

Adopted	Rejected
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## COMMITTEE REPORT

YES:	16
NO:	7

### 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:*

- 1 Page 3, between lines 32 and 33, begin a new paragraph and insert:
- 2 "SECTION 4. IC 6-3-2-26 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 4 **JANUARY 1, 2013 (RETROACTIVE): Sec. 26. (a) This section**
- 5 **applies to taxable years beginning after December 31, 2012.**
- 6 **(b) As used in this section, "designated school protection**
- 7 **officer" has the meaning set forth in IC 10-19-12-1.**
- 8 **(c) As used in this section, "school" means a public school,**
- 9 **including one (1) or more schools that share a campus.**
- 10 **(d) An individual who serves as a designated school protection**
- 11 **officer in a taxable year is eligible for a deduction from the**
- 12 **individual's adjusted gross income for that taxable year under this**
- 13 **section if:**
- 14 **(1) in the case of an individual who is not otherwise employed**
- 15 **by the governing body operating the school, the individual**
- 16 **receives less than the federal minimum hourly wage for**

1 performing the duties of a designated school protection  
2 officer; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 14           **(1) Except as provided in guidelines adopted under**  
15 **IC 10-21-1-1-7(a)(3), have at least one (1) designated school**  
16 **protection officer on the premises of the school during regular**  
17 **school hours.**
- 18           **(2) Require at all times during regular school hours at least**  
19 **one (1) designated school protection officer on the premises of**  
20 **the school to carry a weapon.**
- 21           **(3) Each school shall ensure that the identity of a school**  
22 **protection officer who is not in a law enforcement uniform**  
23 **remains confidential.**

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

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

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

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

- 1 Page 5, line 8, delete "will:" and insert "**may:**".
- 2 Page 5, line 20, after "department" delete "." and insert "**of**
- 3 **homeland security.**".
- 4 Page 6, line 2, delete "seven (7)" and insert "**thirteen (13)**".
- 5 Page 6, between lines 18 and 19, begin a new line block indented
- 6 and insert:
- 7 **"(8) An adolescent development expert or pediatrician**
- 8 **appointed by the governor.**
- 9 **(9) A mental health professional appointed by the governor.**
- 10 **(10) A member of the senate appointed by the president pro**
- 11 **tempore of the senate.**
- 12 **(11) A member of the senate appointed by the minority leader**
- 13 **of the senate.**
- 14 **(12) A member of the house of representatives appointed by**
- 15 **the speaker of the house of representatives.**
- 16 **(13) A member of the house of representatives appointed by**
- 17 **the minority leader of the house of representatives."**
- 18 Page 7, line 33, delete "and".
- 19 Page 7, line 36, delete "risk." and insert "**risk;**".
- 20 Page 7, between lines 36 and 37, begin a new line block indented
- 21 and insert:
- 22 **"(3) acceptable practices regarding the unplanned**
- 23 **unavailability of a school protection officer on the school**
- 24 **premises during regular school hours; and**
- 25 **(4) procedures needed to ensure that IC 10-19-12-5(3) is**
- 26 **properly implemented."**
- 27 Page 7, line 41, after "department" insert "**of homeland security**".
- 28 Page 8, between lines 1 and 2, begin a new paragraph and insert:
- 29 **"Sec. 9. The board shall approve an application submitted by the**
- 30 **governing body of a public school for a waiver from the**
- 31 **requirement of having a designated school protection officer under**
- 32 **IC 10-19-12-5. The board shall prescribe the manner and form in**
- 33 **which an application may be submitted. An application for a**
- 34 **waiver is confidential."**
- 35 Page 10, line 9, delete "C.F.R." and insert "**CFR**".
- 36 Page 11, delete lines 23 through 42, begin a new paragraph and
- 37 insert:
- 38 **"SECTION 9. IC 34-31-10 IS ADDED TO THE INDIANA CODE**

1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2013]:

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

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

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

8 (2) "Public school" means:

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

10 (B) a charter school.

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

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

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

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

23 (1) a police officer (including a correctional police officer),  
24 sheriff, constable, marshal, prosecuting attorney, special  
25 prosecuting attorney, special deputy prosecuting attorney, the  
26 securities commissioner, or the inspector general;

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

28 (3) an investigator for a prosecuting attorney or for the inspector  
29 general;

30 (4) a conservation officer;

31 (5) an enforcement officer of the alcohol and tobacco  
32 commission;

33 (6) an enforcement officer of the securities division of the office  
34 of the secretary of state; or

35 (7) a gaming control officer employed by the gaming control  
36 division under IC 4-33-20.

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

- 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 Page 12, delete lines 1 through 6.
- 9 Renumber all SECTIONS consecutively.  
(Reference is to ESB 1 as printed April 2, 2013.)

**and when so amended that said bill do pass.**

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Representative Brown T