
HOUSE BILL No. 1331

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-2; IC 36-8-3.

Synopsis: Police reserve officers. Provides that a county, city, or town shall furnish without charge to a police reserve officer (officer) who is injured or contracts an illness in the course of or as the result of performing duties as an officer all necessary physician, surgical, hospital, and nursing services and supplies and that this obligation supersedes any obligations that another medical insurance carrier has to pay the officer's medical expenses. Provides that an officer who is unable to pursue the officer's usual vocation as the result of an injury or illness occurring in the course of or as the result of the performance of duties as an officer is entitled to receive a weekly amount equal to the Indiana minimum wage computed on the basis of a 40 hour workweek for a maximum of 260 weeks. Provides that an officer who dies from or is totally and permanently disabled as the result of an injury occurring in the course of or as the result of performing duties as an officer is entitled to receive at least \$150,000. Provides that, if a disability prevents an officer from performing any reasonable employment, a county, city, or town may pay a disability benefit for the life of the officer and coordinate its payments with the officer's other benefits. Provides that a county, city, or town may meet its obligations by purchasing policies of group insurance, establishing a plan of self-insurance, or participating in the medical treatment and burial expense provisions of the worker's compensation and occupational diseases law.

Effective: July 1, 2013.

Mayfield

January 17, 2013, read first time and referred to Committee on Veterans Affairs and Public Safety.

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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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HOUSE BILL No. 1331



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

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

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

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

17 (A) A constable.



- 1 (B) A special officer whose powers and duties are described
 2 in IC 36-8-3-7 or a special deputy whose powers and duties are
 3 described in IC 36-8-10-10.6.
 4 (C) A county police reserve officer who receives compensation
 5 for lake patrol duties under ~~IC 36-8-3-20(f)(4)~~.
 6 **IC 36-8-3-20(f)(3)**.
 7 (D) A conservation reserve officer who receives compensation
 8 for lake patrol duties under IC 14-9-8-27.
 9 (E) An employee of the gaming commission whose powers
 10 and duties are described in IC 4-32.2-9.
 11 (F) A correctional police officer described in IC 11-8-9.
 12 (2) "Board" means the law enforcement training board created by
 13 this chapter.
 14 (3) "Executive training program" means the police chief executive
 15 training program developed by the board under section 9 of this
 16 chapter.
 17 (4) "Law enforcement training council" means one (1) of the
 18 confederations of law enforcement agencies recognized by the
 19 board and organized for the sole purpose of sharing training,
 20 instructors, and related resources.
 21 (5) "Training regarding the lawful use of force" includes
 22 classroom and skills training in the proper application of hand to
 23 hand defensive tactics, use of firearms, and other methods of:
 24 (A) overcoming unlawful resistance; or
 25 (B) countering other action that threatens the safety of the
 26 public or a law enforcement officer.
 27 (6) "Hiring or appointing authority" means:
 28 (A) the chief executive officer, board, or other entity of a
 29 police department or agency with authority to appoint and hire
 30 law enforcement officers; or
 31 (B) the governor, mayor, board, or other entity with the
 32 authority to appoint a chief executive officer of a police
 33 department or agency.
 34 SECTION 2. IC 36-8-3-20 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 20. (a) This section
 36 applies to counties and towns as well as cities.
 37 (b) A unit may provide by ordinance for any number of police
 38 reserve officers.
 39 (c) Police reserve officers shall be appointed by the same authority
 40 that appoints regular members of the department.
 41 (d) Police reserve officers may be designated by another name
 42 specified by ordinance.

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1 (e) Police reserve officers may not be members of the regular police
2 department but have all of the same police powers as regular members,
3 except as limited by the rules of the department. Each department may
4 adopt rules to limit the authority of police reserve officers.

5 (f) To the extent that money is appropriated for a purpose listed in
6 this subsection, police reserve officers may receive any of the
7 following:

8 (1) A uniform allowance.

9 (2) Compensation for time lost from other employment because
10 of court appearances.

11 ~~(3) Insurance for life, accident, and sickness coverage.~~

12 ~~(4)~~ **(3)** In the case of county police reserve officers, compensation
13 for lake patrol duties that the county sheriff assigns and approves
14 for compensation.

15 (g) Police reserve officers are not eligible to participate in any
16 pension program provided for regular members of the department.

17 (h) A police reserve officer may not be appointed until he has
18 completed the training and probationary period specified by rules of the
19 department.

20 (i) A police reserve officer appointed by the department after June
21 30, 1993, may not:

22 (1) make an arrest;

23 (2) conduct a search or a seizure of a person or property; or

24 (3) carry a firearm;

25 unless the police reserve officer successfully completes a pre-basic
26 course under IC 5-2-1-9(f).

27 ~~(j) A police reserve officer may be covered by the medical treatment
28 and burial expense provisions of the worker's compensation law (IC
29 22-3-2 through IC 22-3-6) and the worker's occupational diseases law
30 (IC 22-3-7). If compensability of the injury is an issue, the
31 administrative procedures of IC 22-3-2 through IC 22-3-6 and
32 IC 22-3-7 shall be used to determine the issue.~~

33 ~~(k)~~ **(j)** A police reserve officer carrying out lake patrol duties under
34 this chapter is immune from liability under IC 34-30-12,
35 notwithstanding the payment of compensation to the officer.

36 **(k) A unit shall provide the coverage and pay the amounts
37 specified in sections 22, 23, and 24 of this chapter for a police
38 reserve officer who is injured or dies in the course of or as the
39 result of performing duties as a police reserve officer. A unit may
40 purchase policies of group insurance or establish a plan of
41 self-insurance to meet its obligations under sections 22, 23, and 24
42 of this chapter. Expenses incurred for premiums for insurance or**

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1 for other charges or expenses under sections 22, 23, and 24 of this
 2 chapter shall be paid out of the unit's general fund in the same
 3 manner as other expenses of the unit are paid.

4 SECTION 3. IC 36-8-3-22 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2013]: Sec. 22. (a) This section applies to a police reserve officer
 7 who after June 30, 2013, is injured or contracts an illness in the
 8 course of or as the result of performing duties as a police reserve
 9 officer.

10 (b) A unit shall furnish without charge to a police reserve officer
 11 the physician, surgical, hospital, and nursing services and supplies
 12 the physician or surgeon in charge determines is necessary,
 13 including:

- 14 (1) medical and surgical care;
- 15 (2) medicines and laboratory, curative, and palliative agents
 16 and means;
- 17 (3) x-ray, diagnostic, and therapeutic service, including during
 18 a recovery period; and
- 19 (4) hospital and special nursing care if the physician or
 20 surgeon in charge considers it necessary for proper recovery.

21 (c) A unit that has paid for the care of a police reserve officer
 22 under subsection (b) has a cause of action for reimbursement of the
 23 amount paid under subsection (b) against any third party against
 24 whom the police reserve officer has a cause of action for an injury
 25 sustained by or an illness caused by the third party. The unit's
 26 cause of action is in addition to, and not in lieu of, a cause of action
 27 of the police reserve officer against the third party.

28 (d) A unit's obligation under this section supersedes any
 29 obligations that another medical insurance carrier has to pay the
 30 police reserve officer's expenses.

31 (e) A unit may meet its obligation under this section by covering
 32 police reserve officers under the medical treatment and burial
 33 expense provisions of the worker's compensation law (IC 22-3-2
 34 through IC 22-3-6) and the worker's occupational diseases law
 35 (IC 22-3-7). If compensability of the injury is an issue, the
 36 administrative procedures of IC 22-3-2 through IC 22-3-6 and
 37 IC 22-3-7 shall be used to determine the issue.

38 SECTION 4. IC 36-8-3-23 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2013]: Sec. 23. (a) This section applies to a police reserve officer
 41 who after June 30, 2013, is unable to pursue the officer's usual
 42 vocation as the result of an injury or illness occurring in the course

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1 of or as the result of the performance of duties as a police reserve
2 officer.

3 (b) A unit shall pay a police reserve officer a weekly amount
4 that may not be less than the Indiana minimum wage computed on
5 the basis of a forty (40) hour workweek.

6 (c) A unit shall pay the police reserve officer the weekly amount
7 described in subsection (b) for the lesser of:

8 (1) the period the police reserve officer is unable to pursue the
9 officer's usual vocation; or

10 (2) two hundred sixty (260) weeks.

11 SECTION 5. IC 36-8-3-24 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2013]: Sec. 24. (a) This section applies to a police reserve officer
14 who after June 30, 2013, dies from or is totally and permanently
15 disabled as the result of an injury occurring in the course of or as
16 the result of performing duties as a police reserve officer.

17 (b) A unit shall pay an amount not less than one hundred fifty
18 thousand dollars (\$150,000) to the beneficiary, beneficiaries, or the
19 estate of a police reserve officer who dies from an injury occurring
20 in the course of or as the result of performing duties as a police
21 reserve officer.

22 (c) A unit shall pay an amount that totals not less than one
23 hundred fifty thousand dollars (\$150,000) to a police reserve
24 officer who becomes totally and permanently disabled for a
25 continuous period of at least two hundred sixty (260) weeks from
26 an injury occurring in the course of or as the result of performing
27 duties as a police reserve officer.

28 (d) For purposes of this section, a unit shall pay an amount
29 determined as a percentage of the whole person for a partial and
30 permanent disability or impairment.

31 (e) If a disability prevents a police reserve officer from
32 performing any reasonable employment, a unit may:

33 (1) pay a benefit amount under subsection (c) beyond two
34 hundred sixty (260) weeks for the life of a police reserve
35 officer; and

36 (2) coordinate the unit's payments with the police reserve
37 officer's other benefits.

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