

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 1

Citations Affected: IC 5-2-10.1; IC 10-21; IC 20-26-18.2; IC 31-37-4-3; IC 34-31-10.2; IC 35-31.5-2-185; IC 35-44.1-3-1; IC 35-47-9.

Synopsis: School resource officers and school safety. Conference committee report for ESB 1. 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 complete the training requirements for law enforcement officers and receive 40 hours of certified school resource officer training. Establishes the Indiana secured school fund (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 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. Eliminates the authority to use money in the safe schools fund for certain purposes. Provides that in order to receive a matching grant, a school corporation or charter school must be located in a county that has a county school safety commission. Provides that a school safety plan is available, upon request, to a member of the secured school safety board. Requires a county school safety commission to receive school safety plans. Requires a law enforcement agency to notify a school if a student is apprehended because a law enforcement officer had reasonable grounds to believe the student has a mental illness, is dangerous, and is in need of hospitalization and treatment. 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, in certain situations, and a school corporation police officer. Provides that the state shall indemnify a public school against a loss resulting from any injury to a person caused by a school resource officer if the loss was the result

of misfeasance, malfeasance, or nonfeasance in connection with the use of the officer's weapon. Provides that the statute regarding possession of a firearm on school property does not apply to a person who may legally possess a firearm and who has been authorized by a school board or body that administers a charter school to carry a firearm in or on school property. Establishes the school safety interim study committee, which shall: (1) study how to improve the safety of schools in Indiana; (2) develop best practices for a school resource officer to employ in order to successfully carry out the officer's responsibilities; and (3) study additional topics that the legislative council assigns. **(This conference committee report: (1) provides that a secured school safety board member may request a school safety plan; (2) provides that in order to receive a secured school fund matching grant, the school corporation or charter school must be located in a county that has a county school safety commission; (3) requires a county school safety commission to receive school safety plans and allows a county school safety commission to share the plans with law enforcement; (4) provides that a person may not be charged with or convicted of a crime under the statute regarding resisting a law enforcement officer for fleeing if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer; (5) clarifies that the statute regarding possession of a firearm on school property does not apply to a person who may legally possess a firearm and who has been authorized by a school board or body that administers a charter school; (6) creates the school safety interim study committee; (7) removes the requirement that the secured school safety board shall study and make findings concerning school safety measures; (8) removes the requirement that a safe school committee shall provide floor plans to the department of homeland security; (9) deletes language requiring school resource officers to file an annual evaluation with the department of education concerning school safety plans; (10) removes language regarding a school corporation or charter school disclosing 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; and (11) resolves conflicts.)**

Effective: Upon passage; July 1, 2013.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 1 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

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

- 1 (C) intervention in;
 2 bullying.
 3 (b) The fund consists of amounts deposited:
 4 (1) under IC 33-37-9-4; and
 5 (2) from any other public or private source.
 6 (c) The institute shall determine grant recipients from the fund with
 7 a priority on awarding grants in the following order:
 8 (1) A grant for a safety plan.
 9 (2) A safe haven grant requested under section 10 of this chapter.
 10 (3) A safe haven grant requested under section 7 of this chapter.
 11 (d) Upon recommendation of the council, the institute shall establish
 12 a method for determining the maximum amount a grant recipient may
 13 receive under this section.
- 14 SECTION 2. IC 5-2-10.1-2 (*DELAYED VERSION*), AS AMENDED
 15 BY SEA 352-2013, SECTION 1, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The Indiana safe
 17 schools fund is established to do the following:
 18 (1) Promote school safety through the:
 19 (A) **use of dogs trained to detect drugs and illegal**
 20 **substances; and**
 21 (A) purchase of equipment for the detection of firearms and
 22 other weapons;
 23 (B) use of dogs trained to detect firearms, drugs, explosives,
 24 and illegal substances; and
 25 (C) purchase of other equipment and materials used to
 26 enhance the safety of schools.
 27 (2) Combat truancy.
 28 (3) Provide matching grants to schools for school safe haven
 29 programs.
 30 (4) Provide grants for school safety and safety plans.
 31 (5) Provide educational outreach and training to school personnel
 32 concerning:
 33 (A) the identification of;
 34 (B) the prevention of; and
 35 (C) intervention in;
 36 bullying.
 37 (6) Provide educational outreach to school personnel and training
 38 to school safety specialists and school resource officers
 39 concerning:
 40 (A) the identification of;
 41 (B) the prevention of; and
 42 (C) intervention in;
 43 criminal gang activities.
- 44 (b) The fund consists of amounts deposited:
 45 (1) under IC 33-37-9-4; and
 46 (2) from any other public or private source.
 47 (c) The institute shall determine grant recipients from the fund with
 48 a priority on awarding grants in the following order:
 49 (1) A grant for a safety plan.
 50 (2) A safe haven grant requested under section 10 of this chapter.

- 1 (3) A safe haven grant requested under section 7 of this chapter.
 2 (d) Upon recommendation of the council, the institute shall establish
 3 a method for determining the maximum amount a grant recipient may
 4 receive under this section.

5 SECTION 3. IC 5-2-10.1-9 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Each school
 7 corporation shall designate an individual to serve as the school safety
 8 specialist for the school corporation.

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

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

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

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

18 (3) With the assistance of the county school safety commission,
 19 if a county school safety commission is established under section
 20 10 of this chapter, develop a safety plan for each school in the
 21 school corporation.

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

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

28 **(d) A school safety plan:**

29 **(1) developed by the school safety specialist must include the**
 30 **requirements set forth in IC 20-26-18.2-2(b);**

31 **(2) must be provided to a member of the secured school safety**
 32 **board (as established by IC 10-21-1-3) if a member requests**
 33 **the plan; and**

34 **(3) shall be filed with the county school safety commission**
 35 **under IC 5-2-10.1-10 if the county has established a county**
 36 **school safety commission.**

37 SECTION 4. IC 5-2-10.1-10, AS AMENDED BY P.L.2-2006,
 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 10. (a) A county may establish a county
 40 school safety commission.

41 (b) The members of the commission are as follows:

42 (1) The school safety specialist for each school corporation
 43 located in whole or in part in the county.

44 (2) The judge of the court having juvenile jurisdiction in the
 45 county or the judge's designee.

46 (3) The sheriff of the county or the sheriff's designee.

47 (4) The chief officer of every other law enforcement agency in the
 48 county, or the chief officer's designee.

49 (5) A representative of the juvenile probation system, appointed
 50 by the judge described under subdivision (2).

51 (6) Representatives of community agencies that work with

- 1 children within the county.
- 2 (7) A representative of the Indiana state police district that serves
- 3 the county.
- 4 (8) A representative of the Prosecuting Attorneys Council of
- 5 Indiana who specializes in the prosecution of juveniles.
- 6 (9) Other appropriate individuals selected by the commission.
- 7 (c) If a commission is established, the school safety specialist of the
- 8 school corporation having the largest ADM (as defined in
- 9 IC 20-18-2-2) in the county shall convene the initial meeting of the
- 10 commission.
- 11 (d) The members shall annually elect a chairperson.
- 12 (e) A commission shall perform the following duties:
- 13 (1) Perform a cumulative analysis of school safety needs within
- 14 the county.
- 15 (2) Coordinate and make recommendations for the following:
- 16 (A) Prevention of juvenile offenses and improving the
- 17 reporting of juvenile offenses within the schools.
- 18 (B) Proposals for identifying and assessing children who are
- 19 at high risk of becoming juvenile offenders.
- 20 (C) Methods to meet the educational needs of children who
- 21 have been detained as juvenile offenders.
- 22 (D) Methods to improve communications among agencies that
- 23 work with children.
- 24 (E) Methods to improve security and emergency preparedness.
- 25 (F) Additional equipment or personnel that are necessary to
- 26 carry out safety plans.
- 27 (G) Any other topic the commission considers necessary to
- 28 improve school safety within the school corporations within
- 29 the commission's jurisdiction.
- 30 (3) Provide assistance to the school safety specialists on the
- 31 commission in developing and requesting grants for safety plans.
- 32 (4) Provide assistance to the school safety specialists on the
- 33 commission and the participating school corporations in
- 34 developing and requesting grants for school safe haven programs
- 35 under section 7 of this chapter.
- 36 (5) Assist each participating school corporation in carrying out
- 37 the school corporation's safety plans.
- 38 (f) The affirmative votes of a majority of the voting members of the
- 39 commission are required for the commission to take action on a
- 40 measure.
- 41 **(g) A commission shall receive the school safety plans described**
- 42 **in IC 20-26-18.2-2(c) for the schools and school corporations**
- 43 **located in the county. The commission may share the school safety**
- 44 **plans with law enforcement agencies.**
- 45 SECTION 5. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007,
- 46 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 47 UPON PASSAGE]: Sec. 12. (a) Each school within a school
- 48 corporation shall establish a safe school committee. The committee
- 49 may be a subcommittee of the committee that develops the strategic
- 50 and continuous school improvement and achievement plan under

1 IC 20-31-5.

2 (b) The department of education, ~~and~~ the school corporation's school
3 safety specialist, **and, upon request, a school resource officer (as**
4 **described in IC 20-26-18.2-1)** shall provide materials to assist a safe
5 school committee in developing a plan for the school that addresses the
6 following issues:

7 (1) Unsafe conditions, crime prevention, school violence,
8 bullying, and other issues that prevent the maintenance of a safe
9 school.

10 (2) Professional development needs for faculty and staff to
11 implement methods that decrease problems identified under
12 subdivision (1).

13 (3) Methods to encourage:

14 (A) involvement by the community and students;

15 (B) development of relationships between students and school
16 faculty and staff; and

17 (C) use of problem solving teams.

18 (c) As a part of the plan developed under subsection (b), each safe
19 school committee shall provide a copy of the floor plans for each
20 building located on the school's property that clearly indicates each
21 exit, the interior rooms and hallways, and the location of any hazardous
22 materials located in the building to the law enforcement agency and the
23 fire department that have jurisdiction over the school.

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

27 **ARTICLE 21. SCHOOL SAFETY**

28 **Chapter 1. School Safety**

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

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

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

34 (3) "Fund" refers to the Indiana secured school fund
35 established by section 2 of this chapter.

36 (4) "Local plan" means the school safety plan described in
37 IC 20-26-18.2-2(b).

38 (5) "School corporation or charter school" refers to an
39 individual school corporation or charter school but also
40 includes:

41 (A) a coalition of school corporations;

42 (B) a coalition of charter schools; or

43 (C) a coalition of both school corporations and charter
44 schools;

45 that intend to jointly employ a school resource officer or to
46 jointly apply for a matching grant under this chapter, unless
47 the context clearly indicates otherwise.

48 (6) "School resource officer" has the meaning set forth in
49 IC 20-26-18.2-1.

50 **Sec. 2. (a) The Indiana secured school fund is established to**
51 **provide matching grants to enable school corporations and charter**

1 schools to establish programs under which a school corporation or
 2 charter school (or a coalition of schools) may:

3 (1) employ a school resource officer or enter into a contract or
 4 a memorandum of understanding with a:

5 (A) local law enforcement agency;

6 (B) private entity; or

7 (C) nonprofit corporation;

8 to employ a school resource officer;

9 (2) conduct a threat assessment of the buildings within a
 10 school corporation or operated by a charter school; or

11 (3) purchase equipment and technology to:

12 (A) restrict access to school property; or

13 (B) expedite notification of first responders.

14 (b) The fund shall be administered by the department of
 15 homeland security.

16 (c) The fund consists of:

17 (1) appropriations from the general assembly;

18 (2) grants from the Indiana safe schools fund established by
 19 IC 5-2-10.1-2;

20 (3) federal grants; and

21 (4) amounts deposited from any other public or private
 22 source.

23 (d) The expenses of administering the fund shall be paid from
 24 money in the fund.

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

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

31 **Sec. 3. (a)** The secured school safety board is established to
 32 approve or disapprove applications for matching grants to fund
 33 programs described in section 2(a) of this chapter.

34 (b) The board consists of seven (7) members appointed as
 35 follows:

36 (1) The executive director of the department of homeland
 37 security or the executive director's designee. The executive
 38 director of the department of homeland security or the
 39 executive director's designee serves as the chairperson of the
 40 board.

41 (2) The attorney general or the attorney general's designee.

42 (3) The superintendent of the state police department or the
 43 superintendent's designee.

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

45 (5) The state superintendent of public instruction or the
 46 superintendent's designee.

47 (6) The director of the criminal justice institute or the
 48 director's designee.

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

51 (c) The board shall establish criteria to be used in evaluating

1 applications for matching grants from the fund. These criteria
2 must:

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

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

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

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

20 (2) The following amounts:

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

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

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

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

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

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

35 (d) The board may not award a grant to a school corporation or
36 charter school under this chapter unless the school corporation or
37 charter school is in a county that has a county school safety
38 commission, as described in IC 5-2-10.1-10.

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

42 (b) The application must include the following:

- 43 (1) A concise description of the school corporation's or
44 charter school's security needs.
- 45 (2) The estimated cost of the program to the school
46 corporation or charter school.
- 47 (3) The extent to which the school corporation or charter
48 school has access to and support from a nearby law
49 enforcement agency, if applicable.
- 50 (4) The ADM of the school corporation or charter school (or
51 the combined ADM of the coalition of schools applying

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jointly).

(5) Any other information required by the board.

(6) A statement whether the school corporation or charter school has completed a local plan and has filed the plan with the county school safety commission for the county in which the school corporation or charter school is located.

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

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

SECTION 7. IC 20-26-18.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 18.2. School Resource Officers

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

(1) has completed the training described in subsection (b); and
(2) is employed by or assigned to one (1) or more school corporations or charter schools to:

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

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:

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

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

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

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

- (A) the Indiana law enforcement training board established by IC 5-2-1-3;
- (B) the National Association of School Resource Officers;
- (C) a certified school resource officer instructor; or
- (D) another organization that offers certified instruction to school resource officers.

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

- (1) school campuses; and
- (2) school building security needs and characteristics.

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

- 1 (1) by one (1) or more school corporations or charter schools
 2 through a contract between a local law enforcement agency
 3 and the school corporation or school corporations or the
 4 charter school or charter schools;
 5 (2) by one (1) or more school corporations or charter schools;
 6 (3) by a local law enforcement agency that assigns the school
 7 resource officer to one (1) or more school corporations or
 8 charter schools through a memorandum of understanding
 9 between the local law enforcement agency and the school
 10 corporation or school corporations or the charter school or
 11 charter schools; or
 12 (4) through a contract between an Indiana business that
 13 employs persons who meet the qualifications of a school
 14 resource officer and the school corporation or school
 15 corporations or the charter school or charter schools.
- 16 (b) A contract or memorandum of understanding entered into
 17 under subsection (a) must state the nature and scope of a school
 18 resource officer's duties and responsibilities. A school resource
 19 officer's duties and responsibilities include the duty to assist the
 20 school corporation's school safety specialist with the development
 21 and implementation of a school safety plan that does the following:
- 22 (1) Protects against outside threats to the physical safety of
 23 students.
 - 24 (2) Prevents unauthorized access to school property.
 - 25 (3) Secures schools against violence and natural disasters.
- 26 (c) A school resource officer shall consult with local law
 27 enforcement officials and first responders when assisting the school
 28 corporation's school safety specialist in the development of the
 29 school safety plan.
- 30 **Sec. 3. (a) A school resource officer may:**
- 31 (1) make an arrest;
 - 32 (2) conduct a search or a seizure of a person or property using
 33 the reasonable suspicion standard;
 - 34 (3) carry a firearm on or off school property; and
 - 35 (4) exercise other police powers with respect to the
 36 enforcement of Indiana laws.
- 37 (b) A school resource officer has jurisdiction in every county
 38 where the school corporation or charter school engaging the officer
 39 operates a school or where the school corporation or charter
 40 school's students reside. This subsection does not restrict the
 41 jurisdiction that a school resource officer may possess due to the
 42 officer's employment by a law enforcement agency.
- 43 SECTION 8. IC 31-37-4-3, AS AMENDED BY P.L.126-2012,
 44 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2013]: Sec. 3. (a) This section applies if a child is arrested or
 46 taken into custody for allegedly committing an act that would be any of
 47 the following crimes if committed by an adult:
- 48 (1) Murder (IC 35-42-1-1).
 - 49 (2) Attempted murder (IC 35-41-5-1).
 - 50 (3) Voluntary manslaughter (IC 35-42-1-3).
 - 51 (4) Involuntary manslaughter (IC 35-42-1-4).

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

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

- 37 (1) that the child was taken into custody; and
 - 38 (2) of the reason why the child was taken into custody.
- 39 (c) The notification under subsection (b) must occur within
 40 forty-eight (48) hours after the child is taken into custody.

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

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

47 SECTION 9. IC 34-31-10.2 IS ADDED TO THE INDIANA CODE
 48 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 49 UPON PASSAGE]:

50 **Chapter 10.2. Indemnification: School Resource Officers**

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

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

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

4 **(B) a charter school.**

5 **(2) "School resource officer" has the meaning set forth in**
6 **IC 20-26-18.2-1.**

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

11 SECTION 10. IC 35-31.5-2-185, AS AMENDED BY HEA
12 1176-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2013] Sec. 185. (a) "Law enforcement officer"
14 means:

15 (1) a police officer (including a correctional police officer),
16 sheriff, constable, marshal, prosecuting attorney, special
17 prosecuting attorney, special deputy prosecuting attorney, the
18 securities commissioner, or the inspector general;

19 (2) a deputy of any of those persons;

20 (3) an investigator for a prosecuting attorney or for the inspector
21 general;

22 (4) a conservation officer;

23 (5) an enforcement officer of the alcohol and tobacco
24 commission;

25 (6) an enforcement officer of the securities division of the office
26 of the secretary of state; or

27 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
28 control officer employed by the gaming control division under
29 IC 4-33-20.

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

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

35 **(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1**
36 **and IC 35-44.1-3-2, includes a school resource officer (as defined**
37 **in IC 20-26-18.2-1) and a school corporation police officer**
38 **appointed under IC 20-26-16.**

39 SECTION 11. IC 35-44.1-3-1, AS ADDED BY P.L.126-2012,
40 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2013]: Sec. 1. (a) A person who knowingly or intentionally:

42 (1) forcibly resists, obstructs, or interferes with a law enforcement
43 officer or a person assisting the officer while the officer is
44 lawfully engaged in the execution of the officer's duties;

45 (2) forcibly resists, obstructs, or interferes with the authorized
46 service or execution of a civil or criminal process or order of a
47 court; or

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

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

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

4 (1) Class D felony if:

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (2) subsection (b)(2); or

43 (3) subsection (b)(3);

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

1 and return the license to the bureau of motor vehicles.

2 **(f) A person may not be charged or convicted of a crime under**
 3 **subsection (a)(3) if the law enforcement officer is a school resource**
 4 **officer acting in the officer's capacity as a school resource officer.**

5 SECTION 12. IC 35-47-9-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not
 7 apply to the following:

8 (1) A:

9 (A) federal;

10 (B) state; or

11 (C) local;

12 law enforcement officer.

13 (2) A person who **may legally possess a firearm and who has**
 14 **been employed or** authorized by:

15 (A) ~~a school; or a school board (as defined by IC 20-26-9-4);~~
 16 **or**

17 (B) ~~another person who owns or operates property being used~~
 18 ~~by a school for a school function; the body that administers~~
 19 ~~a charter school established under IC 20-24;~~

20 ~~to act as a security guard; perform or participate in a school~~
 21 ~~function; or participate in any other activity authorized by a~~
 22 ~~school. carry a firearm in or on school property.~~

23 (3) A person who:

24 (A) may legally possess a firearm; and

25 (B) possesses the firearm in a motor vehicle that is being
 26 operated by the person to transport another person to or from
 27 a school or a school function.

28 **(4) A person who is a school resource officer, as defined in**
 29 **IC 20-26-18.2-1.**

30 SECTION 13. IC 35-47-9-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A person who
 32 possesses a firearm:

33 (1) in or on school property; **or**

34 (2) ~~in or on property that is being used by a school for a school~~
 35 ~~function; or~~

36 ~~(2)~~ **(2)** on a school bus;

37 commits a Class D felony.

38 SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 39 **SECTION, "committee" refers to the school safety interim study**
 40 **committee established under subsection (b).**

41 (b) **The legislative council, under IC 2-5-1.1-5(a)(2), shall**
 42 **establish an interim study committee to be known as the school**
 43 **safety interim study committee.**

44 (c) **The committee shall include the following members:**

45 **(1) An adolescent development expert or pediatrician.**

46 **(2) A mental health professional.**

47 **(3) A law enforcement official.**

48 **(4) A school principal or superintendent.**

49 (d) **The committee shall do the following:**

50 **(1) Study how to improve the safety of schools in Indiana.**

51 **(2) Develop best practices for a school resource officer to**

- 1 **employ in order to successfully carry out the officer's**
- 2 **responsibilities under IC 20-26-18.2-1(a)(2).**
- 3 **(3) Study any additional topics the legislative council**
- 4 **considers necessary.**
- 5 **(e) The committee shall operate under the policies governing**
- 6 **study committees adopted by the legislative council. The committee**
- 7 **shall submit a final report to the following:**
- 8 **(1) The legislative council, in an electronic format under**
- 9 **IC 5-14-6.**
- 10 **(2) The governor.**
- 11 **(f) This SECTION expires December 31, 2013.**
- 12 **SECTION 15. An emergency is declared for this act.**
(Reference is to ESB 1 as reprinted April 12, 2013.)

Conference Committee Report
on
Engrossed Senate Bill 1

Signed by:

Senator Charbonneau
Chairperson

Representative Torr

Senator Arnold J

Representative Lawson L

Senate Conferees

House Conferees