

## SENATE BILL No. 247

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-1-9.

**Synopsis:** Endangered adults and police training. Requires the law enforcement training board to provide training in interacting with missing endangered adults.

**Effective:** July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 247



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.128-2008,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: 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,



- 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 that must be required for each person accepted for
- 5 training at a law enforcement training school or academy.
- 6 (5) Minimum qualifications for instructors at approved law
- 7 enforcement training schools.
- 8 (6) Minimum basic training requirements which law enforcement
- 9 officers appointed to probationary terms shall complete before
- 10 being eligible for continued or permanent employment.
- 11 (7) Minimum basic training requirements which law enforcement
- 12 officers appointed on other than a permanent basis shall complete
- 13 in order to be eligible for continued employment or permanent
- 14 appointment.
- 15 (8) Minimum basic training requirements which law enforcement
- 16 officers appointed on a permanent basis shall complete in order
- 17 to be eligible for continued employment.
- 18 (9) Minimum basic training requirements for each person
- 19 accepted for training at a law enforcement training school or
- 20 academy that include six (6) hours of training in interacting with:
- 21 (A) persons with mental illness, addictive disorders, mental
- 22 retardation, and developmental disabilities; **and**
- 23 **(B) missing endangered adults (as defined in**
- 24 **IC 12-7-2-131.3);**
- 25 to be provided by persons approved by the secretary of family and
- 26 social services and the board.
- 27 (10) Minimum standards for a course of study on human and
- 28 sexual trafficking that must be required for each person accepted
- 29 for training at a law enforcement training school or academy and
- 30 for inservice training programs for law enforcement officers. The
- 31 course must cover the following topics:
- 32 (A) Examination of the human and sexual trafficking laws
- 33 (IC 35-42-3.5).
- 34 (B) Identification of human and sexual trafficking.
- 35 (C) Communicating with traumatized persons.
- 36 (D) Therapeutically appropriate investigative techniques.
- 37 (E) Collaboration with federal law enforcement officials.
- 38 (F) Rights of and protections afforded to victims.
- 39 (G) Providing documentation that satisfies the Declaration of
- 40 Law Enforcement Officer for Victim of Trafficking in Persons
- 41 (Form I-914, Supplement B) requirements established under
- 42 federal law.

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- 1 (H) The availability of community resources to assist human  
2 and sexual trafficking victims.
- 3 (b) Except as provided in subsection (l), a law enforcement officer  
4 appointed after July 5, 1972, and before July 1, 1993, may not enforce  
5 the laws or ordinances of the state or any political subdivision unless  
6 the officer has, within one (1) year from the date of appointment,  
7 successfully completed the minimum basic training requirements  
8 established under this chapter by the board. If a person fails to  
9 successfully complete the basic training requirements within one (1)  
10 year from the date of employment, the officer may not perform any of  
11 the duties of a law enforcement officer involving control or direction  
12 of members of the public or exercising the power of arrest until the  
13 officer has successfully completed the training requirements. This  
14 subsection does not apply to any law enforcement officer appointed  
15 before July 6, 1972, or after June 30, 1993.
- 16 (c) Military leave or other authorized leave of absence from law  
17 enforcement duty during the first year of employment after July 6,  
18 1972, shall toll the running of the first year, which shall be calculated  
19 by the aggregate of the time before and after the leave, for the purposes  
20 of this chapter.
- 21 (d) Except as provided in subsections (e), (l), (r), and (s), a law  
22 enforcement officer appointed to a law enforcement department or  
23 agency after June 30, 1993, may not:
- 24 (1) make an arrest;  
25 (2) conduct a search or a seizure of a person or property; or  
26 (3) carry a firearm;
- 27 unless the law enforcement officer successfully completes, at a board  
28 certified law enforcement academy or at a law enforcement training  
29 center under section 10.5 or 15.2 of this chapter, the basic training  
30 requirements established by the board under this chapter.
- 31 (e) This subsection does not apply to:
- 32 (1) a gaming agent employed as a law enforcement officer by the  
33 Indiana gaming commission; or  
34 (2) an:  
35 (A) attorney; or  
36 (B) investigator;  
37 designated by the securities commissioner as a police officer of  
38 the state under IC 23-2-1-15(i).
- 39 Before a law enforcement officer appointed after June 30, 1993,  
40 completes the basic training requirements, the law enforcement officer  
41 may exercise the police powers described in subsection (d) if the  
42 officer successfully completes the pre-basic course established in

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1 subsection (f). Successful completion of the pre-basic course authorizes  
 2 a law enforcement officer to exercise the police powers described in  
 3 subsection (d) for one (1) year after the date the law enforcement  
 4 officer is appointed.

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

7 (1) law enforcement officers;

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

9 (3) conservation reserve officers (as described in IC 14-9-8-27);  
 10 regarding the subjects of arrest, search and seizure, the lawful use of  
 11 force, and the operation of an emergency vehicle. The pre-basic course  
 12 must be offered on a periodic basis throughout the year at regional sites  
 13 statewide. The pre-basic course must consist of at least forty (40) hours  
 14 of course work. The board may prepare the classroom part of the  
 15 pre-basic course using available technology in conjunction with live  
 16 instruction. The board shall provide the course material, the instructors,  
 17 and the facilities at the regional sites throughout the state that are used  
 18 for the pre-basic course. In addition, the board may certify pre-basic  
 19 courses that may be conducted by other public or private training  
 20 entities, including postsecondary educational institutions.

21 (g) The board shall adopt rules under IC 4-22-2 to establish a  
 22 mandatory inservice training program for police officers. After June 30,  
 23 1993, a law enforcement officer who has satisfactorily completed basic  
 24 training and has been appointed to a law enforcement department or  
 25 agency on either a full-time or part-time basis is not eligible for  
 26 continued employment unless the officer satisfactorily completes the  
 27 mandatory inservice training requirements established by rules adopted  
 28 by the board. Inservice training must include training in interacting  
 29 with persons with mental illness, addictive disorders, mental  
 30 retardation, and developmental disabilities, to be provided by persons  
 31 approved by the secretary of family and social services and the board,  
 32 and training concerning human and sexual trafficking. The board may  
 33 approve courses offered by other public or private training entities,  
 34 including postsecondary educational institutions, as necessary in order  
 35 to ensure the availability of an adequate number of inservice training  
 36 programs. The board may waive an officer's inservice training  
 37 requirements if the board determines that the officer's reason for  
 38 lacking the required amount of inservice training hours is due to either  
 39 of the following:

40 (1) An emergency situation.

41 (2) The unavailability of courses.

42 (h) The board shall also adopt rules establishing a town marshal

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- 1 basic training program, subject to the following:
- 2 (1) The program must require fewer hours of instruction and class
- 3 attendance and fewer courses of study than are required for the
- 4 mandated basic training program.
- 5 (2) Certain parts of the course materials may be studied by a
- 6 candidate at the candidate's home in order to fulfill requirements
- 7 of the program.
- 8 (3) Law enforcement officers successfully completing the
- 9 requirements of the program are eligible for appointment only in
- 10 towns employing the town marshal system (IC 36-5-7) and having
- 11 not more than one (1) marshal and two (2) deputies.
- 12 (4) The limitation imposed by subdivision (3) does not apply to an
- 13 officer who has successfully completed the mandated basic
- 14 training program.
- 15 (5) The time limitations imposed by subsections (b) and (c) for
- 16 completing the training are also applicable to the town marshal
- 17 basic training program.
- 18 (i) The board shall adopt rules under IC 4-22-2 to establish an
- 19 executive training program. The executive training program must
- 20 include training in the following areas:
- 21 (1) Liability.
- 22 (2) Media relations.
- 23 (3) Accounting and administration.
- 24 (4) Discipline.
- 25 (5) Department policy making.
- 26 (6) Lawful use of force.
- 27 (7) Department programs.
- 28 (8) Emergency vehicle operation.
- 29 (9) Cultural diversity.
- 30 (j) A police chief shall apply for admission to the executive training
- 31 program within two (2) months of the date the police chief initially
- 32 takes office. A police chief must successfully complete the executive
- 33 training program within six (6) months of the date the police chief
- 34 initially takes office. However, if space in the executive training
- 35 program is not available at a time that will allow completion of the
- 36 executive training program within six (6) months of the date the police
- 37 chief initially takes office, the police chief must successfully complete
- 38 the next available executive training program that is offered after the
- 39 police chief initially takes office.
- 40 (k) A police chief who fails to comply with subsection (j) may not
- 41 continue to serve as the police chief until completion of the executive
- 42 training program. For the purposes of this subsection and subsection

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1 (j), "police chief" refers to:  
 2 (1) the police chief of any city;  
 3 (2) the police chief of any town having a metropolitan police  
 4 department; and  
 5 (3) the chief of a consolidated law enforcement department  
 6 established under IC 36-3-1-5.1.

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

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

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

18 (n) The board shall adopt rules under IC 4-22-2 to establish a  
 19 refresher course for an officer who:  
 20 (1) is hired by an Indiana law enforcement department or agency  
 21 as a law enforcement officer;  
 22 (2) has not been employed as a law enforcement officer for at  
 23 least two (2) years and less than six (6) years before the officer is  
 24 hired under subdivision (1) due to the officer's resignation or  
 25 retirement; and  
 26 (3) completed at any time a basic training course certified by the  
 27 board before the officer is hired under subdivision (1).

28 (o) The board shall adopt rules under IC 4-22-2 to establish a  
 29 refresher course for an officer who:  
 30 (1) is hired by an Indiana law enforcement department or agency  
 31 as a law enforcement officer;  
 32 (2) has not been employed as a law enforcement officer for at  
 33 least six (6) years and less than ten (10) years before the officer  
 34 is hired under subdivision (1) due to the officer's resignation or  
 35 retirement;  
 36 (3) is hired under subdivision (1) in an upper level policymaking  
 37 position; and  
 38 (4) completed at any time a basic training course certified by the  
 39 board before the officer is hired under subdivision (1).

40 A refresher course established under this subsection may not exceed  
 41 one hundred twenty (120) hours of course work. All credit hours  
 42 received for successfully completing the police chief executive training

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1 program under subsection (i) shall be applied toward the refresher  
2 course credit hour requirements.

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

- 7 (1) arrest;
- 8 (2) search; and
- 9 (3) seizure.

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

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

- 26 (1) the agent successfully completes the pre-basic course  
27 established in subsection (f); and
- 28 (2) the agent successfully completes any other training courses  
29 established by the Indiana gaming commission in conjunction  
30 with the board.

31 (s) This subsection applies only to a securities enforcement officer  
32 designated as a law enforcement officer by the securities  
33 commissioner. A securities enforcement officer may exercise the police  
34 powers described in subsection (d) if:

- 35 (1) the securities enforcement officer successfully completes the  
36 pre-basic course established in subsection (f); and
- 37 (2) the securities enforcement officer successfully completes any  
38 other training courses established by the securities commissioner  
39 in conjunction with the board.

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

- 42 (1) If the authorized size of the department or town marshal

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1 system is not more than ten (10) members, the term refers to the  
2 position held by the police chief or town marshal.  
3 (2) If the authorized size of the department or town marshal  
4 system is more than ten (10) members but less than fifty-one (51)  
5 members, the term refers to:  
6 (A) the position held by the police chief or town marshal; and  
7 (B) each position held by the members of the police  
8 department or town marshal system in the next rank and pay  
9 grade immediately below the police chief or town marshal.  
10 (3) If the authorized size of the department or town marshal  
11 system is more than fifty (50) members, the term refers to:  
12 (A) the position held by the police chief or town marshal; and  
13 (B) each position held by the members of the police  
14 department or town marshal system in the next two (2) ranks  
15 and pay grades immediately below the police chief or town  
16 marshal.

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