

PROPOSED AMENDMENT

HB 1186 # 1

DIGEST

Jurisdiction matters. Adds police reserve officers and special deputies to provisions limiting police powers of certain law enforcement officers. Establishes jurisdiction requirements for school resource officers.

- 1 Page 14, delete lines 28 through 42, begin a new paragraph and
2 insert:
3 **"Sec. 1. This chapter applies only to a:**
4 **(1) law enforcement officer who has:**
5 **(A) completed:**
6 **(i) either the Tier II or Tier III program basic training**
7 **requirements established by the board; or**
8 **(ii) the pre-basic course established under IC 5-2-1-9(f)**
9 **and will complete the Tier II or Tier III program basic**
10 **training requirements within one (1) year from the date**
11 **the law enforcement officer is appointed; and**
12 **(B) not completed the Tier I program basic training**
13 **requirements established by the board or who is a Tier II**
14 **program graduate who will not successfully complete the**
15 **Tier I program established by the board within one (1)**
16 **year of the date the law enforcement officer is appointed to**
17 **a law enforcement agency that requires a law enforcement**
18 **officer to successfully complete a Tier I program in**
19 **accordance with 250 IAC 2-4-1(4);**
20 **(2) police reserve officer; and**
21 **(3) special deputy under IC 36-8-10-10.6."**
22 Page 15, delete lines 1 through 2.
23 Page 15, line 11, delete "Notwithstanding any other law and except"
24 and insert "**Except**".
25 Page 15, line 12, after "in" insert "**IC 36-8-3-20, IC 36-8-10-10.6,**
26 **and**".
27 Page 15, line 27, after "(b)" insert "**This subsection applies to a**

1 **law enforcement officer described in section 1(1) of this chapter."**

2 Page 15, between lines 35 and 36, begin a new paragraph and insert:

3 **"(c) This subsection applies to a law enforcement officer**
 4 **described in section 1(2) and 1(3) of this chapter. The appointing**
 5 **law enforcement agency may exercise police powers on behalf of**
 6 **another law enforcement agency or entity only if:**

7 **(1) the other law enforcement agency is authorized to appoint**
 8 **reserve police officers in accordance with IC 36-8-3-20 or**
 9 **special deputies in accordance with IC 36-8-10-10.6; and**

10 **(2) the appointing law enforcement agency enters into an**
 11 **agreement with the other law enforcement agency or entity**
 12 **that sets forth the extent of police powers the law enforcement**
 13 **officer may exercise."**

14 Page 16, between lines 6 and 7, begin a new paragraph and insert:

15 "SECTION 1. IC 20-26-18.2-3, AS ADDED BY P.L.172-2013,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2025]: Sec. 3. (a) A school resource officer may:

18 (1) make an arrest;

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

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

22 **(4) pursue a person who flees from a school resource officer**
 23 **after the school resource officer has, by visible or audible**
 24 **means, including the operation of the school resource officer's**
 25 **siren or emergency lights, identified themselves and order the**
 26 **person to stop; and**

27 ~~(4)~~ **(5) exercise other police powers with respect to the**
 28 **enforcement of Indiana laws.**

29 **(b) Except as provided in subsection (c), a school resource officer**
 30 **has jurisdiction in every county where the school corporation or charter**
 31 **school engaging the officer operates a school or where the school**
 32 **corporation or charter school's students reside. This subsection does not**
 33 **restrict the jurisdiction that a school resource officer may possess due**
 34 **to the officer's employment by a law enforcement agency.**

35 **(c) This subsection does not apply to a charter school. A school**
 36 **corporation may extend a school resource officer's territorial**
 37 **jurisdiction to the entire state, or to any part of the state, if:**

38 **(1) the governing body of the school corporation approves an**
 39 **action specifically describing the territorial jurisdiction of a**
 40 **school resource officer employed by a school corporation**

- 1 **under this chapter;**
 2 **(2) the governing body of the school corporation notifies the:**
 3 **(A) superintendent of the state police department;**
 4 **(B) sheriff of the county in which the school corporation is**
 5 **primarily located (or the chief of police of the consolidated**
 6 **city, if the school corporation is primarily located in a**
 7 **consolidated city);**
 8 **(C) county sheriff of any county located in the extended**
 9 **territorial jurisdiction; and**
 10 **(D) chief of police of any municipality located in the**
 11 **extended territorial jurisdiction;**
 12 **of the boundaries of the extended territorial jurisdiction; and**
 13 **(3) the effective date of the extended territorial jurisdiction**
 14 **occurs after July 1, 2025.**

15 **The school corporation shall provide the persons described in**
 16 **subdivision (2) with notice of the extended jurisdiction every two**
 17 **(2) years, by January 31 of the second year.**

18 **(d) If a school resource officer appointed under this chapter**
 19 **exercises the school resource officer's police powers outside of the**
 20 **county in which the school corporation is primarily located or the**
 21 **extended territorial jurisdiction, the school resource officer shall**
 22 **notify the sheriff (or, in the case of a consolidated city, the chief of**
 23 **police) as soon as practicable."**

24 Page 20, after line 15, begin a new paragraph and insert:

25 "SECTION 13. IC 36-8-3-20, AS AMENDED BY P.L.173-2023,
 26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2025]: Sec. 20. (a) This section applies to counties and towns
 28 as well as cities.

29 (b) A unit shall provide by ordinance the number of police reserve
 30 officers that the department may appoint.

31 (c) Police reserve officers shall be appointed by the same authority
 32 that appoints regular members of the department.

33 (d) Police reserve officers may be designated by another name
 34 specified by ordinance.

35 (e) **Subject to IC 10-10.5-5**, police reserve officers may not be
 36 members of the regular police department but have all of the same
 37 police powers as regular members, except as limited by the rules of the
 38 department. Each department may adopt rules to limit the authority of
 39 police reserve officers.

40 (f) To the extent that money is appropriated for a purpose listed in

1 this subsection, police reserve officers may receive any of the
2 following:

3 (1) A uniform allowance.

4 (2) Compensation for time lost from other employment because
5 of court appearances.

6 (3) In the case of county police reserve officers, compensation for
7 lake patrol duties that the county sheriff assigns and approves for
8 compensation.

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

11 (h) A police reserve officer may not be appointed until the officer
12 has completed the training and probationary period specified by rules
13 of the department.

14 (i) A police reserve officer appointed by the department after June
15 30, 1993, may not:

16 (1) make an arrest;

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

18 (3) carry a firearm;

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

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

24 (k) After June 30, 2015, a police reserve officer who has
25 satisfactorily completed pre-basic training and has been appointed to
26 a law enforcement department or agency on either a full-time or
27 part-time basis is not eligible for continued employment unless the
28 police reserve officer satisfactorily completes the mandatory inservice
29 training requirements established by rules adopted by the law
30 enforcement training board (created by IC 5-2-1-3). Inservice training
31 must include training in interacting with persons with mental illness,
32 addictive disorders, intellectual disabilities, autism, developmental
33 disabilities, and Alzheimer's disease or related senile dementia, to be
34 provided by persons approved by the secretary of family and social
35 services and the board. The inservice training must also concern human
36 and sexual trafficking and high risk missing persons (as defined in
37 IC 5-2-17-1). The board may approve courses offered by other public
38 or private training entities, including postsecondary educational
39 institutions, as necessary in order to ensure the availability of an
40 adequate number of inservice training programs. The board may waive

1 a police reserve officer's inservice training requirements if the board
 2 determines that the police reserve officer's reason for lacking the
 3 required amount of inservice training hours is due to either of the
 4 following:

- 5 (1) An emergency situation.
- 6 (2) The unavailability of courses.

7 (l) After December 31, 2017, a unit shall:

- 8 (1) provide the coverage specified in section 22 of this chapter;
- 9 and
- 10 (2) pay the amounts specified in section 23 of this chapter;

11 for a police reserve officer who is injured or contracts an illness in the
 12 course of or as the result of the performance of duties as a police
 13 reserve officer.

14 (m) A unit may purchase policies of group insurance or establish a
 15 plan of self-insurance to meet its obligations under section 22 or 23 of
 16 this chapter. The establishment of a self-insurance program under this
 17 subsection is subject to the approval of the unit's fiscal body. Expenses
 18 incurred for premiums for insurance or for other charges or expenses
 19 under sections 22 and 23 of this chapter shall be paid out of the unit's
 20 general fund in the same manner as other expenses of the unit are paid.

21 SECTION 14. IC 36-8-10-10.6, AS AMENDED BY P.L.114-2012,
 22 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2025]: Sec. 10.6. (a) The sheriff may appoint
 24 as a special deputy any person who is employed by a governmental
 25 entity as defined in IC 35-31.5-2-144 or private employer, the nature
 26 of which employment necessitates that the person have the powers of
 27 a law enforcement officer. **Subject to IC 10-10.5-5**, during the term of
 28 the special deputy's appointment and while the special deputy is
 29 fulfilling the specific responsibilities for which the appointment is
 30 made, a special deputy has the powers, privileges, and duties of a
 31 county police officer under this chapter, subject to any written
 32 limitations and specific requirements imposed by the sheriff and signed
 33 by the special deputy. A special deputy is subject to the direction of the
 34 sheriff and shall obey the rules and orders of the department. A special
 35 deputy may be removed by the sheriff at any time, without notice and
 36 without assigning any cause.

37 (b) The sheriff shall fix the prerequisites of training, education, and
 38 experience for special deputies, subject to the minimum requirements
 39 prescribed by this subsection. Applicants must:

- 40 (1) be twenty-one (21) years of age or older;

- 1 (2) never have been convicted of a felony, or a misdemeanor
 2 involving moral turpitude;
 3 (3) be of good moral character; and
 4 (4) have sufficient training to insure the proper performance of
 5 their authorized duties.

6 (c) Except as provided in subsection (d), a special deputy shall wear
 7 a uniform the design and color of which is easily distinguishable from
 8 the uniforms of the Indiana state police, the regular county police force,
 9 and all municipal police and fire forces located in the county.

10 (d) The sheriff may permit a special deputy to wear the uniform of
 11 the regular county police force if the special deputy:

- 12 (1) has successfully completed the minimum basic training
 13 requirements under IC 5-2-1;
 14 (2) is periodically assigned by the sheriff to duties of a regular
 15 county police officer; and
 16 (3) is an employee of the department.

17 The sheriff may revoke permission for the special deputy to wear the
 18 uniform of the regular county police force at any time without cause or
 19 notice.

20 (e) The sheriff may also appoint one (1) legal deputy, who must be
 21 a member of the Indiana bar. The legal deputy does not have police
 22 powers. The legal deputy may continue to practice law. However,
 23 neither the legal deputy nor any attorney in partnership with the legal
 24 deputy may represent a defendant in a criminal case.

25 (f) The sheriff, for the purpose of guarding prisoners in the county
 26 jail:

- 27 (1) in counties not having a consolidated city, may appoint special
 28 deputies to serve as county jail guards; and
 29 (2) in counties having a consolidated city, shall appoint only
 30 special deputies to serve as county jail guards.

31 This subsection does not affect the rights or liabilities accrued by any
 32 county police officer assigned to guard the jail before August 31,
 33 1982."

34 Renumber all SECTIONS consecutively.
 (Reference is to HB 1186 as introduced.)