



January 13, 2017

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## SENATE BILL No. 185

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DIGEST OF SB 185 (Updated January 11, 2017 1:10 pm - DI MV)

**Citations Affected:** IC 5-2; IC 11-12; IC 11-13.

**Synopsis:** Law enforcement training. Requires the following to complete a refresher course if inactive for a specified time: (1) Reserve police officers. (2) Law enforcement officers who paid their own tuition for law enforcement training. (3) Board certified law enforcement training instructors. Eliminates a provision regarding refresher courses for law enforcement officers in policy making positions. Allows the law enforcement training board to make certain modifications to in-service training without adopting administrative rules.

**Effective:** July 1, 2017.

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January 4, 2017, read first time and referred to Committee on Rules and Legislative Procedure.

January 12, 2017, amended; reassigned to Committee on Homeland Security and Transportation.

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SB 185—LS 6043/DI 13





January 13, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## SENATE BILL No. 185

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.117-2015,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 9. (a) The board shall adopt in accordance with  
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.  
5 The rules, which shall be adopted only after necessary and proper  
6 investigation and inquiry by the board, shall include the establishment  
7 of the following:  
8 (1) Minimum standards of physical, educational, mental, and  
9 moral fitness which shall govern the acceptance of any person for  
10 training by any law enforcement training school or academy  
11 meeting or exceeding the minimum standards established  
12 pursuant to this chapter.  
13 (2) Minimum standards for law enforcement training schools  
14 administered by towns, cities, counties, law enforcement training  
15 centers, agencies, or departments of the state.  
16 (3) Minimum standards for courses of study, attendance  
17 requirements, equipment, and facilities for approved town, city,

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- 1 county, and state law enforcement officer, police reserve officer,  
2 and conservation reserve officer training schools.
- 3 (4) Minimum standards for a course of study on cultural diversity  
4 awareness, including training on the U nonimmigrant visa created  
5 through the federal Victims of Trafficking and Violence  
6 Protection Act of 2000 (P.L. 106-386) that must be required for  
7 each person accepted for training at a law enforcement training  
8 school or academy. Cultural diversity awareness study must  
9 include an understanding of cultural issues related to race,  
10 religion, gender, age, domestic violence, national origin, and  
11 physical and mental disabilities.
- 12 (5) Minimum qualifications for instructors at approved law  
13 enforcement training schools.
- 14 (6) Minimum basic training requirements which law enforcement  
15 officers appointed to probationary terms shall complete before  
16 being eligible for continued or permanent employment.
- 17 (7) Minimum basic training requirements which law enforcement  
18 officers appointed on other than a permanent basis shall complete  
19 in order to be eligible for continued employment or permanent  
20 appointment.
- 21 (8) Minimum basic training requirements which law enforcement  
22 officers appointed on a permanent basis shall complete in order  
23 to be eligible for continued employment.
- 24 (9) Minimum basic training requirements for each person  
25 accepted for training at a law enforcement training school or  
26 academy that include six (6) hours of training in interacting with:  
27 (A) persons with autism, mental illness, addictive disorders,  
28 intellectual disabilities, and developmental disabilities;  
29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);  
30 and  
31 (C) persons with Alzheimer's disease or related senile  
32 dementia;
- 33 to be provided by persons approved by the secretary of family and  
34 social services and the board. The training must include an  
35 overview of the crisis intervention teams.
- 36 (10) Minimum standards for a course of study on human and  
37 sexual trafficking that must be required for each person accepted  
38 for training at a law enforcement training school or academy and  
39 for inservice training programs for law enforcement officers. The  
40 course must cover the following topics:  
41 (A) Examination of the human and sexual trafficking laws  
42 (IC 35-42-3.5).



- 1 (B) Identification of human and sexual trafficking.  
 2 (C) Communicating with traumatized persons.  
 3 (D) Therapeutically appropriate investigative techniques.  
 4 (E) Collaboration with federal law enforcement officials.  
 5 (F) Rights of and protections afforded to victims.  
 6 (G) Providing documentation that satisfies the Declaration of  
 7 Law Enforcement Officer for Victim of Trafficking in Persons  
 8 (Form I-914, Supplement B) requirements established under  
 9 federal law.  
 10 (H) The availability of community resources to assist human  
 11 and sexual trafficking victims.
- 12 (b) A law enforcement officer appointed after July 5, 1972, and  
 13 before July 1, 1993, may not enforce the laws or ordinances of the state  
 14 or any political subdivision unless the officer has, within one (1) year  
 15 from the date of appointment, successfully completed the minimum  
 16 basic training requirements established under this chapter by the board.  
 17 If a person fails to successfully complete the basic training  
 18 requirements within one (1) year from the date of employment, the  
 19 officer may not perform any of the duties of a law enforcement officer  
 20 involving control or direction of members of the public or exercising  
 21 the power of arrest until the officer has successfully completed the  
 22 training requirements. This subsection does not apply to any law  
 23 enforcement officer appointed before July 6, 1972, or after June 30,  
 24 1993.
- 25 (c) Military leave or other authorized leave of absence from law  
 26 enforcement duty during the first year of employment after July 6,  
 27 1972, shall toll the running of the first year, which shall be calculated  
 28 by the aggregate of the time before and after the leave, for the purposes  
 29 of this chapter.
- 30 (d) Except as provided in subsections (e), ~~(t)~~, ~~(r)~~, and ~~(s)~~, **(m)**, **(t)**,  
 31 **and (u)**, a law enforcement officer appointed to a law enforcement  
 32 department or agency after June 30, 1993, may not:
- 33 (1) make an arrest;  
 34 (2) conduct a search or a seizure of a person or property; or  
 35 (3) carry a firearm;
- 36 unless the law enforcement officer successfully completes, at a board  
 37 certified law enforcement academy or at a law enforcement training  
 38 center under section 10.5 or 15.2 of this chapter, the basic training  
 39 requirements established by the board under this chapter.
- 40 (e) This subsection does not apply to:  
 41 (1) a gaming agent employed as a law enforcement officer by the  
 42 Indiana gaming commission; or



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

4 designated by the securities commissioner as a police officer of  
5 the state under IC 23-19-6-1(k).

6 Before a law enforcement officer appointed after June 30, 1993,  
7 completes the basic training requirements, the law enforcement officer  
8 may exercise the police powers described in subsection (d) if the  
9 officer successfully completes the pre-basic course established in  
10 subsection (f). Successful completion of the pre-basic course authorizes  
11 a law enforcement officer to exercise the police powers described in  
12 subsection (d) for one (1) year after the date the law enforcement  
13 officer is appointed.

14 (f) The board shall adopt rules under IC 4-22-2 to establish a  
15 pre-basic course for the purpose of training:

16 (1) law enforcement officers;

17 (2) police reserve officers (as described in IC 36-8-3-20); and

18 (3) conservation reserve officers (as described in IC 14-9-8-27);

19 regarding the subjects of arrest, search and seizure, the lawful use of  
20 force, interacting with individuals with autism, and the operation of an  
21 emergency vehicle. The pre-basic course must be offered on a periodic  
22 basis throughout the year at regional sites statewide. The pre-basic  
23 course must consist of at least forty (40) hours of course work. The  
24 board may prepare the classroom part of the pre-basic course using  
25 available technology in conjunction with live instruction. The board  
26 shall provide the course material, the instructors, and the facilities at  
27 the regional sites throughout the state that are used for the pre-basic  
28 course. In addition, the board may certify pre-basic courses that may be  
29 conducted by other public or private training entities, including  
30 postsecondary educational institutions.

31 (g) **Subject to subsection (h)**, the board shall adopt rules under  
32 IC 4-22-2 to establish a mandatory inservice training program for  
33 police officers and police reserve officers (as described in  
34 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has  
35 satisfactorily completed basic training and has been appointed to a law  
36 enforcement department or agency on either a full-time or part-time  
37 basis is not eligible for continued employment unless the officer  
38 satisfactorily completes the mandatory inservice training requirements  
39 established by rules adopted by the board. Inservice training must  
40 include training in interacting with persons with mental illness,  
41 addictive disorders, intellectual disabilities, autism, developmental  
42 disabilities, and Alzheimer's disease or related senile dementia, to be



1 provided by persons approved by the secretary of family and social  
 2 services and the board, and training concerning human and sexual  
 3 trafficking and high risk missing persons (as defined in IC 5-2-17-1).  
 4 The board may approve courses offered by other public or private  
 5 training entities, including postsecondary educational institutions, as  
 6 necessary in order to ensure the availability of an adequate number of  
 7 inservice training programs. The board may waive an officer's inservice  
 8 training requirements if the board determines that the officer's reason  
 9 for lacking the required amount of inservice training hours is due to  
 10 either of the following: (1) an emergency situation or (2) the  
 11 unavailability of courses.

12 **(h) This subsection applies only to a mandatory inservice**  
 13 **training program under subsection (g). Notwithstanding subsection**  
 14 **(g), the board may, without adopting rules under IC 4-22-2, modify**  
 15 **the course work of a training subject matter, modify the number**  
 16 **of hours of training required within a particular subject matter, or**  
 17 **add a new subject matter, if the board satisfies the following**  
 18 **requirements:**

19 **(A) The board must conduct at least two (2) public**  
 20 **meetings on the proposed modification or addition.**

21 **(B) After approving the modification or addition at a**  
 22 **public meeting, the board must post notice of the**  
 23 **modification or addition on the Indiana law enforcement**  
 24 **academy's Internet web site at least thirty (30) days before**  
 25 **the modification or addition takes effect.**

26 **If the board does not satisfy the requirements of this**  
 27 **subsection, the modification or addition is void. This**  
 28 **subsection does not authorize the board to eliminate any**  
 29 **inservice training subject matter required under subsection**  
 30 **(g).**

31 ~~(h)~~ **(i) The board shall also adopt rules establishing a town marshal**  
 32 **basic training program, subject to the following:**

33 (1) The program must require fewer hours of instruction and class  
 34 attendance and fewer courses of study than are required for the  
 35 mandated basic training program.

36 (2) Certain parts of the course materials may be studied by a  
 37 candidate at the candidate's home in order to fulfill requirements  
 38 of the program.

39 (3) Law enforcement officers successfully completing the  
 40 requirements of the program are eligible for appointment only in  
 41 towns employing the town marshal system (IC 36-5-7) and having  
 42 not more than one (1) marshal and two (2) deputies.



- 1 (4) The limitation imposed by subdivision (3) does not apply to an  
 2 officer who has successfully completed the mandated basic  
 3 training program.
- 4 (5) The time limitations imposed by subsections (b) and (c) for  
 5 completing the training are also applicable to the town marshal  
 6 basic training program.
- 7 (6) The program must require training in interacting with  
 8 individuals with autism.
- 9 ~~(j)~~ **(j)** The board shall adopt rules under IC 4-22-2 to establish an  
 10 executive training program. The executive training program must  
 11 include training in the following areas:
- 12 (1) Liability.
- 13 (2) Media relations.
- 14 (3) Accounting and administration.
- 15 (4) Discipline.
- 16 (5) Department policy making.
- 17 (6) Lawful use of force.
- 18 (7) Department programs.
- 19 (8) Emergency vehicle operation.
- 20 (9) Cultural diversity.
- 21 ~~(j)~~ **(k)** A police chief shall apply for admission to the executive  
 22 training program within two (2) months of the date the police chief  
 23 initially takes office. A police chief must successfully complete the  
 24 executive training program within six (6) months of the date the police  
 25 chief initially takes office. However, if space in the executive training  
 26 program is not available at a time that will allow completion of the  
 27 executive training program within six (6) months of the date the police  
 28 chief initially takes office, the police chief must successfully complete  
 29 the next available executive training program that is offered after the  
 30 police chief initially takes office.
- 31 ~~(k)~~ **(l)** A police chief who fails to comply with subsection ~~(j)~~ **(k)**  
 32 may not continue to serve as the police chief until completion of the  
 33 executive training program. For the purposes of this subsection and  
 34 subsection ~~(j)~~ **(k)**, "police chief" refers to:
- 35 (1) the police chief of any city;
- 36 (2) the police chief of any town having a metropolitan police  
 37 department; and
- 38 (3) the chief of a consolidated law enforcement department  
 39 established under IC 36-3-1-5.1.
- 40 A town marshal is not considered to be a police chief for these  
 41 purposes, but a town marshal may enroll in the executive training  
 42 program.





1           ~~(h)~~ **(m)** A fire investigator in the division of fire and building safety  
2 appointed after December 31, 1993, is required to comply with the  
3 basic training standards established under this chapter.

4           ~~(m)~~ **(n)** The board shall adopt rules under IC 4-22-2 to establish a  
5 program to certify handgun safety courses, including courses offered  
6 in the private sector, that meet standards approved by the board for  
7 training probation officers in handgun safety as required by  
8 IC 11-13-1-3.5(3).

9           ~~(n)~~ **(o)** The board shall adopt rules under IC 4-22-2 to establish a  
10 refresher course for an officer who:

11           (1) is hired by an Indiana law enforcement department or agency  
12 as a law enforcement officer;

13           (2) has not been employed as a law enforcement officer for:

14               **(A)** at least two (2) years; and

15               **(B)** less than six (6) years before the officer is hired under  
16 subdivision (1); ~~due to the officer's resignation or retirement;~~  
17 and

18           (3) completed at any time a basic training course certified **or**  
19 **recognized** by the board before the officer is hired under  
20 subdivision (1).

21           ~~(o)~~ The board shall adopt rules under IC 4-22-2 to establish a  
22 refresher course for an officer who:

23           (1) is hired by an Indiana law enforcement department or agency  
24 as a law enforcement officer;

25           (2) has not been employed as a law enforcement officer for at  
26 least six (6) years and less than ten (10) years before the officer  
27 is hired under subdivision (1) due to the officer's resignation or  
28 retirement;

29           (3) is hired under subdivision (1) in an upper level policymaking  
30 position; and

31           (4) completed at any time a basic training course certified by the  
32 board before the officer is hired under subdivision (1):

33 A refresher course established under this subsection may not exceed  
34 one hundred twenty (120) hours of course work. All credit hours  
35 received for successfully completing the police chief executive training  
36 program under subsection (i) shall be applied toward the refresher  
37 course credit hour requirements.

38           (p) Subject to subsection (q); An officer to whom subsection (n) or  
39 (o) applies must successfully complete the refresher course described  
40 in subsection (n) or (o) not later than six (6) months after the officer's  
41 date of hire, or the officer loses the officer's powers of:

42           (1) arrest;



1 (2) search; and

2 (3) seizure.

3 (q) A law enforcement officer who has worked as a law enforcement  
4 officer for less than twenty-five (25) years before being hired under  
5 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course  
6 described in subsection (n) or (o) and must repeat the full basic training  
7 course to regain law enforcement powers. However, a law enforcement  
8 officer who has worked as a law enforcement officer for at least  
9 twenty-five (25) years before being hired under subsection (n)(1) or  
10 (o)(1) and who otherwise satisfies the requirements of subsection (n)  
11 or (o) is not required to repeat the full basic training course to regain  
12 law enforcement power but shall attend the refresher course described  
13 in subsection (n) or (o) and the pre-basic training course established  
14 under subsection (f):

15 (q) The board shall adopt rules under IC 4-22-2 to establish a  
16 refresher course for an officer who:

17 (1) is appointed by an Indiana law enforcement department  
18 or agency as a reserve police officer; and

19 (2) has not worked as a reserve police officer for at least two  
20 (2) years after:

21 (A) completing the pre-basic course; or

22 (B) leaving the individual's last appointment as a reserve  
23 police officer.

24 An officer to whom this subsection applies must successfully  
25 complete the refresher course established by the board in order to  
26 work as a reserve police officer.

27 (r) This subsection applies to an individual who, at the time the  
28 individual completes a board certified or recognized basic training  
29 course, has not been appointed as a law enforcement officer by an  
30 Indiana law enforcement department or agency. If the individual  
31 is not employed as a law enforcement officer for at least two (2)  
32 years after completing the basic training course, the individual  
33 must successfully retake and complete the basic training course as  
34 set forth in subsection (d).

35 (s) The board shall adopt rules under IC 4-22-2 to establish a  
36 refresher course for an individual who:

37 (1) is appointed as a board certified instructor of law  
38 enforcement training; and

39 (2) has not provided law enforcement training instruction for  
40 more than one (1) year after the date the individual's  
41 instructor certification expired.

42 An individual to whom this subsection applies must successfully



1 **complete the refresher course established by the board in order to**  
 2 **renew the individual's instructor certification.**

3 (†) (t) This subsection applies only to a gaming agent employed as  
 4 a law enforcement officer by the Indiana gaming commission. A  
 5 gaming agent appointed after June 30, 2005, may exercise the police  
 6 powers described in subsection (d) if:

7 (1) the agent successfully completes the pre-basic course  
 8 established in subsection (f); and

9 (2) the agent successfully completes any other training courses  
 10 established by the Indiana gaming commission in conjunction  
 11 with the board.

12 (†) (u) This subsection applies only to a securities enforcement  
 13 officer designated as a law enforcement officer by the securities  
 14 commissioner. A securities enforcement officer may exercise the police  
 15 powers described in subsection (d) if:

16 (1) the securities enforcement officer successfully completes the  
 17 pre-basic course established in subsection (f); and

18 (2) the securities enforcement officer successfully completes any  
 19 other training courses established by the securities commissioner  
 20 in conjunction with the board.

21 (†) (v) As used in this section, "upper level policymaking position"  
 22 refers to the following:

23 (1) If the authorized size of the department or town marshal  
 24 system is not more than ten (10) members, the term refers to the  
 25 position held by the police chief or town marshal.

26 (2) If the authorized size of the department or town marshal  
 27 system is more than ten (10) members but less than fifty-one (51)  
 28 members, the term refers to:

29 (A) the position held by the police chief or town marshal; and

30 (B) each position held by the members of the police  
 31 department or town marshal system in the next rank and pay  
 32 grade immediately below the police chief or town marshal.

33 (3) If the authorized size of the department or town marshal  
 34 system is more than fifty (50) members, the term refers to:

35 (A) the position held by the police chief or town marshal; and

36 (B) each position held by the members of the police  
 37 department or town marshal system in the next two (2) ranks  
 38 and pay grades immediately below the police chief or town  
 39 marshal.

40 (†) (w) This subsection applies only to a correctional police officer  
 41 employed by the department of correction. A correctional police officer  
 42 may exercise the police powers described in subsection (d) if:



1 (1) the officer successfully completes the pre-basic course  
2 described in subsection (f); and

3 (2) the officer successfully completes any other training courses  
4 established by the department of correction in conjunction with  
5 the board.

6 SECTION 2. IC 11-12-4-4, AS AMENDED BY P.L.117-2015,  
7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2017]: Sec. 4. (a) As used in this section, "jail officer" means  
9 a person whose duties include the daily or ongoing supervision of  
10 county jail inmates.

11 (b) A person may be confined in the county jail only if there is a jail  
12 officer stationed in the jail.

13 (c) A jail officer whose employment begins after December 31,  
14 1985, shall complete the training required by this section during the  
15 first year of employment. This subsection does not apply to a jail  
16 officer who:

17 (1) has successfully completed minimum basic training  
18 requirements (other than training completed under ~~IC 5-2-1-9(h)~~  
19 **IC 5-2-1-9(i)**) for law enforcement officers established by the law  
20 enforcement training board; or

21 (2) is a law enforcement officer and is exempt from the training  
22 requirements of IC 5-2-1. For purposes of this subdivision,  
23 completion of the training requirements of ~~IC 5-2-1-9(h)~~  
24 **IC 5-2-1-9(i)** does not exempt an officer from the minimum basic  
25 training requirements of IC 5-2-1.

26 (d) The law enforcement training board shall develop a forty (40)  
27 hour program for the specialized training of jail officers. The program  
28 training must include six (6) hours of training in interacting with  
29 persons with mental illness, addictive disorders, intellectual  
30 disabilities, and developmental disabilities, to be provided by persons  
31 approved by the secretary of family and social services and the law  
32 enforcement training board. The remainder of the training shall be  
33 provided by the board.

34 (e) The board shall certify each person who successfully completes  
35 such a training program.

36 (f) The department shall pay the cost of training each jail officer.

37 SECTION 3. IC 11-13-1-3.5 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3.5. A probation officer  
39 may not carry a handgun as described in IC 35-47-2-1 while acting in  
40 the scope of employment as a probation officer unless all of the  
41 following conditions are met:

42 (1) The appointing court enters an order authorizing the probation



- 1 officer to carry the handgun while on duty.
- 2 (2) The probation officer is issued a license to carry the handgun
- 3 under IC 35-47-2.
- 4 (3) The probation officer successfully completes a handgun safety
- 5 course certified by the law enforcement training board under
- 6 ~~IC 5-2-1-9(m)~~. **IC 5-2-1-9(n)**.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning State and Local Administration.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security and Transportation.

(Reference is to SB 185 as introduced.)

LONG, Chairperson

