

SENATE BILL No. 343

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2.

Synopsis: Law enforcement training requirements. Requires the law enforcement training board to adopt rules for minimum standards for a course of study on cultural sensitivity training, including training on the U nonimmigrant visa. Provides that a county law enforcement continuing education program: (1) shall provide to each law enforcement officer employed by the county; and (2) may provide to each law enforcement officer employed by a city or town law enforcement agency within the county; continuing education concerning the U nonimmigrant visa and continuing education concerning cultural diversity awareness that includes an understanding of certain cultural issues.

Effective: July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Homeland Security, Transportation, and Veterans Affairs.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 343



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 5-2-1-9, AS AMENDED BY P.L.205-2013,
- 2 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2014]: 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



1 requirements, equipment, and facilities for approved town, city,
2 county, and state law enforcement officer, police reserve officer,
3 and conservation reserve officer training schools.

4 (4) Minimum standards for a course of study on cultural diversity
5 awareness, **including training on the U nonimmigrant visa**
6 **created through the federal Victims of Trafficking and**
7 **Violence Protection Act of 2000 (P.L. 106-386)** that must be
8 required for each person accepted for training at a law
9 enforcement training school or academy. **Cultural diversity**
10 **awareness study must include an understanding of cultural**
11 **issues related to race, religion, gender, age, domestic violence,**
12 **national origin, and physical and mental disabilities.**

13 (5) Minimum qualifications for instructors at approved law
14 enforcement training schools.

15 (6) Minimum basic training requirements which law enforcement
16 officers appointed to probationary terms shall complete before
17 being eligible for continued or permanent employment.

18 (7) Minimum basic training requirements which law enforcement
19 officers appointed on other than a permanent basis shall complete
20 in order to be eligible for continued employment or permanent
21 appointment.

22 (8) Minimum basic training requirements which law enforcement
23 officers appointed on a permanent basis shall complete in order
24 to be eligible for continued employment.

25 (9) Minimum basic training requirements for each person
26 accepted for training at a law enforcement training school or
27 academy that include six (6) hours of training in interacting with:

28 (A) persons with autism, mental illness, addictive disorders,
29 mental retardation, and developmental disabilities;

30 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
31 and

32 (C) persons with Alzheimer's disease or related senile
33 dementia;

34 to be provided by persons approved by the secretary of family and
35 social services and the board.

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



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

- 9 (1) An emergency situation.
 10 (2) The unavailability of courses.

11 (h) The board shall also adopt rules establishing a town marshal
 12 basic training program, subject to the following:

- 13 (1) The program must require fewer hours of instruction and class
 14 attendance and fewer courses of study than are required for the
 15 mandated basic training program.
 16 (2) Certain parts of the course materials may be studied by a
 17 candidate at the candidate's home in order to fulfill requirements
 18 of the program.
 19 (3) Law enforcement officers successfully completing the
 20 requirements of the program are eligible for appointment only in
 21 towns employing the town marshal system (IC 36-5-7) and having
 22 not more than one (1) marshal and two (2) deputies.
 23 (4) The limitation imposed by subdivision (3) does not apply to an
 24 officer who has successfully completed the mandated basic
 25 training program.
 26 (5) The time limitations imposed by subsections (b) and (c) for
 27 completing the training are also applicable to the town marshal
 28 basic training program.
 29 (6) The program must require training in interacting with
 30 individuals with autism.

31 (i) The board shall adopt rules under IC 4-22-2 to establish an
 32 executive training program. The executive training program must
 33 include training in the following areas:

- 34 (1) Liability.
 35 (2) Media relations.
 36 (3) Accounting and administration.
 37 (4) Discipline.
 38 (5) Department policy making.
 39 (6) Lawful use of force.
 40 (7) Department programs.
 41 (8) Emergency vehicle operation.
 42 (9) Cultural diversity.



1 (j) A police chief shall apply for admission to the executive training
2 program within two (2) months of the date the police chief initially
3 takes office. A police chief must successfully complete the executive
4 training program within six (6) months of the date the police chief
5 initially takes office. However, if space in the executive training
6 program is not available at a time that will allow completion of the
7 executive training program within six (6) months of the date the police
8 chief initially takes office, the police chief must successfully complete
9 the next available executive training program that is offered after the
10 police chief initially takes office.

11 (k) A police chief who fails to comply with subsection (j) may not
12 continue to serve as the police chief until completion of the executive
13 training program. For the purposes of this subsection and subsection
14 (j), "police chief" refers to:

- 15 (1) the police chief of any city;
- 16 (2) the police chief of any town having a metropolitan police
17 department; and
- 18 (3) the chief of a consolidated law enforcement department
19 established under IC 36-3-1-5.1.

20 A town marshal is not considered to be a police chief for these
21 purposes, but a town marshal may enroll in the executive training
22 program.

23 (l) A fire investigator in the division of fire and building safety
24 appointed after December 31, 1993, is required to comply with the
25 basic training standards established under this chapter.

26 (m) The board shall adopt rules under IC 4-22-2 to establish a
27 program to certify handgun safety courses, including courses offered
28 in the private sector, that meet standards approved by the board for
29 training probation officers in handgun safety as required by
30 IC 11-13-1-3.5(3).

31 (n) The board shall adopt rules under IC 4-22-2 to establish a
32 refresher course for an officer who:

- 33 (1) is hired by an Indiana law enforcement department or agency
34 as a law enforcement officer;
- 35 (2) has not been employed as a law enforcement officer for at
36 least two (2) years and less than six (6) years before the officer is
37 hired under subdivision (1) due to the officer's resignation or
38 retirement; and
- 39 (3) completed at any time a basic training course certified by the
40 board before the officer is hired under subdivision (1).

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



- 1 (1) is hired by an Indiana law enforcement department or agency
 2 as a law enforcement officer;
 3 (2) has not been employed as a law enforcement officer for at
 4 least six (6) years and less than ten (10) years before the officer
 5 is hired under subdivision (1) due to the officer's resignation or
 6 retirement;
 7 (3) is hired under subdivision (1) in an upper level policymaking
 8 position; and
 9 (4) completed at any time a basic training course certified by the
 10 board before the officer is hired under subdivision (1).

11 A refresher course established under this subsection may not exceed
 12 one hundred twenty (120) hours of course work. All credit hours
 13 received for successfully completing the police chief executive training
 14 program under subsection (i) shall be applied toward the refresher
 15 course credit hour requirements.

16 (p) Subject to subsection (q), an officer to whom subsection (n) or
 17 (o) applies must successfully complete the refresher course described
 18 in subsection (n) or (o) not later than six (6) months after the officer's
 19 date of hire, or the officer loses the officer's powers of:

- 20 (1) arrest;
 21 (2) search; and
 22 (3) seizure.

23 (q) A law enforcement officer who has worked as a law enforcement
 24 officer for less than twenty-five (25) years before being hired under
 25 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course
 26 described in subsection (n) or (o) and must repeat the full basic training
 27 course to regain law enforcement powers. However, a law enforcement
 28 officer who has worked as a law enforcement officer for at least
 29 twenty-five (25) years before being hired under subsection (n)(1) or
 30 (o)(1) and who otherwise satisfies the requirements of subsection (n)
 31 or (o) is not required to repeat the full basic training course to regain
 32 law enforcement power but shall attend the refresher course described
 33 in subsection (n) or (o) and the pre-basic training course established
 34 under subsection (f).

35 (r) This subsection applies only to a gaming agent employed as a
 36 law enforcement officer by the Indiana gaming commission. A gaming
 37 agent appointed after June 30, 2005, may exercise the police powers
 38 described in subsection (d) if:

- 39 (1) the agent successfully completes the pre-basic course
 40 established in subsection (f); and
 41 (2) the agent successfully completes any other training courses
 42 established by the Indiana gaming commission in conjunction



1 with the board.

2 (s) This subsection applies only to a securities enforcement officer
3 designated as a law enforcement officer by the securities
4 commissioner. A securities enforcement officer may exercise the police
5 powers described in subsection (d) if:

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

8 (2) the securities enforcement officer successfully completes any
9 other training courses established by the securities commissioner
10 in conjunction with the board.

11 (t) As used in this section, "upper level policymaking position"
12 refers to the following:

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

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

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

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

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

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

26 (B) each position held by the members of the police
27 department or town marshal system in the next two (2) ranks
28 and pay grades immediately below the police chief or town
29 marshal.

30 (u) This subsection applies only to a correctional police officer
31 employed by the department of correction. A correctional police officer
32 may exercise the police powers described in subsection (d) if:

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

35 (2) the officer successfully completes any other training courses
36 established by the department of correction in conjunction with
37 the board.

38 SECTION 2. IC 5-2-8-1, AS AMENDED BY P.L.114-2012,
39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2014]: Sec. 1. (a) The following definitions apply in this
41 section:

42 (1) "Abuse" means:



- 1 (A) conduct that causes bodily injury (as defined in
 2 IC 35-31.5-2-29) or damage to property; or
 3 (B) a threat of conduct that would cause bodily injury (as
 4 defined in IC 35-31.5-2-29) or damage to property.
 5 (2) "County law enforcement agency" includes:
 6 (A) postsecondary educational institution police officers
 7 appointed under IC 21-17-5 or IC 21-39-4; and
 8 (B) school corporation police officers appointed under
 9 IC 20-26-16.
- 10 (b) There is established in each county a county law enforcement
 11 continuing education program. The program is funded by amounts
 12 appropriated under IC 33-37-8-4 or IC 33-37-8-6.
- 13 (c) A county law enforcement agency receiving amounts based upon
 14 claims for law enforcement continuing education funds under
 15 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
 16 county law enforcement continuing education fund.
- 17 (d) Distribution of money in the county law enforcement continuing
 18 education fund shall be made to a county law enforcement agency
 19 without the necessity of first obtaining an appropriation from the
 20 county fiscal body.
- 21 (e) Money in excess of one hundred dollars (\$100) that is
 22 unencumbered and remains in a county law enforcement continuing
 23 education fund for at least one (1) entire calendar year from the date of
 24 its deposit shall, at the end of a county's fiscal year, be deposited by the
 25 county auditor in the law enforcement training fund established under
 26 IC 5-2-1-13(b).
- 27 (f) To make a claim under IC 33-37-8-6, a law enforcement agency
 28 shall submit to the fiscal body a verified statement of cause numbers
 29 for fees collected that are attributable to the law enforcement efforts of
 30 that agency.
- 31 (g) A law enforcement agency shall submit a claim for fees under
 32 this section in the same county fiscal year in which the fees are
 33 collected under IC 33-37-4.
- 34 (h) A county law enforcement agency program shall provide to each
 35 law enforcement officer employed by the county and may provide to
 36 each law enforcement officer employed by a city or town law
 37 enforcement agency within the county continuing education concerning
 38 the following:
 39 (1) Duties of a law enforcement officer in enforcing restraining
 40 orders, protective orders, temporary injunctions, and permanent
 41 injunctions involving abuse.
 42 (2) Guidelines for making felony and misdemeanor arrests in



- 1 cases involving abuse.
- 2 (3) Techniques for handling incidents of abuse that:
- 3 (A) minimize the likelihood of injury to the law enforcement
- 4 officer; and
- 5 (B) promote the safety of a victim.
- 6 (4) Information about the nature and extent of abuse.
- 7 (5) Information about the legal rights of and remedies available
- 8 to victims of abuse, **including the U nonimmigrant visa created**
- 9 **under the federal Victims of Trafficking and Violence**
- 10 **Protection Act of 2000 (P.L. 106-386).**
- 11 (6) How to document and collect evidence in an abuse case.
- 12 (7) The legal consequences of abuse.
- 13 (8) The impact on children of law enforcement intervention in
- 14 abuse cases.
- 15 (9) Services and facilities available to victims of abuse and
- 16 abusers.
- 17 (10) Verification of restraining orders, protective orders,
- 18 temporary injunctions, and permanent injunctions.
- 19 (11) Policies concerning arrest or release of suspects in abuse
- 20 cases.
- 21 (12) Emergency assistance to victims of abuse and criminal
- 22 justice options for victims of abuse.
- 23 (13) Landlord-tenant concerns in abuse cases.
- 24 (14) The taking of an abused child into protective custody.
- 25 (15) Assessment of a situation in which a child may be seriously
- 26 endangered if the child is left in the child's home.
- 27 (16) Assessment of a situation involving an endangered adult (as
- 28 defined in IC 12-10-3-2).
- 29 (17) Response to a sudden, unexpected infant death.
- 30 (18) Performing cardiopulmonary resuscitation and the Heimlich
- 31 maneuver.
- 32 **(19) Cultural diversity awareness that includes an**
- 33 **understanding of cultural issues related to race, religion,**
- 34 **gender, age, domestic violence, national origin, and physical**
- 35 **and mental disabilities.**
- 36 (i) A county law enforcement agency may enter into an agreement with
- 37 other law enforcement agencies to provide the continuing education
- 38 required by this section and section 2(f) of this chapter.

