March 15, 2013

ENGROSSED
SENATE BILL No. 582

DIGEST OF SB 582 (Updated March 12, 2013 12:14 pm - DI 109)

Citations Affected: IC 5-2; IC 16-18.

Synopsis: Hospital police departments. Allows the governing board of a county hospital, the Marion County health and hospital corporation, a municipal hospital, or private hospital to establish a hospital police department.

Effective: July 1, 2013.

Kruse, Arnold J, Crider

(HOUSE SPONSORS — HEUER, MORRIS, GIAQUINTA, SMALTZ)

January 15, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
February 5, 2013, reported favorably — Do Pass.
February 7, 2013, read second time, ordered engrossed.
February 8, 2013, engrossed.
February 11, 2013, read third time, passed. Yeas 29, nays 18.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Veterans Affairs and Public Safety.
March 14, 2013, amended, reported — Do Pass.

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March 15, 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.

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ENGROSSED
SENATE BILL No. 582

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

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

SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.197-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

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

(A) A constable.

(B) A special officer whose powers and duties are described in IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6.

(C) A county police reserve officer who receives compensation for lake patrol duties under IC 36-8-3-20(f)(4).

(D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.

(E) An employee of the gaming commission whose powers and duties are described in IC 4-32.2-9.

(F) A correctional police officer described in IC 11-8-9.

(G) A hospital police officer described in IC 16-18-4.

(2) "Board" means the law enforcement training board created by this chapter.

(3) "Executive training program" means the police chief executive training program developed by the board under section 9 of this chapter.

(4) "Law enforcement training council" means one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.

(5) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

(A) overcoming unlawful resistance; or

(B) countering other action that threatens the safety of the public or a law enforcement officer.

(6) "Hiring or appointing authority" means:

(A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

(B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

SECTION 2. IC 16-18-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 4. Hospital Police Departments

Sec. 1. This section applies to the following:

(1) A hospital licensed under IC 16-21-2 that is established and operated under IC 16-22-2, IC 16-22-8, or IC 16-23.

(2) A hospital licensed under IC 16-21-2 that is not:

(A) a unit of state or local government; or

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(B) owned or operated by a unit of state or local government.

Sec. 2. The governing board of a hospital may establish a hospital police department under this chapter.

Sec. 3. The governing board of a hospital may do the following for the hospital police department:

(1) Appoint hospital police officers.

(2) Prescribe the duties and direct the conduct of hospital police officers.

(3) Prescribe distinctive uniforms.

(4) Provide emergency vehicles.

Sec. 4. An individual appointed as a hospital police officer under this chapter must successfully complete at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements as approved by the governing board of the hospital and the law enforcement training board;

within one (1) year after the individual is appointed as a hospital police officer.

Sec. 5. A hospital police officer appointed under this chapter:

(1) must take an appropriate oath of office in a form and manner prescribed by the governing board of a hospital;

(2) serves at the governing board's pleasure; and

(3) performs the duties that the governing board assigns.

Sec. 6. (a) A hospital police officer appointed under this chapter has the following powers:

(1) General police powers, including the power to arrest, without process, all persons who commit any offense within the view of the police officer.

(2) The same common law and statutory powers, privileges, and immunities as sheriffs and constables. However, the police officer is empowered to serve civil process only to the extent authorized by the governing board of a hospital.

(3) The duty to enforce and to assist the officials of the hospital in the enforcement of the rules and regulations of the hospital.

(4) The duty to assist and cooperate with other law enforcement agencies and law enforcement officers.

(b) The governing board of a hospital employing a hospital police officer may expressly forbid the police officer from exercising any powers otherwise granted to the police officer by

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law.

Sec. 7. A hospital police officer appointed under this chapter may exercise the powers granted under this chapter only upon any property owned, leased, or occupied by the hospital.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 582, 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 Senate Bill 582 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 582, 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 4, line 4, delete "hospital, including the" and insert "**hospital.**".

Page 4, delete lines 5 through 9.

and when so amended that said bill do pass.

(Reference is to SB 582 as printed February 6, 2013.)

FRYE R, Chair

Committee Vote: yeas 13, nays 0.

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