

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	3

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:*

- 1 Page 2, delete lines 18 through 42, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. IC 5-2-10.1-9 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Each school
- 5 corporation shall designate an individual to serve as the school safety
- 6 specialist for the school corporation.
- 7 (b) The school safety specialist shall be chosen by the
- 8 superintendent of the school corporation with the approval of the
- 9 governing body.
- 10 (c) The school safety specialist shall perform the following duties:
- 11 (1) Serve on the county school safety commission, if a county
- 12 school safety commission is established under section 10 of this
- 13 chapter.
- 14 (2) Participate each year in a number of days of school safety
- 15 training that the council determines.
- 16 (3) With the assistance of the county school safety commission,

1 if a county school safety commission is established under section
 2 10 of this chapter, develop a safety plan for each school in the
 3 school corporation.

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

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

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

14 Page 3, delete lines 1 through 33.

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

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

20 **Chapter 12. Designated School Protection Officers**

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

23 **(1) employed by a public school, including a charter school, or**
 24 **school corporation or who contracts with a school or school**
 25 **corporation;**

26 **(2) who meets all the guidelines established under**
 27 **IC 10-21-1-7(a); and**

28 **(3) who meets all guidelines implemented under emergency**
 29 **rules adopted under IC 10-21-1-7(b).**

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

32 **(1) a taser (as defined in IC 35-47-8-3);**

33 **(2) an electronic stun weapon (as defined in IC 35-47-8-1);**
 34 **and**

35 **(3) another device designed to temporarily incapacitate a**
 36 **person.**

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

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

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

3 **(1) each school shall have at least one (1) designated school**
4 **protection officer on the premises of the school during regular**
5 **school hours; and**

6 **(2) at least one (1) designated school protection officer on the**
7 **premises of the school must carry a weapon at all times**
8 **during regular school hours.**

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

12 **ARTICLE 21. SCHOOL SAFETY**

13 **Chapter 1. School Safety".**

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

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

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

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

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

22 **"(1) The executive director of the department of homeland**
23 **security or the executive director's designee. The executive**
24 **director of the department of homeland security or the**
25 **executive director's designee serves as the chairperson of the**
26 **board.".**

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

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

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

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

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

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

4 (2) The following amounts:

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

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

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

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

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

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

18 Page 6, delete lines 33 through 36.

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

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

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

26 (b) By October 1, 2013, the Indiana state board of education
27 shall adopt emergency rules in the manner provided under
28 IC 4-22-2-37.1 implementing the guidelines established under
29 subsection (a).

30 Sec. 8.".

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

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

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

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

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

38 Page 8, line 12, delete "solely".

- 1 Page 8, line 14, delete "solely".
- 2 Page 8, line 27, delete "develop and" and insert "**assist the school**
- 3 **corporation's school safety specialist with the development and**
- 4 **implementation of the"**.
- 5 Page 8, line 28, delete "implement a comprehensive local".
- 6 Page 8, line 28, delete "will do" and insert "**does"**.
- 7 Page 8, line 35, delete "in developing the" and insert "**when**
- 8 **assisting the school corporation's school safety specialist in the**
- 9 **development of the"**.
- 10 Page 8, line 36, delete "comprehensive local".
- 11 Page 8, delete lines 37 through 39.
- 12 Page 8, line 40, delete "(e)" and insert "**(d)"**.
- 13 Page 9, line 1, delete "comprehensive local".
- 14 Page 9, line 6, delete "property;" and insert "**property using the**
- 15 **reasonable suspicion standard;"**.
- 16 Page 9, line 7, after "firearm" delete ";" and insert "**on or off school**
- 17 **property;"**.
- 18 Page 9, line 11, delete "employing" and insert "**engaging"**.
- 19 Page 9, line 12, delete "school." and insert "**school or where the**
- 20 **school corporation or charter school's students reside."**.
- 21 Page 9, between lines 14 and 15, begin a new paragraph and insert:
- 22 "**Sec. 4. A school corporation or charter school may disclose**
- 23 **student information and records to a school resource officer, a law**
- 24 **enforcement agency, or an official of the juvenile justice system**
- 25 **without prior consent under the Family Education Rights and**
- 26 **Privacy Act (20 U.S.C. 1232g or 34 C.F.R. 9931(a)(5), 99.38).**
- 27 SECTION 6. IC 31-37-4-3, AS AMENDED BY P.L.126-2012,
- 28 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2013]: Sec. 3. (a) This section applies if a child is arrested or
- 30 taken into custody for allegedly committing an act that would be any of
- 31 the following crimes if committed by an adult:
- 32 (1) Murder (IC 35-42-1-1).
- 33 (2) Attempted murder (IC 35-41-5-1).
- 34 (3) Voluntary manslaughter (IC 35-42-1-3).
- 35 (4) Involuntary manslaughter (IC 35-42-1-4).
- 36 (5) Reckless homicide (IC 35-42-1-5).
- 37 (6) Aggravated battery (IC 35-42-2-1.5).
- 38 (7) Battery (IC 35-42-2-1).

- 1 (8) Kidnapping (IC 35-42-3-2).
- 2 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- 3 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 4 (11) Incest (IC 35-46-1-3).
- 5 (12) Robbery as a Class A felony or a Class B felony
- 6 (IC 35-42-5-1).
- 7 (13) Burglary as a Class A felony or a Class B felony
- 8 (IC 35-43-2-1).
- 9 (14) Carjacking (IC 35-42-5-2).
- 10 (15) Assisting a criminal as a Class C felony (IC 35-44.1-2-5).
- 11 (16) Escape (IC 35-44.1-3-4) as a Class B felony or Class C
- 12 felony.
- 13 (17) Trafficking with an inmate as a Class C felony
- 14 (IC 35-44.1-3-5).
- 15 (18) Causing death when operating a vehicle (IC 9-30-5-5).
- 16 (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- 17 (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- 18 (21) Possession, use, or manufacture of a weapon of mass
- 19 destruction (IC 35-47-12-1).
- 20 (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- 21 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 22 (24) A violation of IC 35-47.5 (controlled explosives) as a Class
- 23 A or Class B felony.
- 24 (25) A controlled substances offense under IC 35-48.
- 25 (26) A criminal gang offense under IC 35-45-9.
- 26 (b) If a child is taken into custody under this chapter for a crime or
- 27 act listed in subsection (a) **or a situation to which IC 12-26-4-1**
- 28 **applies**, the law enforcement agency that employs the law enforcement
- 29 officer who takes the child into custody shall notify the chief
- 30 administrative officer of the primary or secondary school, including a
- 31 public or nonpublic school, in which the child is enrolled or, if the
- 32 child is enrolled in a public school, the superintendent of the school
- 33 district in which the child is enrolled:
- 34 (1) that the child was taken into custody; and
- 35 (2) of the reason why the child was taken into custody.
- 36 (c) The notification under subsection (b) must occur within
- 37 forty-eight (48) hours after the child is taken into custody.
- 38 (d) A law enforcement agency may not disclose information that is

1 confidential under state or federal law to a school or school district
2 under this section.

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

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

10 (1) a police officer (including a correctional police officer),
11 sheriff, constable, marshal, prosecuting attorney, special
12 prosecuting attorney, special deputy prosecuting attorney, the
13 securities commissioner, or the inspector general;

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

15 (3) an investigator for a prosecuting attorney or for the inspector
16 general;

17 (4) a conservation officer;

18 (5) an enforcement officer of the alcohol and tobacco
19 commission; or

20 (6) an enforcement officer of the securities division of the office
21 of the secretary of state.

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

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

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

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

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

- 1 (2) forcibly resists, obstructs, or interferes with the authorized
 2 service or execution of a civil or criminal process or order of a
 3 court; or
 4 (3) flees from a law enforcement officer after the officer has, by
 5 visible or audible means, including operation of the law
 6 enforcement officer's siren or emergency lights, identified himself
 7 or herself and ordered the person to stop;
 8 commits resisting law enforcement, a Class A misdemeanor, except as
 9 provided in subsection (b).
- 10 (b) The offense under subsection (a) is a:
- 11 (1) Class D felony if:
- 12 (A) the offense is described in subsection (a)(3) and the person
 13 uses a vehicle to commit the offense; or
 14 (B) while committing any offense described in subsection (a),
 15 the person draws or uses a deadly weapon, inflicts bodily
 16 injury on or otherwise causes bodily injury to another person,
 17 or operates a vehicle in a manner that creates a substantial risk
 18 of bodily injury to another person;
- 19 (2) Class C felony if, while committing any offense described in
 20 subsection (a), the person operates a vehicle in a manner that
 21 causes serious bodily injury to another person;
- 22 (3) Class B felony if, while committing any offense described in
 23 subsection (a), the person operates a vehicle in a manner that
 24 causes the death of another person; and
- 25 (4) Class A felony if, while committing any offense described in
 26 subsection (a), the person operates a vehicle in a manner that
 27 causes the death of a law enforcement officer while the law
 28 enforcement officer is engaged in the officer's official duties.
- 29 ~~(c) For purposes of this section, a law enforcement officer includes~~
 30 ~~an enforcement officer of the alcohol and tobacco commission and a~~
 31 ~~conservation officer of the department of natural resources.~~
- 32 ~~(d)~~ (c) If a person uses a vehicle to commit a felony offense under
 33 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal
 34 penalty imposed for the offense, the court shall impose a minimum
 35 executed sentence of at least:
- 36 (1) thirty (30) days, if the person does not have a prior unrelated
 37 conviction under this section;
- 38 (2) one hundred eighty (180) days, if the person has one (1) prior

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

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

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

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

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

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

- 24 (1) A:
 - 25 (A) federal;
 - 26 (B) state; or
 - 27 (C) local;
- 28 law enforcement officer.
- 29 (2) A person who has been employed or authorized by:
 - 30 (A) a school; or
 - 31 (B) another person who owns or operates property being used
 - 32 by a school for a school function;
 - 33 to act as a security guard, perform or participate in a school
 - 34 function, or participate in any other activity authorized by a
 - 35 school.
- 36 (3) A person who:
 - 37 (A) may legally possess a firearm; and
 - 38 (B) possesses the firearm in a motor vehicle that is being

1 operated by the person to transport another person to or from
2 a school or a school function.

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

5 Renumber all SECTIONS consecutively.

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

and when so amended that said bill do pass.

Representative Behning