the child was taken into custody.

COPY



1 (c) The notification under subsection (b) must occur within  
2 forty-eight (48) hours after the child is taken into custody.

3 (d) A law enforcement agency may not disclose information that is  
4 confidential under state or federal law to a school or school district  
5 under this section.

6 (e) **A law enforcement agency shall include in its training for  
7 law enforcement officers training concerning the notification  
8 requirements under subsection (b).**

9 SECTION 7. IC 34-31-10 IS ADDED TO THE INDIANA CODE  
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2013]:

12 **Chapter 10. Indemnification: School Resource Officers**

13 **Sec. 1. The following definitions apply throughout this chapter:**

14 (1) "Public school" means:

- 15 (A) a public school (as defined in IC 20-18-2-15); or
- 16 (B) a charter school.

17 (2) "School resource officer" has the meaning set forth in  
18 IC 20-26-18-1.

19 **Sec. 2. The state shall indemnify a public school against a loss  
20 resulting from any injury to a person caused by a school resource  
21 officer if the loss was the result of misfeasance, malfeasance, or  
22 nonfeasance in connection with the use of the officer's weapon.**

23 SECTION 8. IC 35-31.5-2-185, AS AMENDED BY SEA 85-2013,  
24 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2013] Sec. 185. (a) "Law enforcement officer"  
26 means:

- 27 (1) a police officer (including a correctional police officer),
- 28 sheriff, constable, marshal, prosecuting attorney, special
- 29 prosecuting attorney, special deputy prosecuting attorney, the
- 30 securities commissioner, or the inspector general;
- 31 (2) a deputy of any of those persons;
- 32 (3) an investigator for a prosecuting attorney or for the inspector
- 33 general;
- 34 (4) a conservation officer;
- 35 (5) an enforcement officer of the alcohol and tobacco
- 36 commission;
- 37 (6) an enforcement officer of the securities division of the office
- 38 of the secretary of state; or
- 39 (7) a gaming control officer employed by the gaming control
- 40 division under IC 4-33-20.

41 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,  
42 includes an alcoholic beverage enforcement officer, as set forth in

C  
o  
p  
y



1 IC 35-42-2-1(b)(1).  
 2 (c) "Law enforcement officer", for purposes of IC 35-45-15,  
 3 includes a federal enforcement officer, as set forth in IC 35-45-15-3.  
 4 **(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1**  
 5 **and IC 35-44.1-3-2, includes a school resource officer (as defined**  
 6 **in IC 20-26-18-1) and a school corporation police officer appointed**  
 7 **under IC 20-26-16.**  
 8 SECTION 9. IC 35-44.1-3-1, AS ADDED BY P.L.126-2012,  
 9 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 1. (a) A person who knowingly or  
 11 intentionally:  
 12 (1) forcibly resists, obstructs, or interferes with a law enforcement  
 13 officer or a person assisting the officer while the officer is  
 14 lawfully engaged in the execution of the officer's duties;  
 15 (2) forcibly resists, obstructs, or interferes with the authorized  
 16 service or execution of a civil or criminal process or order of a  
 17 court; or  
 18 (3) flees from a law enforcement officer after the officer has, by  
 19 visible or audible means, including operation of the law  
 20 enforcement officer's siren or emergency lights, identified himself  
 21 or herself and ordered the person to stop;  
 22 commits resisting law enforcement, a Class A misdemeanor, except as  
 23 provided in subsection (b).  
 24 (b) The offense under subsection (a) is a:  
 25 (1) Class D felony if:  
 26 (A) the offense is described in subsection (a)(3) and the person  
 27 uses a vehicle to commit the offense; or  
 28 (B) while committing any offense described in subsection (a),  
 29 the person draws or uses a deadly weapon, inflicts bodily  
 30 injury on or otherwise causes bodily injury to another person,  
 31 or operates a vehicle in a manner that creates a substantial risk  
 32 of bodily injury to another person;  
 33 (2) Class C felony if, while committing any offense described in  
 34 subsection (a), the person operates a vehicle in a manner that  
 35 causes serious bodily injury to another person;  
 36 (3) Class B felony if, while committing any offense described in  
 37 subsection (a), the person operates a vehicle in a manner that  
 38 causes the death of another person; and  
 39 (4) Class A felony if, while committing any offense described in  
 40 subsection (a), the person operates a vehicle in a manner that  
 41 causes the death of a law enforcement officer while the law  
 42 enforcement officer is engaged in the officer's official duties.

COPY



1           ~~(c)~~ For purposes of this section, a law enforcement officer includes  
2 an enforcement officer of the alcohol and tobacco commission and a  
3 conservation officer of the department of natural resources.

4           ~~(d)~~ (c) If a person uses a vehicle to commit a felony offense under  
5 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal  
6 penalty imposed for the offense, the court shall impose a minimum  
7 executed sentence of at least:

- 8           (1) thirty (30) days, if the person does not have a prior unrelated  
9 conviction under this section;
- 10           (2) one hundred eighty (180) days, if the person has one (1) prior  
11 unrelated conviction under this section; or
- 12           (3) one (1) year, if the person has two (2) or more prior unrelated  
13 convictions under this section.

14           ~~(e)~~ (d) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the  
15 mandatory minimum sentence imposed under subsection ~~(d)~~ (c) may  
16 not be suspended.

17           ~~(f)~~ (e) If a person is convicted of an offense involving the use of a  
18 motor vehicle under:

- 19           (1) subsection (b)(1)(A), if the person exceeded the speed limit by  
20 at least twenty (20) miles per hour while committing the offense;
- 21           (2) subsection (b)(2); or
- 22           (3) subsection (b)(3);

23 the court may notify the bureau of motor vehicles to suspend or revoke  
24 the person's driver's license and all certificates of registration and  
25 license plates issued or registered in the person's name in accordance  
26 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or  
27 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the  
28 person has been sentenced to a term of incarceration. At the time of  
29 conviction, the court may obtain the person's current driver's license  
30 and return the license to the bureau of motor vehicles.

31           SECTION 10. IC 35-47-9-1 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not  
33 apply to the following:

- 34           (1) A:  
35               (A) federal;  
36               (B) state; or  
37               (C) local;  
38           law enforcement officer.
- 39           (2) A person who has been employed or authorized by:  
40               (A) a school; or  
41               (B) another person who owns or operates property being used  
42               by a school for a school function;

C  
o  
p  
y



1 to act as a security guard, perform or participate in a school  
2 function, or participate in any other activity authorized by a  
3 school.  
4 (3) A person who:  
5 (A) may legally possess a firearm; and  
6 (B) possesses the firearm in a motor vehicle that is being  
7 operated by the person to transport another person to or from  
8 a school or a school function.  
9 (4) **A person who is a school resource officer, as defined in**  
10 **IC 20-26-18-1.**  
11 **SECTION 11. An emergency is declared for this act.**

C  
o  
p  
y



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

---

SENATE MOTION

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 1, line 5, after "the" insert ":

(A)".

Page 1, line 6, after "substances" delete "." and insert "; and".

Page 1, line 11, after "(C)" insert "(B)".

Page 1, line 11, reset in roman "purchase of other equipment and materials used to".

Page 1, reset in roman line 12.

Page 2, delete lines 17 through 40.

Page 6, line 28, delete "An employee of a local school corporation or charter" and insert "**The superintendent of the state police department or the superintendent's designee.**".

Page 6, delete line 29.

Re-number all SECTIONS consecutively.

(Reference is to SB 1 as printed February 19, 2013.)

MILLER PETE

C  
O  
P  
Y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 2. IC 5-2-10.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Each school corporation shall designate an individual to serve as the school safety specialist for the school corporation.

(b) The school safety specialist shall be chosen by the superintendent of the school corporation with the approval of the governing body.

(c) The school safety specialist shall perform the following duties:

(1) Serve on the county school safety commission, if a county school safety commission is established under section 10 of this chapter.

(2) Participate each year in a number of days of school safety training that the council determines.

(3) With the assistance of the county school safety commission, if a county school safety commission is established under section 10 of this chapter, develop a safety plan for each school in the school corporation.

(4) Coordinate the safety plans of each school in the school corporation as required under rules adopted by the Indiana state board of education.

(5) Act as a resource for other individuals in the school corporation on issues related to school discipline, safety, and security.

**(d) A school safety plan developed by the school safety specialist must include the requirements set forth in IC 20-26-18-2(b) and must be provided to the secured school safety board (as established by IC 10-21-1-3) for evaluation."**

Page 3, delete lines 1 through 33.

Page 4, delete lines 22 through 25, begin a new paragraph and insert:

"SECTION 5. IC 10-19-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 12. Designated School Protection Officers**



C  
O  
P  
Y

**Sec. 1. As used in this chapter, "designated school protection officer" means an individual:**

- (1) employed by a public school, including a charter school, or school corporation or who contracts with a school or school corporation;**
- (2) who meets all the guidelines established under IC 10-21-1-7(a); and**
- (3) who meets all guidelines implemented under emergency rules adopted under IC 10-21-1-7(b).**

**Sec. 2. As used in this chapter, "weapon" means a loaded firearm. This term does not include:**

- (1) a taser (as defined in IC 35-47-8-3);**
- (2) an electronic stun weapon (as defined in IC 35-47-8-1); and**
- (3) another device designed to temporarily incapacitate a person.**

**Sec. 3. For purposes of this chapter, "school" includes one (1) or more schools that share a campus.**

**Sec. 4. This chapter does not apply to a nonpublic school.**

**Sec. 5. Beginning January 1, 2014:**

- (1) each school shall have at least one (1) designated school protection officer on the premises of the school during regular school hours; and**
- (2) at least one (1) designated school protection officer on the premises of the school must carry a weapon at all times during regular school hours.**

SECTION 6. IC 10-21 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**ARTICLE 21. SCHOOL SAFETY**

**Chapter 1. School Safety".**

Page 4, line 35, after "school"" insert "**refers to an individual school corporation or charter school but also**".

Page 5, line 21, after "the" insert "**Indiana**".

Page 5, line 37, delete "school resource officers;" and insert "**school safety specialists under IC 5-2-10.1-9(d);**".

Page 5, line 42, delete "five (5)" and insert "**seven (7)**".

Page 6, delete lines 1 through 3, begin a new line block indented and insert:

**"(1) The executive director of the department of homeland security or the executive director's designee. The executive director of the department of homeland security or the**

C  
O  
P  
Y



**executive director's designee serves as the chairperson of the board."**

Page 6, between lines 9 and 10, begin a new line block indented and insert:

**"(6) The director of the criminal justice institute or the director's designee.**

**(7) An employee of a local school corporation or a charter school appointed by the governor."**

Page 6, delete lines 23 through 27, begin a new paragraph and insert:

**"(b) A matching grant awarded to a school corporation or charter school (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:**

**(1) The total cost of the program established by the school corporation or charter school (or the coalition of schools applying jointly).**

**(2) The following amounts:**

**(A) Fifty thousand dollars (\$50,000) per year, in the case of a school corporation or charter school that:**

**(i) has an ADM of at least one thousand (1,000); and**

**(ii) is not applying jointly with any other school corporation or charter school.**

**(B) Thirty-five thousand dollars (\$35,000) per year, in the case of a school corporation or charter school that:**

**(i) has an ADM of less than one thousand (1,000); and**

**(ii) is not applying jointly with any other school corporation or charter school.**

**(C) Fifty thousand dollars (\$50,000) per year, in the case of a coalition of schools applying jointly."**

Page 6, line 32, delete "A school".

Page 6, delete lines 33 through 36.

Page 7, line 10, after "7." insert **"(a) By September 1, 2013, the board shall establish guidelines concerning:**

**(1) required initial and annual training for designated school protection officers under IC 10-19-12; and**

**(2) safety and school protection procedures for a designated school protection officer when the physical safety of school students or employees is at risk.**

**(b) By October 1, 2013, the Indiana state board of education shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 implementing the guidelines established under**

C  
o  
p  
y



**subsection (a).****Sec. 8."**

Page 7, line 22, delete, "develop and implement the comprehensive local" and insert **"assist the school safety specialist with the development and implementation of the"**.

Page 7, line 23, delete "under" and insert **"as provided in"**.

Page 7, line 25, delete "in" and insert **"under"**.

Page 7, line 25, delete "agreement," and insert **"engagement,"**.

Page 7, line 26, after "understanding" insert **"and"**.

Page 8, line 12, delete "solely".

Page 8, line 14, delete "solely".

Page 8, line 27, delete "develop and" and insert **"assist the school corporation's school safety specialist with the development and implementation of the"**.

Page 8, line 28, delete "implement a comprehensive local".

Page 8, line 28, delete "will do" and insert **"does"**.

Page 8, line 35, delete "in developing the" and insert **"when assisting the school corporation's school safety specialist in the development of the"**.

Page 8, line 36, delete "comprehensive local".

Page 8, delete lines 37 through 39.

Page 8, line 40, delete "(e)" and insert **"(d)"**.

Page 9, line 1, delete "comprehensive local".

Page 9, line 6, delete "property;" and insert **"property using the reasonable suspicion standard;"**.

Page 9, line 7, after "firearm" delete ";" and insert **"on or off school property;"**.

Page 9, line 11, delete "employing" and insert **"engaging"**.

Page 9, line 12, delete "school." and insert **"school or where the school corporation or charter school's students reside."**

Page 9, between lines 14 and 15, begin a new paragraph and insert:

**"Sec. 4. A school corporation or charter school may disclose student information and records to a school resource officer, a law enforcement agency, or an official of the juvenile justice system without prior consent under the Family Education Rights and Privacy Act (20 U.S.C. 1232g or 34 C.F.R. 9931(a)(5), 99.38).**

SECTION 6. IC 31-37-4-3, AS AMENDED BY P.L.126-2012, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).

ES 1—LS 7429/DI 71+



C  
O  
P  
Y

- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Carjacking (IC 35-42-5-2).
- (15) Assisting a criminal as a Class C felony (IC 35-44.1-2-5).
- (16) Escape (IC 35-44.1-3-4) as a Class B felony or Class C felony.
- (17) Trafficking with an inmate as a Class C felony (IC 35-44.1-3-5).
- (18) Causing death when operating a vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.
- (25) A controlled substances offense under IC 35-48.
- (26) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) **or a situation to which IC 12-26-4-1 applies**, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

- (1) that the child was taken into custody; and
  - (2) of the reason why the child was taken into custody.
- (c) The notification under subsection (b) must occur within

C  
O  
P  
Y



forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

**(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).**

SECTION 6. IC 35-31.5-2-185, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 185. **(a) Except as provided in subsections (b) through (d), "law enforcement officer" means:**

- (1) a police officer (including a correctional 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) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1(b)(1).**

**(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.**

**(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and IC 35-44.1-3-2, includes a school resource officer (as defined in IC 20-26-18-1) and a school corporation police officer appointed under IC 20-26-16.**

SECTION 7. IC 35-44.1-3-1, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a

C  
O  
P  
Y



court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Class D felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Class C felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) Class A felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

~~(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.~~

~~(d) (c)~~ If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~(e) (d)~~ Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~(d) (c)~~ may not be suspended.

C  
O  
P  
Y



(f) (e) If a person is convicted of an offense involving the use of a motor vehicle under:

- (1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (b)(2); or
- (3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or IC 9-30-4-6(d)(5). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

SECTION 8. IC 35-47-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not apply to the following:

- (1) A:
  - (A) federal;
  - (B) state; or
  - (C) local;

law enforcement officer.

- (2) A person who has been employed or authorized by:

- (A) a school; or
- (B) another person who owns or operates property being used by a school for a school function;

to act as a security guard, perform or participate in a school function, or participate in any other activity authorized by a school.

- (3) A person who:

- (A) may legally possess a firearm; and
- (B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

C  
O  
P  
Y



**(4) A person who is a designated school protection officer under IC 10-19-12."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as reprinted February 22, 2013.)

BEHNING, Chair

Committee Vote: yeas 9, nays 3.

---

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 32 and 33, begin a new paragraph and insert:  
"SECTION 4. IC 6-3-2-26 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013 (RETROACTIVE)]: Sec. 26. (a) This section applies to taxable years beginning after December 31, 2012.**

**(b) As used in this section, "designated school protection officer" has the meaning set forth in IC 10-19-12-1.**

**(c) As used in this section, "school" means a public school, including one (1) or more schools that share a campus.**

**(d) An individual who serves as a designated school protection officer in a taxable year is eligible for a deduction from the individual's adjusted gross income for that taxable year under this section if:**

**(1) in the case of an individual who is not otherwise employed by the governing body operating the school, the individual receives less than the federal minimum hourly wage for performing the duties of a designated school protection officer; or**

**(2) in the case of an individual who is employed by the governing body operating the school, the individual receives no additional compensation for performing the duties of a designated school protection officer.**

**(e) Subject to the limits set forth in subsection (f), the deduction provided by this section is equal to the product of:**

**(1) fifty dollars (\$50); multiplied by**



C  
O  
P  
Y

(2) the number of hours that the individual served as a designated school protection officer in the taxable year as certified by the governing body of the school under subsection (g).

(f) The following limits apply to a deduction allowed under this section:

(1) The maximum number of hours for all individuals for which a deduction may be claimed for the hours served as a designated school protection officer in a particular school is one thousand five hundred (1,500) per taxable year.

(2) A school may allocate an hour among one (1) or more designated school protection officers, including to an administrator of the school, according to the ratio the number of hours served by each designated school protection officer bears to the total number of hours served by all of the school's designated school protection officers.

(3) A deduction under this section may not reduce an individual's taxable income below zero dollars (\$0).

(g) The governing body of each school served by a designated school protection officer eligible for a deduction under this section shall certify to the designated school protection officer the number of hours for which the designated school protection officer may claim a deduction under subsection (f) on a form prescribed by the department.

(h) An individual may claim the deduction allowed by this section on the individual's income tax return for the taxable year for which the deduction is claimed. An individual must attach the certification received under subsection (g) to the return."

Page 4, delete lines 4 through 12, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "school" includes one (1) or more schools that share a campus.

Sec. 3. As used in this chapter, "weapon" means a loaded firearm. This term does not include:

- (1) a taser (as defined in IC 35-47-8-3);
- (2) an electronic stun weapon (as defined in IC 35-47-8-1);
- and
- (3) another device designed to temporarily incapacitate a person."

Page 4, delete lines 14 through 20, begin a new paragraph and insert:

"Sec. 5. Unless a school receives a waiver under IC 10-21-1-9, the school shall do the following beginning January 1, 2014:



C  
O  
P  
Y

(1) Except as provided in guidelines adopted under IC 10-21-1-1-7(a)(3), have at least one (1) designated school protection officer on the premises of the school during regular school hours.

(2) Require at all times during regular school hours at least one (1) designated school protection officer on the premises of the school to carry a weapon.

(3) Each school shall ensure that the identity of a school protection officer who is not in a law enforcement uniform remains confidential.

Sec. 6. A school protection officer who is not a law enforcement officer may not carry the officer's weapon in a manner that is visible.

Sec. 7. An individual designated as a school protection officer is considered an employee of the school regardless of whether the individual accepts any compensation for performing the duties of a school protection officer.

Sec. 8. The governing body of a public school may apply to the secured school safety board for a waiver from the requirements of section 5 of this chapter after meeting at least one (1) time each year in executive session to consider whether a waiver is appropriate. The governing body must submit a waiver application in the manner and form prescribed by the secured school safety board under IC 10-21-1-9."

Page 4, line 33, delete "comprehensive local".

Page 5, line 8, delete "will:" and insert "may:".

Page 5, line 20, after "department" delete "." and insert "of homeland security."

Page 6, line 2, delete "seven (7)" and insert "thirteen (13)".

Page 6, between lines 18 and 19, begin a new line block indented and insert:

**"(8) An adolescent development expert or pediatrician appointed by the governor.**

**(9) A mental health professional appointed by the governor.**

**(10) A member of the senate appointed by the president pro tempore of the senate.**

**(11) A member of the senate appointed by the minority leader of the senate.**

**(12) A member of the house of representatives appointed by the speaker of the house of representatives.**

**(13) A member of the house of representatives appointed by the minority leader of the house of representatives."**



C  
O  
P  
Y

Page 7, line 33, delete "and".

Page 7, line 36, delete "risk." and insert "**risk;**".

Page 7, between lines 36 and 37, begin a new line block indented and insert:

**"(3) acceptable practices regarding the unplanned unavailability of a school protection officer on the school premises during regular school hours; and**

**(4) procedures needed to ensure that IC 10-19-12-5(3) is properly implemented."**

Page 7, line 41, after "department" insert "**of homeland security**".

Page 8, between lines 1 and 2, begin a new paragraph and insert:

**"Sec. 9. The board shall approve an application submitted by the governing body of a public school for a waiver from the requirement of having a designated school protection officer under IC 10-19-12-5. The board shall prescribe the manner and form in which an application may be submitted. An application for a waiver is confidential."**

Page 10, line 9, delete "C.F.R." and insert "**CFR**".

Page 11, delete lines 23 through 42, begin a new paragraph and insert:

**"SECTION 9. IC 34-31-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:**

**Chapter 10. Indemnification: Designated School Protection Officers and School Resource Officers**

**Sec. 1. The following definitions apply throughout this chapter:**

**(1) "Designated school protection officer" has the meaning set forth in IC 10-19-12-1.**

**(2) "Public school" means:**

**(A) a public school (as defined in IC 20-18-2-15); or**

**(B) a charter school.**

**(3) "School resource officer" has the meaning set forth in IC 20-26-18-1.**

**(4) "Weapon" has the meaning set forth in IC 10-19-12-2.**

**Sec. 2. The state shall indemnify a public school against a loss resulting from any injury to a person caused by a designated school protection officer or school resource officer if the loss was the result of misfeasance, malfeasance, or nonfeasance in connection with the use of the officer's weapon.**

**SECTION 10. IC 35-31.5-2-185, AS AMENDED BY SEA 85-2013, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013] Sec. 185. (a) "Law enforcement officer"**



C  
O  
P  
Y

means:

- (1) a police officer (including a correctional 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;
- (6) an enforcement officer of the securities division of the office of the secretary of state; or
- (7) a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1(b)(1).

(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.

**(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and IC 35-44.1-3-2, includes a school resource officer (as defined in IC 20-26-18-1) and a school corporation police officer appointed under IC 20-26-16."**

Page 12, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to ESB 1 as printed April 2, 2013.)

BROWN T, Chair

Committee Vote: yeas 16, nays 7.

C  
O  
P  
Y



## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 3, delete lines 33 through 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 7.

Page 9, delete lines 29 through 42.

Page 10, delete lines 1 through 2.

Page 10, line 3, delete "8." and insert "7."

Page 10, delete lines 7 through 12, begin a new paragraph and insert:

**"Sec. 8. (a) The board shall study and make findings concerning safety measures that are necessary to authorize one (1) or more school employees at each public school in Indiana to possess a firearm on school property. The study shall address:**

**(1) training requirements;**

**(2) eligibility requirements; and**

**(3) any other issue the board determines to be appropriate.**

**(b) Before December 1, 2013, the board shall submit a report to the general assembly containing the board's findings under subsection (a). The report must be in an electronic format under IC 5-14-6 and must include any recommendations made by the board for legislation to be introduced in the 2014 session of the general assembly.**

**(c) This section expires January 1, 2014."**

Page 13, line 37, delete "Designated School Protection".

Page 13, line 38, delete "Officers and".

Page 13, delete lines 40 through 41.

Page 13, line 42, delete "(2)" and insert "(1)".

Page 14, line 3, delete "(3)" and insert "(2)".

Page 14, delete line 5.

Page 14, line 7, delete "designated school".

Page 14, line 8, delete "protection officer or".

Page 16, line 39, delete "designated school protection officer" and insert **"school resource officer, as defined in IC 20-26-18-1."**

Page 16, delete line 40.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed April 9, 2013.)

MCMILLIN

C  
O  
P  
Y

