

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1132**

Citations Affected: IC 5-2-1; IC 11-8; IC 35-33-6-2; IC 35-41-1-17.

Synopsis: Department of correction and police powers. Conference committee report for EHB 1132. Authorizes the commissioner of the department of correction to appoint certain individuals as correctional police officers. Requires a correctional police officer to complete a pre-basic training course approved by the law enforcement training board and any other training course established by the department of correction in conjunction with the law enforcement training board. Grants correctional police officers police powers, but only: (1) in connection with offenses committed on the property of the department of correction; (2) in connection with an offense involving an offender who is committed to the department; (3) in connection with an offense committed in the presence of an officer; or (4) while assisting another law enforcement officer who has requested the assistance of the correctional police officer. Establishes the correctional peace officer's fund to provide monetary assistance, including tuition assistance, to a correctional employee or to a member of the family of a correctional employee. Specifies that the fund consists of: (1) grants; (2) donations; (3) employee contributions; and (4) appropriations made to the fund; and that monetary assistance may be paid from the fund to a correctional employee or to a member of the family of a correctional employee if the employee or employee's family member attends a postsecondary educational institution, the employee suffers a loss as the result of a natural disaster, or the employee is killed or injured in the line of duty. Prohibits an owner or agent of a store from asking a person to make a statement that acknowledges that the person shoplifted in the store or waives any of the person's legal rights if: (1) the person is less than 18 years of age; and (2) the person has not been afforded meaningful consultation with his or her parent, guardian, custodian, or guardian ad litem. Makes a technical correction. (The introduced version of this bill was prepared for the sentencing policy study committee.) **(This conference committee report: Removes a provision granting college or university police statewide jurisdiction. Prohibits an owner or agent of a store from asking a person to make a statement that acknowledges that the person shoplifted in the store or waives any of the person's legal rights if: (1) the person is less than 18 years of age; and (2) the person has not been afforded meaningful consultation with his or her parent, guardian, custodian, or guardian ad litem. Makes a technical correction.)**

Effective: July 1, 2009.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1132 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.2-2007,
3 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2009]: Sec. 2. For the purposes of this chapter, and unless the
5 context clearly denotes otherwise, the following definitions apply
6 throughout this chapter:
7 (1) "Law enforcement officer" means an appointed officer or
8 employee hired by and on the payroll of the state, any of the
9 state's political subdivisions, or a public or private postsecondary
10 educational institution whose board of trustees has established a
11 police department under IC 21-17-5-2 or IC 21-39-4-2 who is
12 granted lawful authority to enforce all or some of the penal laws
13 of the state of Indiana and who possesses, with respect to those
14 laws, the power to effect arrests for offenses committed in the
15 officer's or employee's presence. However, the following are
16 expressly excluded from the term "law enforcement officer" for
17 the purposes of this chapter:
18 (A) A constable.
19 (B) A special officer whose powers and duties are described
20 in IC 36-8-3-7 or a special deputy whose powers and duties are
21 described in IC 36-8-10-10.6.
22 (C) A county police reserve officer who receives compensation

- 1 for lake patrol duties under IC 36-8-3-20(f)(4).
 2 (D) A conservation reserve officer who receives compensation
 3 for lake patrol duties under IC 14-9-8-27.
 4 (E) An employee of the gaming commission whose powers
 5 and duties are described in IC 4-32.2-9.
 6 **(F) A correctional police officer described in IC 11-8-9.**
 7 (2) "Board" means the law enforcement training board created by
 8 this chapter.
 9 (3) "Advisory council" means the law enforcement advisory
 10 council created by this chapter.
 11 (4) "Executive training program" means the police chief executive
 12 training program developed by the board under section 9 of this
 13 chapter.
 14 (5) "Law enforcement training council" means one (1) of the
 15 confederations of law enforcement agencies recognized by the
 16 board and organized for the sole purpose of sharing training,
 17 instructors, and related resources.
 18 (6) "Training regarding the lawful use of force" includes
 19 classroom and skills training in the proper application of hand to
 20 hand defensive tactics, use of firearms, and other methods of:
 21 (A) overcoming unlawful resistance; or
 22 (B) countering other action that threatens the safety of the
 23 public or a law enforcement officer.
 24 (7) "Hiring or appointing authority" means:
 25 (A) the chief executive officer, board, or other entity of a
 26 police department or agency with authority to appoint and hire
 27 law enforcement officers; or
 28 (B) the governor, mayor, board, or other entity with the
 29 authority to appoint a chief executive officer of a police
 30 department or agency.
 31 SECTION 2. IC 5-2-1-9, AS AMENDED BY HEA 1198-2009,
 32 SECTION 14, AND AS AMENDED BY SEA 307-2009, SECTION 1,
 33 AND AS AMENDED BY HEA 1455-2009, SECTION 1, IS
 34 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:
 35 Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all
 36 necessary rules to carry out the provisions of this chapter. The rules,
 37 which shall be adopted only after necessary and proper investigation
 38 and inquiry by the board, shall include the establishment of the
 39 following:
 40 (1) Minimum standards of physical, educational, mental, and
 41 moral fitness which shall govern the acceptance of any person for
 42 training by any law enforcement training school or academy
 43 meeting or exceeding the minimum standards established
 44 pursuant to this chapter.
 45 (2) Minimum standards for law enforcement training schools
 46 administered by towns, cities, counties, law enforcement training
 47 centers, agencies, or departments of the state.
 48 (3) Minimum standards for courses of study, attendance
 49 requirements, equipment, and facilities for approved town, city,
 50 county, and state law enforcement officer, police reserve officer,
 51 and conservation reserve officer training schools.

- 1 (4) Minimum standards for a course of study on cultural diversity
 2 awareness that must be required for each person accepted for
 3 training at a law enforcement training school or academy.
- 4 (5) Minimum qualifications for instructors at approved law
 5 enforcement training schools.
- 6 (6) Minimum basic training requirements which law enforcement
 7 officers appointed to probationary terms shall complete before
 8 being eligible for continued or permanent employment.
- 9 (7) Minimum basic training requirements which law enforcement
 10 officers appointed on other than a permanent basis shall complete
 11 in order to be eligible for continued employment or permanent
 12 appointment.
- 13 (8) Minimum basic training requirements which law enforcement
 14 officers appointed on a permanent basis shall complete in order
 15 to be eligible for continued employment.
- 16 (9) Minimum basic training requirements for each person
 17 accepted for training at a law enforcement training school or
 18 academy that include six (6) hours of training in interacting with:
- 19 (A) persons with mental illness, addictive disorders, mental
 20 retardation, and developmental disabilities; and
- 21 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 22 to be provided by persons approved by the secretary of family and
 23 social services and the board.
- 24 (10) Minimum standards for a course of study on human and
 25 sexual trafficking that must be required for each person accepted
 26 for training at a law enforcement training school or academy and
 27 for inservice training programs for law enforcement officers. The
 28 course must cover the following topics:
- 29 (A) Examination of the human and sexual trafficking laws (IC
 30 35-42-3.5).
- 31 (B) Identification of human and sexual trafficking.
- 32 (C) Communicating with traumatized persons.
- 33 (D) Therapeutically appropriate investigative techniques.
- 34 (E) Collaboration with federal law enforcement officials.
- 35 (F) Rights of and protections afforded to victims.
- 36 (G) Providing documentation that satisfies the Declaration of
 37 Law Enforcement Officer for Victim of Trafficking in Persons
 38 (Form I-914, Supplement B) requirements established under
 39 federal law.
- 40 (H) The availability of community resources to assist human
 41 and sexual trafficking victims.
- 42 (b) Except as provided in subsection (l), a law enforcement officer
 43 appointed after July 5, 1972, and before July 1, 1993, may not enforce
 44 the laws or ordinances of the state or any political subdivision unless
 45 the officer has, within one (1) year from the date of appointment,
 46 successfully completed the minimum basic training requirements
 47 established under this chapter by the board. If a person fails to
 48 successfully complete the basic training requirements within one (1)
 49 year from the date of employment, the officer may not perform any of
 50 the duties of a law enforcement officer involving control or direction
 51 of members of the public or exercising the power of arrest until the

1 officer has successfully completed the training requirements. This
 2 subsection does not apply to any law enforcement officer appointed
 3 before July 6, 1972, or after June 30, 1993.

4 (c) Military leave or other authorized leave of absence from law
 5 enforcement duty during the first year of employment after July 6,
 6 1972, shall toll the running of the first year, which shall be calculated
 7 by the aggregate of the time before and after the leave, for the purposes
 8 of this chapter.

9 (d) Except as provided in subsections (e), (l), (r), and (s), a law
 10 enforcement officer appointed to a law enforcement department or
 11 agency after June 30, 1993, may not:

- 12 (1) make an arrest;
- 13 (2) conduct a search or a seizure of a person or property; or
- 14 (3) carry a firearm;

15 unless the law enforcement officer successfully completes, at a board
 16 certified law enforcement academy or at a law enforcement training
 17 center under section 10.5 or 15.2 of this chapter, the basic training
 18 requirements established by the board under this chapter.

19 (e) This subsection does not apply to:

- 20 (1) a gaming agent employed as a law enforcement officer by the
 21 Indiana gaming commission; or
- 22 (2) an:
 - 23 (A) attorney; or
 - 24 (B) investigator;

25 designated by the securities commissioner as a police officer of
 26 the state under IC 23-19-6-1(i).

27 Before a law enforcement officer appointed after June 30, 1993,
 28 completes the basic training requirements, the law enforcement officer
 29 may exercise the police powers described in subsection (d) if the
 30 officer successfully completes the pre-basic course established in
 31 subsection (f). Successful completion of the pre-basic course authorizes
 32 a law enforcement officer to exercise the police powers described in
 33 subsection (d) for one (1) year after the date the law enforcement
 34 officer is appointed.

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

- 37 (1) law enforcement officers;
- 38 (2) police reserve officers (as described in IC 36-8-3-20); and
- 39 (3) conservation reserve officers (as described in IC 14-9-8-27);

40 regarding the subjects of arrest, search and seizure, the lawful use of
 41 force, interacting with individuals with autism, and the operation of an
 42 emergency vehicle. The pre-basic course must be offered on a periodic
 43 basis throughout the year at regional sites statewide. The pre-basic
 44 course must consist of at least forty (40) hours of course work. The
 45 board may prepare the classroom part of the pre-basic course using
 46 available technology in conjunction with live instruction. The board
 47 shall provide the course material, the instructors, and the facilities at
 48 the regional sites throughout the state that are used for the pre-basic
 49 course. In addition, the board may certify pre-basic courses that may be
 50 conducted by other public or private training entities, including
 51 postsecondary educational institutions.

1 (g) The board shall adopt rules under IC 4-22-2 to establish a
2 mandatory inservice training program for police officers. After June 30,
3 1993, a law enforcement officer who has satisfactorily completed basic
4 training and has been appointed to a law enforcement department or
5 agency on either a full-time or part-time basis is not eligible for
6 continued employment unless the officer satisfactorily completes the
7 mandatory inservice training requirements established by rules adopted
8 by the board. Inservice training must include training in interacting
9 with persons with mental illness, addictive disorders, mental
10 retardation, and developmental disabilities, to be provided by persons
11 approved by the secretary of family and social services and the board,
12 and training concerning human and sexual trafficking. The board may
13 approve courses offered by other public or private training entities,
14 including postsecondary educational institutions, as necessary in order
15 to ensure the availability of an adequate number of inservice training
16 programs. The board may waive an officer's inservice training
17 requirements if the board determines that the officer's reason for
18 lacking the required amount of inservice training hours is due to either
19 of the following:

- 20 (1) An emergency situation.
- 21 (2) The unavailability of courses.

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

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

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

- 45 (1) Liability.
- 46 (2) Media relations.
- 47 (3) Accounting and administration.
- 48 (4) Discipline.
- 49 (5) Department policy making.
- 50 (6) Lawful use of force.
- 51 (7) Department programs.

1 (8) Emergency vehicle operation.

2 (9) Cultural diversity.

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

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

17 (1) the police chief of any city;

18 (2) the police chief of any town having a metropolitan police
19 department; and

20 (3) the chief of a consolidated law enforcement department
21 established under IC 36-3-1-5.1.

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

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

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

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

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

37 (2) has not been employed as a law enforcement officer for at
38 least two (2) years and less than six (6) years before the officer is
39 hired under subdivision (1) due to the officer's resignation or
40 retirement; and

41 (3) completed at any time a basic training course certified by the
42 board before the officer is hired under subdivision (1).

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

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

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

51 (3) is hired under subdivision (1) in an upper level policymaking

1 position; and
 2 (4) completed at any time a basic training course certified by the
 3 board before the officer is hired under subdivision (1).

4 A refresher course established under this subsection may not exceed
 5 one hundred twenty (120) hours of course work. All credit hours
 6 received for successfully completing the police chief executive training
 7 program under subsection (i) shall be applied toward the refresher
 8 course credit hour requirements.

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

- 13 (1) arrest;
- 14 (2) search; and
- 15 (3) seizure.

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

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

- 32 (1) the agent successfully completes the pre-basic course
 33 established in subsection (f); and
- 34 (2) the agent successfully completes any other training courses
 35 established by the Indiana gaming commission in conjunction
 36 with the board.

37 (s) This subsection applies only to a securities enforcement officer
 38 designated as a law enforcement officer by the securities
 39 commissioner. A securities enforcement officer may exercise the police
 40 powers described in subsection (d) if:

- 41 (1) the securities enforcement officer successfully completes the
 42 pre-basic course established in subsection (f); and
- 43 (2) the securities enforcement officer successfully completes any
 44 other training courses established by the securities commissioner
 45 in conjunction with the board.

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

- 48 (1) If the authorized size of the department or town marshal
 49 system is not more than ten (10) members, the term refers to the
 50 position held by the police chief or town marshal.
- 51 (2) If the authorized size of the department or town marshal

1 system is more than ten (10) members but less than fifty-one (51)
2 members, the term refers to:

- 3 (A) the position held by the police chief or town marshal; and
- 4 (B) each position held by the members of the police
- 5 department or town marshal system in the next rank and pay
- 6 grade immediately below the police chief or town marshal.

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

- 9 (A) the position held by the police chief or town marshal; and
- 10 (B) each position held by the members of the police
- 11 department or town marshal system in the next two (2) ranks
- 12 and pay grades immediately below the police chief or town
- 13 marshal.

14 **(u) This subsection applies only to a correctional police officer**
15 **employed by the department of correction. A correctional police**
16 **officer may exercise the police powers described in subsection (d)**
17 **if:**

- 18 **(1) the officer successfully completes the pre-basic course**
- 19 **described in subsection (f); and**
- 20 **(2) the officer successfully completes any other training**
- 21 **courses established by the department of correction in**
- 22 **conjunction with the board.**

23 SECTION 3. IC 11-8-2-5, AS AMENDED BY P.L.246-2005,
24 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2009]: Sec. 5. (a) The commissioner shall do the following:

- 26 (1) Organize the department and employ personnel necessary to
- 27 discharge the duties and powers of the department.
- 28 (2) Administer and supervise the department, including all state
- 29 owned or operated correctional facilities.
- 30 (3) Except for employees of the parole board, be the appointing
- 31 authority for all positions in the department within the scope of
- 32 IC 4-15-2 and define the duties of those positions in accord with
- 33 IC 4-15-2.
- 34 (4) Define the duties of a deputy commissioner and a
- 35 superintendent.
- 36 (5) Accept committed persons for study, evaluation,
- 37 classification, custody, care, training, and reintegration.
- 38 (6) Determine the capacity of all state owned or operated
- 39 correctional facilities and programs and keep all Indiana courts
- 40 having criminal or juvenile jurisdiction informed, on a quarterly
- 41 basis, of the populations of those facilities and programs.
- 42 (7) Utilize state owned or operated correctional facilities and
- 43 programs to accomplish the purposes of the department and
- 44 acquire or establish, according to law, additional facilities and
- 45 programs whenever necessary to accomplish those purposes.
- 46 (8) Develop policies, programs, and services for committed
- 47 persons, for administration of facilities, and for conduct of
- 48 employees of the department.
- 49 (9) Administer, according to law, the money or other property of
- 50 the department and the money or other property retained by the
- 51 department for committed persons.

- 1 (10) Keep an accurate and complete record of all department
 2 proceedings, which includes the responsibility for the custody and
 3 preservation of all papers and documents of the department.
 4 (11) Make an annual report to the governor according to
 5 subsection (c).
 6 (12) Develop, collect, and maintain information concerning
 7 offenders, sentencing practices, and correctional treatment as the
 8 commissioner considers useful in penological research or in
 9 developing programs.
 10 (13) Cooperate with and encourage public and private agencies
 11 and other persons in the development and improvement of
 12 correctional facilities, programs, and services.
 13 (14) Explain correctional programs and services to the public.
 14 (15) As required under 42 U.S.C. 15483, after January 1, 2006,
 15 provide information to the election division to coordinate the
 16 computerized list of voters maintained under IC 3-7-26.3 with
 17 department records concerning individuals disfranchised under
 18 IC 3-7-46.
- 19 (b) The commissioner may:
- 20 (1) when authorized by law, adopt departmental rules under
 21 IC 4-22-2;
 22 (2) delegate powers and duties conferred on the commissioner by
 23 law to a deputy commissioner or commissioners and other
 24 employees of the department;
 25 (3) issue warrants for the return of escaped committed persons (an
 26 employee of the department or any person authorized to execute
 27 warrants may execute a warrant issued for the return of an
 28 escaped person); and
 29 **(4) appoint personnel to be sworn in as correctional police**
 30 **officers; and**
 31 ~~(4)~~ **(5) exercise any other power reasonably necessary in**
 32 **discharging the commissioner's duties and powers.**
- 33 (c) The annual report of the department shall be transmitted to the
 34 governor by September 1 of each year and must contain:
- 35 (1) a description of the operation of the department for the fiscal
 36 year ending June 30;
 37 (2) a description of the facilities and programs of the department;
 38 (3) an evaluation of the adequacy and effectiveness of those
 39 facilities and programs considering the number and needs of
 40 committed persons or other persons receiving services; and
 41 (4) any other information required by law.
- 42 Recommendations for alteration, expansion, or discontinuance of
 43 facilities or programs, for funding, or for statutory changes may be
 44 included in the annual report.
- 45 SECTION 4. IC 11-8-2-14 IS ADDED TO THE INDIANA CODE
 46 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 47 1, 2009]: **Sec. 14. (a) The correctional peace officer's fund is**
 48 **established to provide monetary assistance, including tuition**
 49 **assistance, to a correctional employee or the family member of a**
 50 **correctional employee. Monetary assistance may be paid from the**
 51 **fund to the correctional employee or a family member of a**

- 1 **correctional employee if:**
- 2 (1) the employee or employee's family member attends a
- 3 postsecondary educational institution;
- 4 (2) the employee suffers a loss as the result of a natural
- 5 disaster; or
- 6 (3) the employee is killed or injured in the line of duty.
- 7 (b) The expenses of administering the fund shall be paid from
- 8 money in the fund.
- 9 (c) The fund consists of:
- 10 (1) grants;
- 11 (2) donations;
- 12 (3) employee contributions; and
- 13 (4) appropriations;
- 14 made to the fund.
- 15 (d) The treasurer of state shall invest the money in the fund not
- 16 currently needed to meet the obligations of the fund in the same
- 17 manner as other public money may be invested. Interest that
- 18 accrues from these investments shall be deposited in the fund.
- 19 (e) Money in the fund at the end of a state fiscal year does not
- 20 revert to the state general fund.
- 21 (f) Money in the fund is continually appropriated to carry out
- 22 the purposes of the fund.
- 23 SECTION 5. IC 11-8-9 IS ADDED TO THE INDIANA CODE AS
- 24 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 25 1, 2009]:
- 26 **Chapter 9. Correctional Police Officers**
- 27 **Sec. 1. The commissioner may appoint an individual to serve as**
- 28 **a correctional police officer. An individual appointed to serve as a**
- 29 **correctional police officer may not exercise police powers until the**
- 30 **individual successfully completes a program of instruction certified**
- 31 **by the department and the law enforcement training board.**
- 32 **Sec. 2. An individual appointed as a correctional police officer**
- 33 **under section 1 of this chapter shall take an appropriate oath of**
- 34 **office in the form and manner prescribed by the commissioner. A**
- 35 **correctional police officer serves at the pleasure of the**
- 36 **commissioner.**
- 37 **Sec. 3. Except as provided in section 4 of this chapter, a**
- 38 **correctional police officer may:**
- 39 (1) make an arrest;
- 40 (2) conduct a search or a seizure of a person or property;
- 41 (3) carry a firearm; and
- 42 (4) exercise other police powers with respect to the
- 43 enforcement of Indiana laws.
- 44 **Sec. 4. (a) A correctional police officer may not make an arrest,**
- 45 **conduct a search or a seizure of a person or property, or exercise**
- 46 **other police powers unless the arrest, search, seizure, or exercise**
- 47 **of other police powers is performed:**
- 48 (1) in connection with an offense committed on the property
- 49 of the department;
- 50 (2) in connection with an offense involving an offender who is
- 51 committed to the department;

- 1 **(3) in connection with an offense committed in the presence of**
 2 **the officer; or**
 3 **(4) while assisting another law enforcement officer who has**
 4 **requested the assistance of the correctional police officer.**

5 **(b) The commissioner may additionally limit the exercise of the**
 6 **powers described in subsection (a).**

7 SECTION 6. IC 35-33-6-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) An owner or
 9 agent of a store who has probable cause to believe that a theft has
 10 occurred or is occurring on or about the store and who has probable
 11 cause to believe that a specific person has committed or is committing
 12 the theft:

13 **(1) may:**

- 14 ~~(1)~~ **(A) detain the person and request the person to identify**
 15 **himself or herself;**
 16 ~~(2)~~ **(B) verify the identification;**
 17 ~~(3)~~ **(C) determine whether the person has in his the person's**
 18 **possession unpurchased merchandise taken from the store;**
 19 ~~(4)~~ **(D) inform the appropriate law enforcement officers; and**
 20 ~~(5)~~ **(E) inform the person's parents or others interested in the**
 21 **person's welfare that the person has been detained; but**

22 **(2) shall not ask the person to make a statement that**
 23 **acknowledges that the person committed the theft or**
 24 **conversion or waives any of the person's legal rights if:**

- 25 **(A) the person is less than eighteen (18) years of age; and**
 26 **(B) the person has not been afforded an opportunity to**
 27 **have a meaningful consultation with his or her parent,**
 28 **guardian, custodian, or guardian ad litem.**

29 **(b) A statement acknowledging that a child committed theft or**
 30 **conversion in violation of subdivision (a)(2) cannot be admitted as**
 31 **evidence against the child on the issue of whether the child**
 32 **committed a delinquent act or a crime.**

33 ~~(b)~~ **(c) The detention must:**

- 34 (1) be reasonable and last only for a reasonable time; and
 35 (2) not extend beyond the arrival of a law enforcement officer or
 36 two (2) hours, whichever first occurs.

37 SECTION 7. IC 35-41-1-17, AS AMENDED BY P.L.230-2007,
 38 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2009]: Sec. 17. (a) "Law enforcement officer" means:

- 40 (1) a police officer **(including a correctional police officer),**
 41 sheriff, constable, marshal, prosecuting attorney, special
 42 prosecuting attorney, special deputy prosecuting attorney, the
 43 securities commissioner, or the inspector general;
 44 (2) a deputy of any of those persons;
 45 (3) an investigator for a prosecuting attorney or for the inspector
 46 general;
 47 (4) a conservation officer;
 48 (5) an enforcement officer of the alcohol and tobacco
 49 commission; or
 50 (6) an enforcement officer of the securities division of the office
 51 of the secretary of state.

- 1 (b) "Federal enforcement officer" means any of the following:
2 (1) A Federal Bureau of Investigation special agent.
3 (2) A United States Marshals Service marshal or deputy.
4 (3) A United States Secret Service special agent.
5 (4) A United States Fish and Wildlife Service special agent.
6 (5) A United States Drug Enforcement Agency agent.
7 (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives
8 agent.
9 (7) A United States Forest Service law enforcement officer.
10 (8) A United States Department of Defense police officer or
11 criminal investigator.
12 (9) A United States Customs Service agent.
13 (10) A United States Postal Service investigator.
14 (11) A National Park Service law enforcement commissioned
15 ranger.
16 (12) United States Department of Agriculture, Office of Inspector
17 General special agent.
18 (13) A United States Citizenship and Immigration Services
19 special agent.
20 (14) An individual who is:
21 (A) an employee of a federal agency; and
22 (B) authorized to make arrests and carry a firearm in the
23 performance of the individual's official duties.

(Reference is to EHB 1132 as reprinted April 14, 2009.)

Conference Committee Report
on
Engrossed House Bill 1132

Signed by:

Representative Lawson L
Chairperson

Senator Bray

Representative Dermody

Senator Arnold

House Conferees

Senate Conferees