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.

SENATE ENROLLED ACT No. 1

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 5-2-10.1-2 *(CURRENT VERSION)*, AS AMENDED BY P.L.106-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

(1) Promote school safety through the:

(A) use of dogs trained to detect drugs and illegal substances; and

~~(A) purchase of equipment for the detection of firearms and other weapons;~~

~~(B) use of dogs trained to detect firearms, drugs, explosives, and illegal substances; and~~

~~(C)~~ **(B)** purchase of other equipment and materials used to enhance the safety of schools.

(2) Combat truancy.

(3) Provide matching grants to schools for school safe haven programs.

(4) Provide grants for school safety and safety plans.

(5) Provide educational outreach and training to school personnel concerning:

(A) the identification of;

(B) the prevention of; and

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(C) intervention in;

bullying.

(b) The fund consists of amounts deposited:

(1) under IC 33-37-9-4; and

(2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:

(1) A grant for a safety plan.

(2) A safe haven grant requested under section 10 of this chapter.

(3) A safe haven grant requested under section 7 of this chapter.

(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

SECTION 2. IC 5-2-10.1-2 *(DELAYED VERSION),* AS AMENDED BY SEA 352-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

(1) Promote school safety through the:

(A) use of dogs trained to detect drugs and illegal substances; and

~~(A) purchase of equipment for the detection of firearms and other weapons;~~

~~(B) use of dogs trained to detect firearms, drugs, explosives, and illegal substances; and~~

~~(C)~~ **(B)** purchase of other equipment and materials used to enhance the safety of schools.

(2) Combat truancy.

(3) Provide matching grants to schools for school safe haven programs.

(4) Provide grants for school safety and safety plans.

(5) Provide educational outreach and training to school personnel concerning:

(A) the identification of;

(B) the prevention of; and

(C) intervention in;

bullying.

(6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:

(A) the identification of;

(B) the prevention of; and

(C) intervention in;

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criminal gang activities.

(b) The fund consists of amounts deposited:

(1) under IC 33-37-9-4; and

(2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:

(1) A grant for a safety plan.

(2) A safe haven grant requested under section 10 of this chapter.

(3) A safe haven grant requested under section 7 of this chapter.

(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

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

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

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

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

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

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

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

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

(d) A school safety plan:

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

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

(3) shall be filed with the county school safety commission

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under IC 5-2-10.1-10 if the county has established a county school safety commission.

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

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

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

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

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

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

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

(6) Representatives of community agencies that work with children within the county.

(7) A representative of the Indiana state police district that serves the county.

(8) A representative of the Prosecuting Attorneys Council of Indiana who specializes in the prosecution of juveniles.

(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2) in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to

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carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation in carrying out the school corporation's safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

(g) A commission shall receive the school safety plans described in IC 20-26-18.2-2(c) for the schools and school corporations located in the county. The commission may share the school safety plans with law enforcement agencies.

SECTION 5. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

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

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

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

(3) Methods to encourage:

(A) involvement by the community and students;

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

(C) use of problem solving teams.

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

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

ARTICLE 21. SCHOOL SAFETY

Chapter 1. School Safety

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

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

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

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

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

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

(A) a coalition of school corporations;

(B) a coalition of charter schools; or

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

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

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

Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations and charter schools to establish programs under which a school corporation or charter school (or a coalition of schools) may:

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

(A) local law enforcement agency;

(B) private entity; or

(C) nonprofit corporation;

to employ a school resource officer;

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

(3) purchase equipment and technology to:

(A) restrict access to school property; or

(B) expedite notification of first responders.

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

(c) The fund consists of:

(1) appropriations from the general assembly;

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

(3) federal grants; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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(c) The board shall establish criteria to be used in evaluating applications for matching grants from the fund. These criteria must:

(1) be consistent with the fund's goals; and

(2) provide for an equitable distribution of grants to school corporations and charter schools located throughout Indiana.

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

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

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

(2) The following amounts:

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

(i) has an ADM of at least one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

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

(i) has an ADM of less than one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

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

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

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

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

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(b) The application must include the following:

(1) A concise description of the school corporation's or charter school's security needs.

(2) The estimated cost of the program to the school corporation or charter school.

(3) The extent to which the school corporation or charter school has access to and support from a nearby law enforcement agency, if applicable.

(4) The ADM of the school corporation or charter school (or the combined ADM of the coalition of schools applying 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.

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(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) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;

(2) by one (1) or more school corporations or charter schools;

(3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or

(4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

(b) A contract or memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:

(1) Protects against outside threats to the physical safety of students.

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(2) Prevents unauthorized access to school property.

(3) Secures schools against violence and natural disasters.

(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

Sec. 3. (a) A school resource officer may:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property using the reasonable suspicion standard;

(3) carry a firearm on or off school property; and

(4) exercise other police powers with respect to the enforcement of Indiana laws.

(b) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

SECTION 8. IC 31-37-4-3, AS AMENDED BY P.L.126-2012, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Carjacking (IC 35-42-5-2).

(15) Assisting a criminal as a Class C felony (IC 35-44.1-2-5).

(16) Escape (IC 35-44.1-3-4) as a Class B felony or Class C

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felony.

(17) Trafficking with an inmate as a Class C felony (IC 35-44.1-3-5).

(18) Causing death when operating a vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.

(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.

(25) A controlled substances offense under IC 35-48.

(26) A criminal gang offense under IC 35-45-9.

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

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

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

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

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

Chapter 10.2. Indemnification: School Resource Officers

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

(1) "Public school" means:

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

(B) a charter school.

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

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Sec. 2. 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.

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

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

(2) a deputy of any of those persons;

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

(4) a conservation officer;

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

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

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

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

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

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

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

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

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

(3) flees from a law enforcement officer after the officer has, by

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visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

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

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

(1) Class D felony if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A:
(A) federal;
(B) state; or
(C) local;
law enforcement officer.

(2) A person who **may legally possess a firearm and who** has been ~~employed or~~ authorized by:
(A) ~~a school; or~~ **a school board (as defined by IC 20-26-9-4); or**
(B) ~~another person who owns or operates property being used by a school for a school function;~~ **the body that administers a charter school established under IC 20-24;**
to ~~act as a security guard, perform or participate in a school function, or participate in any other activity authorized by a school.~~ **carry a firearm in or on school property.**

(3) A person who:
(A) may legally possess a firearm; and
(B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

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

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

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possesses a firearm:

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

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

~~(3)~~ **(2)** on a school bus;

commits a Class D felony.

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

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

(c) The committee shall include the following members:

(1) An adolescent development expert or pediatrician.

(2) A mental health professional.

(3) A law enforcement official.

(4) A school principal or superintendent.

(d) The committee shall do the following:

(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 under IC 20-26-18.2-1(a)(2).

(3) Study any additional topics the legislative council considers necessary.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council. The committee shall submit a final report to the following:

(1) The legislative council, in an electronic format under IC 5-14-6.

(2) The governor.

(f) This SECTION expires December 31, 2013.

SECTION 15. **An emergency is declared for this act.**

C o p y

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

C o p y