



February 6, 2023

HOUSE BILL No. 1625

DIGEST OF HB 1625 (Updated February 6, 2023 11:01 am - DI 140)

Citations Affected: IC 5-2; IC 5-10; IC 9-13; IC 9-17; IC 9-22; IC 10-13; IC 10-14; IC 13-17; IC 14-8; IC 14-33; IC 35-47; IC 36-8.

Synopsis: Various public safety matters. Provides that a conservancy district (district) in which each director of the board has been elected to the board may employ a district marshal or deputy district marshal. Provides that the law enforcement training board shall adopt rules establishing a town marshal and conservancy district marshal basic training program. (Current law provides that the law enforcement training board shall adopt rules establishing a town marshal basic training program.) Provides that the district marshal is the chief police officer of the district and has the powers of other law enforcement officers in enforcing laws. Adds a district marshal or deputy district marshal to certain definitions of "police officer", "officer", or "law enforcement officer". Provides that after obtaining an initial permit or authorization to conduct fire training exercises, a fire department, including a volunteer fire department, is not required to obtain subsequent permits or authorization from the department of environmental management or a unit of local government before conducting fire training exercises located at the same location authorized in the initial permit or authorization. Makes conforming and technical amendments.

Effective: July 1, 2023.

Bartels, Lucas

January 19, 2023, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 6, 2023, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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February 6, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1625

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 THE TECHNICAL
2 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
4 Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all
5 necessary rules to carry out the provisions of this chapter. The rules,
6 which shall be adopted only after necessary and proper investigation
7 and inquiry by the board, shall include the establishment of the
8 following:
9 (1) A consistent and uniform statewide deadly force policy and
10 training program, that is consistent with state and federal law.
11 Upon adoption by the law enforcement training board, the policy
12 and training program must be implemented, without modification,
13 by all Indiana law enforcement agencies, offices, or departments.
14 (2) A consistent and uniform statewide defensive tactics policy
15 and training program, that is consistent with state and federal law.
16 Upon adoption by the law enforcement training board, the policy
17 and training program must be implemented, without modification,

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- 1 by all Indiana law enforcement agencies, offices, or departments.
2 (3) A uniform statewide minimum standard for vehicle pursuits
3 consistent with state and federal law.
4 (4) Minimum standards of physical, educational, mental, and
5 moral fitness which shall govern the acceptance of any person for
6 training by any law enforcement training school or academy
7 meeting or exceeding the minimum standards established
8 pursuant to this chapter.
9 (5) Minimum standards for law enforcement training schools
10 administered by towns, cities, counties, law enforcement training
11 centers, agencies, or departments of the state.
12 (6) Minimum standards for courses of study, attendance
13 requirements, equipment, and facilities for approved town, city,
14 county, and state law enforcement officer, police reserve officer,
15 and conservation reserve officer training schools.
16 (7) Minimum standards for a course of study on cultural diversity
17 awareness, including training on the U nonimmigrant visa created
18 through the federal Victims of Trafficking and Violence
19 Protection Act of 2000 (P.L. 106-386) that must be required for
20 each person accepted for training at a law enforcement training
21 school or academy. Cultural diversity awareness study must
22 include an understanding of cultural issues related to race,
23 religion, gender, age, domestic violence, national origin, and
24 physical and mental disabilities.
25 (8) Minimum qualifications for instructors at approved law
26 enforcement training schools.
27 (9) Minimum basic training requirements which law enforcement
28 officers appointed to probationary terms shall complete before
29 being eligible for continued or permanent employment.
30 (10) Minimum basic training requirements which law
31 enforcement officers appointed on other than a permanent basis
32 shall complete in order to be eligible for continued employment
33 or permanent appointment.
34 (11) Minimum basic training requirements which law
35 enforcement officers appointed on a permanent basis shall
36 complete in order to be eligible for continued employment.
37 (12) Minimum basic training requirements for each person
38 accepted for training at a law enforcement training school or
39 academy that include six (6) hours of training in interacting with:
40 (A) persons with autism, mental illness, addictive disorders,
41 intellectual disabilities, and developmental disabilities;
42 (B) missing endangered adults (as defined in IC 12-7-2-131.3);



1 and
 2 (C) persons with Alzheimer's disease or related senile
 3 dementia;
 4 to be provided by persons approved by the secretary of family and
 5 social services and the board. The training must include an
 6 overview of the crisis intervention teams.
 7 (13) Minimum standards for a course of study on human and
 8 sexual trafficking that must be required for each person accepted
 9 for training at a law enforcement training school or academy and
 10 for inservice training programs for law enforcement officers. The
 11 course must cover the following topics:
 12 (A) Examination of the human and sexual trafficking laws (IC
 13 35-42-3.5).
 14 (B) Identification of human and sexual trafficking.
 15 (C) Communicating with traumatized persons.
 16 (D) Therapeutically appropriate investigative techniques.
 17 (E) Collaboration with federal law enforcement officials.
 18 (F) Rights of and protections afforded to victims.
 19 (G) Providing documentation that satisfies the Declaration of
 20 Law Enforcement Officer for Victim of Trafficking in Persons
 21 (Form I-914, Supplement B) requirements established under
 22 federal law.
 23 (H) The availability of community resources to assist human
 24 and sexual trafficking victims.
 25 (14) Minimum standards for ongoing specialized, intensive, and
 26 integrative training for persons responsible for investigating
 27 sexual assault cases involving adult victims. This training must
 28 include instruction on:
 29 (A) the neurobiology of trauma;
 30 (B) trauma informed interviewing; and
 31 (C) investigative techniques.
 32 (15) Minimum standards for de-escalation training. De-escalation
 33 training shall be taught as a part of existing use-of-force training
 34 and not as a separate topic.
 35 (16) Minimum standards regarding best practices for crowd
 36 control, protests, and First Amendment activities.
 37 All statewide policies and minimum standards shall be documented in
 38 writing and published on the **Indiana law enforcement academy**
 39 (ILEA) website. Any policy, standard, or training program
 40 implemented, adopted, or promulgated by a vote of the board may only
 41 subsequently be modified or rescinded by a two-thirds (2/3) majority
 42 vote of the board.



1 (b) A law enforcement officer appointed after July 5, 1972, and
 2 before July 1, 1993, may not enforce the laws or ordinances of the state
 3 or any political subdivision unless the officer has, within one (1) year
 4 from the date of appointment, successfully completed the minimum
 5 basic training requirements established under this chapter by the board.
 6 If a person fails to successfully complete the basic training
 7 requirements within one (1) year from the date of employment, the
 8 officer may not perform any of the duties of a law enforcement officer
 9 involving control or direction of members of the public or exercising
 10 the power of arrest until the officer has successfully completed the
 11 training requirements. This subsection does not apply to any law
 12 enforcement officer appointed before July 6, 1972, or after June 30,
 13 1993.

14 (c) Military leave or other authorized leave of absence from law
 15 enforcement duty during the first year of employment after July 6,
 16 1972, shall toll the running of the first year, which shall be calculated
 17 by the aggregate of the time before and after the leave, for the purposes
 18 of this chapter.

19 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 20 enforcement officer appointed to a law enforcement department or
 21 agency after June 30, 1993, may not:

- 22 (1) make an arrest;
- 23 (2) conduct a search or a seizure of a person or property; or
- 24 (3) carry a firearm;

25 unless the law enforcement officer successfully completes, at a board
 26 certified law enforcement academy or at a law enforcement training
 27 center under section 10.5 or 15.2 of this chapter, the basic training
 28 requirements established by the board under this chapter.

29 (e) This subsection does not apply to:

- 30 (1) a gaming agent employed as a law enforcement officer by the
 31 Indiana gaming commission; or
- 32 (2) an:
 - 33 (A) attorney; or
 - 34 (B) investigator;

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

37 Before a law enforcement officer appointed after June 30, 1993,
 38 completes the basic training requirements, the law enforcement officer
 39 may exercise the police powers described in subsection (d) if the
 40 officer successfully completes the pre-basic course established in
 41 subsection (f). Successful completion of the pre-basic course authorizes
 42 a law enforcement officer to exercise the police powers described in



1 subsection (d) for one (1) year after the date the law enforcement
2 officer is appointed.

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

5 (1) law enforcement officers;

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

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

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

20 (g) Subject to subsection (h), the board shall adopt rules under
21 IC 4-22-2 to establish a mandatory inservice training program for
22 police officers and police reserve officers (as described in
23 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
24 satisfactorily completed basic training and has been appointed to a law
25 enforcement department or agency on either a full-time or part-time
26 basis is not eligible for continued employment unless the officer
27 satisfactorily completes the mandatory inservice training requirements
28 established by rules adopted by the board. Inservice training must
29 include de-escalation training. Inservice training must also include
30 training in interacting with persons with mental illness, addictive
31 disorders, intellectual disabilities, autism, developmental disabilities,
32 and Alzheimer's disease or related senile dementia, to be provided by
33 persons approved by the secretary of family and social services and the
34 board, and training concerning human and sexual trafficking and high
35 risk missing persons (as defined in IC 5-2-17-1). The board may
36 approve courses offered by other public or private training entities,
37 including postsecondary educational institutions, as necessary in order
38 to ensure the availability of an adequate number of inservice training
39 programs. The board may waive an officer's inservice training
40 requirements if the board determines that the officer's reason for
41 lacking the required amount of inservice training hours is due to either
42 an emergency situation or the unavailability of courses.



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

7 (1) The board must conduct at least two (2) public meetings on
 8 the proposed modification or addition.

9 (2) After approving the modification or addition at a public
 10 meeting, the board must post notice of the modification or
 11 addition on the Indiana law enforcement academy's ~~Internet web~~
 12 **site website** at least thirty (30) days before the modification or
 13 addition takes effect.

14 If the board does not satisfy the requirements of this subsection, the
 15 modification or addition is void. This subsection does not authorize the
 16 board to eliminate any inservice training subject matter required under
 17 subsection (g).

18 (i) The board shall also adopt rules establishing a town marshal **and**
 19 **conservancy district marshal** basic training program, subject to the
 20 following:

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

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

27 (3) Law enforcement officers successfully completing the
 28 requirements of the program are eligible for appointment only in
 29 towns employing the town marshal system (IC 36-5-7) **or a**
 30 **conservancy district that employs a conservancy district**
 31 **marshal under IC 14-33-25** and having not more than one (1)
 32 marshal and two (2) deputies.

33 (4) The limitation imposed by subdivision (3) does not apply to an
 34 officer who has successfully completed the mandated basic
 35 training program.

36 (5) The time limitations imposed by subsections (b) and (c) for
 37 completing the training are also applicable to the ~~town~~ marshal
 38 basic training program.

39 (6) The program must require training in interacting with
 40 individuals with autism.

41 (j) The board shall adopt rules under IC 4-22-2 to establish an
 42 executive training program. The executive training program must



- 1 include training in the following areas:
- 2 (1) Liability.
- 3 (2) Media relations.
- 4 (3) Accounting and administration.
- 5 (4) Discipline.
- 6 (5) Department policy making.
- 7 (6) Lawful use of force and de-escalation training.
- 8 (7) Department programs.
- 9 (8) Emergency vehicle operation.
- 10 (9) Cultural diversity.
- 11 (k) A police chief shall apply for admission to the executive training
- 12 program within two (2) months of the date the police chief initially
- 13 takes office. A police chief must successfully complete the executive
- 14 training program within six (6) months of the date the police chief
- 15 initially takes office. However, if space in the executive training
- 16 program is not available at a time that will allow completion of the
- 17 executive training program within six (6) months of the date the police
- 18 chief initially takes office, the police chief must successfully complete
- 19 the next available executive training program that is offered after the
- 20 police chief initially takes office.
- 21 (l) A police chief who fails to comply with subsection (k) may not
- 22 continue to serve as the police chief until completion of the executive
- 23 training program. For the purposes of this subsection and subsection
- 24 (k), "police chief" refers to:
- 25 (1) the police chief of any city;
- 26 (2) the police chief of any town having a metropolitan police
- 27 department; and
- 28 (3) the chief of a consolidated law enforcement department
- 29 established under IC 36-3-1-5.1.
- 30 A town marshal **or a conservancy district marshal** is not considered
- 31 to be a police chief for these purposes, but a town marshal **or a**
- 32 **conservancy district marshal** may enroll in the executive training
- 33 program.
- 34 (m) A fire investigator in the department of homeland security
- 35 appointed after December 31, 1993, is required to comply with the
- 36 basic training standards established under this chapter.
- 37 (n) The board shall adopt rules under IC 4-22-2 to establish a
- 38 program to certify handgun safety courses, including courses offered
- 39 in the private sector, that meet standards approved by the board for
- 40 training probation officers in handgun safety as required by
- 41 IC 11-13-1-3.5(2).
- 42 (o) The board shall adopt rules under IC 4-22-2 to establish a



- 1 refresher course for an officer who:
- 2 (1) is hired by an Indiana law enforcement department or agency
- 3 as a law enforcement officer;
- 4 (2) has not been employed as a law enforcement officer for:
- 5 (A) at least two (2) years; and
- 6 (B) less than six (6) years before the officer is hired under
- 7 subdivision (1); and
- 8 (3) completed at any time a basic training course certified or
- 9 recognized by the board before the officer is hired under
- 10 subdivision (1).
- 11 (p) An officer to whom subsection (o) applies must successfully
- 12 complete the refresher course described in subsection (o) not later than
- 13 six (6) months after the officer's date of hire, or the officer loses the
- 14 officer's powers of:
- 15 (1) arrest;
- 16 (2) search; and
- 17 (3) seizure.
- 18 (q) The board shall adopt rules under IC 4-22-2 to establish a
- 19 refresher course for an officer who:
- 20 (1) is appointed by an Indiana law enforcement department or
- 21 agency as a reserve police officer; and
- 22 (2) has not worked as a reserve police officer for at least two (2)
- 23 years after:
- 24 (A) completing the pre-basic course; or
- 25 (B) leaving the individual's last appointment as a reserve
- 26 police officer.
- 27 An officer to whom this subsection applies must successfully complete
- 28 the refresher course established by the board in order to work as a
- 29 reserve police officer.
- 30 (r) This subsection applies to an individual who, at the time the
- 31 individual completes a board certified or recognized basic training
- 32 course, has not been appointed as a law enforcement officer by an
- 33 Indiana law enforcement department or agency. If the individual is not
- 34 employed as a law enforcement officer for at least two (2) years after
- 35 completing the basic training course, the individual must successfully
- 36 retake and complete the basic training course as set forth in subsection
- 37 (d).
- 38 (s) The board shall adopt rules under IC 4-22-2 to establish a
- 39 refresher course for an individual who:
- 40 (1) is appointed as a board certified instructor of law enforcement
- 41 training; and
- 42 (2) has not provided law enforcement training instruction for



- 1 more than one (1) year after the date the individual's instructor
 2 certification expired.
- 3 An individual to whom this subsection applies must successfully
 4 complete the refresher course established by the board in order to
 5 renew the individual's instructor certification.
- 6 (t) This subsection applies only to a gaming agent employed as a
 7 law enforcement officer by the Indiana gaming commission. A gaming
 8 agent appointed after June 30, 2005, may exercise the police powers
 9 described in subsection (d) if:
- 10 (1) the agent successfully completes the pre-basic course
 11 established in subsection (f); and
 12 (2) the agent successfully completes any other training courses
 13 established by the Indiana gaming commission in conjunction
 14 with the board.
- 15 (u) This subsection applies only to a securities enforcement officer
 16 designated as a law enforcement officer by the securities
 17 commissioner. A securities enforcement officer may exercise the police
 18 powers described in subsection (d) if:
- 19 (1) the securities enforcement officer successfully completes the
 20 pre-basic course established in subsection (f); and
 21 (2) the securities enforcement officer successfully completes any
 22 other training courses established by the securities commissioner
 23 in conjunction with the board.
- 24 (v) As used in this section, "upper level policymaking position"
 25 refers to the following:
- 26 (1) If the authorized size of the department or town marshal
 27 system is not more than ten (10) members, the term refers to the
 28 position held by the police chief or town marshal.
- 29 (2) If the authorized size of the department or town marshal
 30 system is more than ten (10) members but less than fifty-one (51)
 31 members, the term refers to:
- 32 (A) the position held by the police chief or town marshal; and
 33 (B) each position held by the members of the police
 34 department or town marshal system in the next rank and pay
 35 grade immediately below the police chief or town marshal.
- 36 (3) If the authorized size of the department or town marshal
 37 system is more than fifty (50) members, the term refers to:
- 38 (A) the position held by the police chief or town marshal; and
 39 (B) each position held by the members of the police
 40 department or town marshal system in the next two (2) ranks
 41 and pay grades immediately below the police chief or town
 42 marshal.



1 ~~(w)~~ (v) This subsection applies only to a correctional police officer
 2 employed by the department of correction. A correctional police officer
 3 may exercise the police powers described in subsection (d) if:

- 4 (1) the officer successfully completes the pre-basic course
 5 described in subsection (f); and
 6 (2) the officer successfully completes any other training courses
 7 established by the department of correction in conjunction with
 8 the board.

9 ~~(x)~~ (w) This subsection applies only to the sexual assault training
 10 described in subsection (a)(14). The board shall:

- 11 (1) consult with experts on the neurobiology of trauma, trauma
 12 informed interviewing, and investigative techniques in developing
 13 the sexual assault training; and
 14 (2) develop the sexual assault training and begin offering the
 15 training not later than July 1, 2022.

16 ~~(y)~~ (x) After July 1, 2023, a law enforcement officer who regularly
 17 investigates sexual assaults involving adult victims must complete the
 18 training requirements described in subsection (a)(14) within one (1)
 19 year of being assigned to regularly investigate sexual assaults involving
 20 adult victims.

21 ~~(z)~~ (y) A law enforcement officer who regularly investigates sexual
 22 assaults involving adult victims may complete the training
 23 requirements described in subsection (a)(14) by attending a:

- 24 (1) statewide or national training; or
 25 (2) department hosted local training.

26 ~~(aa)~~ (z) Notwithstanding any other provisions of this section, the
 27 board is authorized to establish certain required standards of training
 28 and procedure.

29 SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.119-2022,
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: Sec. 4. As used in this chapter, "public safety officer"
 32 means any of the following:

- 33 (1) A state police officer.
 34 (2) A county sheriff.
 35 (3) A county police officer.
 36 (4) A correctional officer.
 37 (5) An excise police officer.
 38 (6) A county police reserve officer.
 39 (7) A city or town police reserve officer.
 40 (8) A conservation enforcement officer.
 41 (9) A town marshal.
 42 (10) A deputy town marshal.



- 1 **(11) A conservancy district marshal.**
 2 **(12) A deputy conservancy district marshal.**
 3 ~~(11)~~ **(13)** A probation officer.
 4 ~~(12)~~ **(14)** A state educational institution police officer appointed
 5 under IC 21-39-4.
 6 ~~(13)~~ **(15)** A police officer whose employer purchases coverage
 7 under section 4.5 of this chapter.
 8 ~~(14)~~ **(16)** An emergency medical services provider (as defined in
 9 IC 16-41-10-1) who is:
 10 (A) employed by a political subdivision (as defined in
 11 IC 36-1-2-13); and
 12 (B) not eligible for a special death benefit under IC 36-8-6-20,
 13 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
 14 ~~(15)~~ **(17)** A firefighter who is employed by the fire department of
 15 a state university.
 16 ~~(16)~~ **(18)** A firefighter whose employer purchases coverage under
 17 section 4.5 of this chapter.
 18 ~~(17)~~ **(19)** A member of a consolidated law enforcement
 19 department established under IC 36-3-1-5.1.
 20 ~~(18)~~ **(20)** A gaming agent of the Indiana gaming commission.
 21 ~~(19)~~ **(21)** A person who is:
 22 (A) employed by a political subdivision (as defined in
 23 IC 36-1-2-13); and
 24 (B) appointed as a special deputy under IC 36-8-10-10.6.
 25 ~~(20)~~ **(22)** A school corporation police officer appointed under
 26 IC 20-26-16.
 27 ~~(21)~~ **(23)** A gaming control officer of the Indiana gaming
 28 commission.
 29 ~~(22)~~ **(24)** An eligible chaplain who meets the requirements of
 30 section 4.7 of this chapter.
 31 ~~(23)~~ **(25)** A community corrections officer.
 32 ~~(24)~~ **(26)** An eligible emergency medical services provider who
 33 meets the requirements of section 4.8 of this chapter.
 34 ~~(25)~~ **(27)** An emergency medical services provider whose
 35 employer purchases coverage under section 4.9 of this chapter.
 36 ~~(26)~~ **(28)** An emergency management worker (as defined in
 37 IC 10-14-3-3), including:
 38 (A) an employee of the Indiana department of homeland
 39 security who is working in an official capacity as an employee
 40 during a disaster or an emergency response; or
 41 (B) an employee of a political subdivision who is employed as:
 42 (i) an emergency management director;



1 (ii) an assistant emergency management director; or
 2 (iii) a deputy emergency management director;
 3 for the political subdivision.
 4 ~~(27)~~ **(29)** A division fire investigator (as described in
 5 IC 22-14-2-8).
 6 ~~(28)~~ **(30)** A school resource officer (as defined in
 7 IC 20-26-18.2-1) who is not otherwise entitled to a line of duty
 8 benefit under:
 9 (A) IC 36-8-6-20;
 10 (B) IC 36-8-7.5-22; or
 11 (C) IC 36-8-8-20;
 12 while acting as a school resource officer.
 13 ~~(29)~~ **(31)** A county coroner.
 14 ~~(30)~~ **(32)** A deputy county coroner.
 15 SECTION 3. IC 5-10-13-2, AS AMENDED BY P.L.178-2022(ts),
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 2. As used in this chapter, "employee" means an
 18 individual who:
 19 (1) is employed full time by the state or a political subdivision of
 20 the state as:
 21 (A) a member of a fire department (as defined in IC 36-8-1-8);
 22 (B) an emergency medical services provider (as defined in
 23 IC 16-41-10-1);
 24 (C) a member of a police department (as defined in
 25 IC 36-8-1-9);
 26 (D) a correctional officer (as defined in IC 5-10-10-1.5);
 27 (E) a state police officer;
 28 (F) a county police officer;
 29 (G) a county sheriff;
 30 (H) an excise police officer;
 31 (I) a conservation enforcement officer;
 32 (J) a town marshal;
 33 (K) a deputy town marshal;
 34 **(L) a conservancy district marshal;**
 35 **(M) a deputy conservancy district marshal;**
 36 ~~(N)~~ **(N)** a department of homeland security fire investigator;
 37 ~~(O)~~ **(O)** a member of a consolidated law enforcement
 38 department established under IC 36-3-1-5.1;
 39 ~~(P)~~ **(P)** a county coroner; or
 40 ~~(Q)~~ **(Q)** a deputy county coroner;
 41 (2) in the course of the individual's employment is at high risk for
 42 occupational exposure to an exposure risk disease; and



1 (3) is not employed elsewhere in a similar capacity.
2 SECTION 4. IC 9-13-2-127, AS AMENDED BY P.L.198-2016,
3 SECTION 147, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: Sec. 127. (a) "Police officer" means,
5 except as provided in subsection (b), the following:
6 (1) A regular member of the state police department.
7 (2) A regular member of a city or town police department.
8 (3) A town marshal or town marshal deputy.
9 (4) A regular member of a county sheriff's department.
10 (5) A conservation officer of the department of natural resources.
11 (6) An individual assigned as a motor carrier inspector under
12 IC 10-11-2-26(a).
13 (7) An excise police officer of the alcohol and tobacco
14 commission.
15 (8) A gaming control officer employed by the gaming control
16 division under IC 4-33-20.
17 **(9) A conservancy district marshal or deputy conservancy**
18 **district marshal.**
19 The term refers to a police officer having jurisdiction in Indiana, unless
20 the context clearly refers to a police officer from another state or a
21 territory or federal district of the United States.
22 (b) "Police officer", for purposes of IC 9-21, means an officer
23 authorized to direct or regulate traffic or to make arrests for violations
24 of traffic regulations.
25 SECTION 5. IC 9-17-2-12, AS AMENDED BY P.L.120-2020,
26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2023]: Sec. 12. (a) This section does not apply to the
28 following:
29 (1) A trailer or semitrailer.
30 (2) A new motor vehicle or recreational vehicle sold by a dealer
31 licensed under IC 9-32.
32 (3) A vehicle transferred or assigned on a certificate of title issued
33 by the bureau.
34 (4) A vehicle that is registered under the International
35 Registration Plan.
36 (5) A vehicle that is titled in the name of a financial institution,
37 lending institution, or insurance company in Canada and imported
38 by a registered importer, if the registered importer provides:
39 (A) a copy of the registered importer's validation agreement
40 issued by the United States customs and border protection;
41 (B) a copy of the entry summary issued by the United States
42 customs and border protection (CBP form 7501); and



- 1 (C) a vehicle history report issued by an independent provider
 2 of vehicle history information that includes the vehicle's title
 3 information, odometer readings, and number of owners.
- 4 (6) A vehicle that is titled in another state and is in the lawful
 5 possession of a financial institution, a lending institution, an
 6 insurance company, a vehicle rental company, a vehicle leasing
 7 company, or a lessee of a vehicle leasing company if the financial
 8 institution, lending institution, insurance company, vehicle rental
 9 company, vehicle leasing company, or lessee of a vehicle leasing
 10 company:
- 11 (A) provides a vehicle history report issued by an independent
 12 provider of vehicle history information that includes the
 13 vehicle's:
- 14 (i) title information;
 15 (ii) odometer readings; and
 16 (iii) number of owners; and
- 17 (B) maintains a copy of all documentation required under this
 18 subsection for at least ten (10) years.
- 19 (7) A vehicle that is purchased in another state and titled in
 20 Indiana by a vehicle rental company or a vehicle leasing company
 21 if the vehicle rental company or vehicle leasing company:
- 22 (A) provides a vehicle history report issued by an independent
 23 provider of vehicle history information that includes the
 24 vehicle's:
- 25 (i) title information;
 26 (ii) odometer readings; and
 27 (iii) number of owners; and
- 28 (B) maintains a copy of all documentation required under this
 29 subsection for at least ten (10) years.
- 30 (b) Subject to subsection (d), an application for a certificate of title
 31 for a vehicle may not be accepted by the bureau unless the vehicle has
 32 been inspected by one (1) of the following:
- 33 (1) An employee of a dealer licensed under IC 9-32.
 34 (2) A military police officer assigned to a military post in Indiana.
 35 (3) A police officer.
 36 (4) A designated employee of the bureau.
 37 (5) An employee of a qualified person operating under a contract
 38 with the commission.
 39 (6) An employee of a dealer that is:
- 40 (A) licensed as a motor vehicle dealer in a state other than
 41 Indiana; and
 42 (B) approved by the bureau.



- 1 (c) A person described in subsection (b) inspecting a vehicle shall
- 2 do the following:
- 3 (1) Make a record of inspection upon the application form
- 4 prepared by the bureau.
- 5 (2) Verify the facts set out in the application.
- 6 (d) The bureau may accept an inspection performed by a police
- 7 officer from a jurisdiction outside Indiana if the bureau determines that
- 8 an inspection performed by an individual described in subsection (b)
- 9 is unavailable or otherwise insufficient to complete an application for
- 10 a certificate of title.
- 11 (e) A police officer who makes an inspection under this section may
- 12 charge a fee, subject to the following:
- 13 (1) The fee must be established by ordinance adopted by the unit
- 14 (as defined in IC 36-1-2-23) that employs the police officer.
- 15 (2) The fee may not exceed five dollars (\$5).
- 16 (3) The revenue from the fee shall be deposited in the following
- 17 manner:
- 18 (A) A special vehicle inspection fund if the police officer
- 19 making the inspection is a member of the county sheriff's
- 20 department. The fiscal body of the unit must appropriate the
- 21 money from the inspection fund only for law enforcement
- 22 purposes.
- 23 (B) A local law enforcement continuing education fund
- 24 established by IC 5-2-8-2 if the police officer making the
- 25 inspection is a member of a city or town police department, a
- 26 town marshal, ~~or~~ a town marshal deputy, **a conservancy**
- 27 **district marshal, or a deputy conservancy district marshal.**
- 28 SECTION 6. IC 9-22-1-2 IS AMENDED TO READ AS FOLLOWS
- 29 [EFFECTIVE JULY 1, 2023]: Sec. 2. As used in this chapter, "officer"
- 30 means the following:
- 31 (1) A regular member of the state police department.
- 32 (2) A regular member of a city or town police department.
- 33 (3) A town marshal or town marshal deputy.
- 34 **(4) A conservancy district marshal or deputy conservancy**
- 35 **district marshal.**
- 36 ~~(4) (5)~~ A regular member of the county police force.
- 37 ~~(5) (6)~~ An individual of an agency designated by ordinance of the
- 38 fiscal body.
- 39 SECTION 7. IC 9-22-3-15, AS AMENDED BY P.L.147-2018,
- 40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2023]: Sec. 15. (a) If a salvage vehicle is rebuilt for operation
- 42 upon the highways and ownership is evidenced by a certificate of



1 salvage title, the person that owns the vehicle shall apply to the bureau
 2 for a certificate of title with a rebuilt designation. The bureau shall
 3 issue a certificate of title under IC 9-17 with a rebuilt designation,
 4 subject to the following conditions:

5 (1) A state police officer inspects the vehicle and verifies proof of
 6 ownership of major component parts used and the source of the
 7 major component parts.

8 (2) The person that owns the vehicle submits, on a form
 9 prescribed by the bureau, a properly executed affidavit from the
 10 person that restored the motor vehicle. The affidavit must:

11 (A) include the name, identification number, and source of all
 12 component parts that were included in the restoration of the
 13 vehicle; and

14 (B) be attached to the certificate of salvage title.

15 (3) The person that owns the vehicle surrenders the certificate of
 16 salvage title.

17 A condition under this subsection is in addition to any requirements
 18 under IC 9-17.

19 (b) Except as provided in subsection (c), a certificate of title issued
 20 under this section must conspicuously bear the designation:

21 (1) "REBUILT VEHICLE" if the vehicle is not a flood damaged
 22 vehicle; or

23 (2) "REBUILT FLOOD DAMAGED VEHICLE" if the vehicle is
 24 a flood damaged vehicle.

25 (c) An insurance company authorized to do business in Indiana may
 26 obtain a certificate of title that does not bear the rebuilt designation if
 27 the company submits to the bureau, in the form and manner the bureau
 28 requires, satisfactory evidence that the damage, if any, to a recovered
 29 stolen vehicle did not meet the criteria set forth in section 3 of this
 30 chapter.

31 (d) A person that knowingly or intentionally violates this section
 32 commits a Class A infraction.

33 (e) A police officer having jurisdiction in Indiana who makes an
 34 inspection under this section may charge a fee subject to the following
 35 conditions:

36 (1) The fee must be established by an ordinance adopted by the
 37 unit (as defined in IC 36-1-2-23) that employs the police officer.

38 (2) The fee may not exceed five dollars (\$5).

39 (3) Revenue generated by the fee shall be deposited in the
 40 following manner:

41 (A) A special vehicle inspection fund if the police officer
 42 making the inspection is a member of the county sheriff's



1 department.
 2 (B) A local law enforcement continuing education fund
 3 established by IC 5-2-8-2 if the police officer making the
 4 inspection is:
 5 (i) a member of a city or town police department;
 6 (ii) a town marshal; ~~or~~
 7 (iii) a town marshal deputy;
 8 **(iv) a conservancy district marshal; or**
 9 **(v) a deputy conservancy district marshal.**
 10 SECTION 8. IC 10-13-8-5, AS AMENDED BY P.L.64-2022,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2023]: Sec. 5. As used in this chapter, "law enforcement
 13 officer" means any of the following:
 14 (1) A state police officer.
 15 (2) A county sheriff.
 16 (3) A county police officer.
 17 (4) A correctional officer.
 18 (5) An excise police officer.
 19 (6) A county police reserve officer.
 20 (7) A city police officer.
 21 (8) A city police reserve officer.
 22 (9) A conservation enforcement officer.
 23 (10) A town marshal.
 24 (11) A deputy town marshal.
 25 (12) A probation officer.
 26 (13) A state educational institution police officer appointed under
 27 IC 21-39-4.
 28 (14) A gaming agent of the Indiana gaming commission.
 29 (15) A person employed by a political subdivision (as defined in
 30 IC 36-1-2-13) and appointed as a special deputy under
 31 IC 36-8-10-10.6.
 32 (16) A school corporation police officer appointed under
 33 IC 20-26-16.
 34 (17) A police officer of a public or private postsecondary
 35 educational institution whose board of trustees has established a
 36 police department under IC 21-17-5-2 or IC 21-39-4-2.
 37 (18) A tribal police officer.
 38 **(19) A conservancy district marshal.**
 39 **(20) A deputy conservancy district marshal.**
 40 SECTION 9. IC 10-14-2-5, AS AMENDED BY P.L.158-2013,
 41 SECTION 168, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) For purposes of this section,



- 1 "member of the military or public safety officer" means an individual
 2 who is any of the following:
- 3 (1) A member of a fire department (as defined in IC 36-8-1-8).
 - 4 (2) An emergency medical service provider (as defined in
 5 IC 16-41-10-1).
 - 6 (3) A member of a police department (as defined in IC 36-8-1-9).
 - 7 (4) A correctional officer (as defined in IC 5-10-10-1.5).
 - 8 (5) A state police officer.
 - 9 (6) A county police officer.
 - 10 (7) A police reserve officer.
 - 11 (8) A county sheriff.
 - 12 (9) A deputy sheriff.
 - 13 (10) An excise police officer.
 - 14 (11) A conservation enforcement officer.
 - 15 (12) A town marshal.
 - 16 (13) A deputy town marshal.
 - 17 (14) A postsecondary educational institution police officer
 18 appointed under IC 21-17-5 or IC 21-39-4.
 - 19 (15) A probation officer.
 - 20 (16) A paramedic.
 - 21 (17) A volunteer firefighter (as defined in IC 36-8-12-2).
 - 22 (18) An emergency medical technician or a paramedic working in
 23 a volunteer capacity.
 - 24 (19) A member of the armed forces of the United States.
 - 25 (20) A member of the Indiana Air National Guard.
 - 26 (21) A member of the Indiana Army National Guard.
 - 27 (22) A member of a state or local emergency management agency.
 - 28 (23) A member of a consolidated law enforcement department
 29 established under IC 36-3-1-5.1.
 - 30 (24) A community corrections officer.
 - 31 **(25) A conservancy district marshal.**
 - 32 **(26) A deputy conservancy district marshal.**
 - 33 (b) For purposes of this section, "dies in the line of duty" refers to
 34 a death that occurs as a direct result of personal injury or illness
 35 resulting from any action that a member of the military or public safety
 36 officer, in the member of the military's or public safety officer's official
 37 capacity, is obligated or authorized by rule, regulation, condition of
 38 employment or services, or law to perform in the course of performing
 39 the member of the military's or public safety officer's duty.
 - 40 (c) If a member of the military or public safety officer dies in the
 41 line of duty, a state flag shall be presented to:
 - 42 (1) the surviving spouse;



1 (2) the surviving children if there is no surviving spouse; or
 2 (3) the surviving parent or parents if there is no surviving spouse
 3 and there are no surviving children.
 4 (d) The agency shall administer this section.
 5 (e) The director may adopt rules under IC 4-22-2 to implement this
 6 section.
 7 SECTION 10. IC 13-17-9-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Subject to section
 9 3 of this chapter, a person may open burn the following for
 10 maintenance purposes:
 11 (1) Vegetation from:
 12 (A) a farm;
 13 (B) an orchard;
 14 (C) a nursery;
 15 (D) a tree farm;
 16 (E) a cemetery; or
 17 (F) a drainage ditch.
 18 (2) Vegetation from agricultural land if the open burn occurs in
 19 an unincorporated area.
 20 (3) Wood products derived from pruning or clearing a roadside by
 21 a county highway department.
 22 (4) Wood products derived from the initial clearing of a public
 23 utility right-of-way if the open burn occurs in an unincorporated
 24 area.
 25 (5) Undesirable:
 26 (A) wood structures on real property; or
 27 (B) wood remnants of the demolition of a predominantly
 28 wooden structure originally located on real property;
 29 located in an unincorporated area.
 30 (b) A person who is allowed to open burn under subsection (a) is not
 31 required to obtain:
 32 (1) a permit; or
 33 (2) any other authorization;
 34 from the department, a unit of local government, or a volunteer fire
 35 department before conducting the open burning.
 36 **(c) After obtaining an initial permit or authorization to conduct**
 37 **fire training exercises, a fire department, including a volunteer fire**
 38 **department, is not required to obtain subsequent permits or**
 39 **authorization from the department or a unit of local government**
 40 **before conducting fire training exercises located at the same**
 41 **location authorized in the initial permit or authorization.**
 42 SECTION 11. IC 14-8-2-72.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2023]: **Sec. 72.5. "District marshal", for**
 3 **purposes if IC 14-33, means a conservancy district marshal**
 4 **appointed under IC 14-33-25-1.**

5 SECTION 12. IC 14-33-5-18, AS AMENDED BY P.L.16-2010,
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2023]: Sec. 18. (a) The board may appoint, prescribe the
 8 duties, and fix the compensation of the following:

- 9 (1) A secretary.
 10 (2) A financial clerk.
 11 (3) An engineer.
 12 (4) Employees that are necessary for the discharge of duties and
 13 responsibilities of the board.

14 **(5) A district marshal and deputy district marshals under**
 15 **IC 14-33-25.**

16 (b) A financial clerk shall execute a surety bond in the manner
 17 prescribed by IC 5-4-1.

18 (c) The board may make contracts for the following:

- 19 (1) Special and temporary services, including professional
 20 counsel.
 21 (2) Leases of land to a provider of commercial mobile service (as
 22 defined in 47 U.S.C. 332) that allows for the construction, use,
 23 and maintenance of a tower that is used for telecommunications
 24 purposes.

25 SECTION 13. IC 14-33-5-20 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. The board shall do
 27 the following:

- 28 (1) Exercise general supervision of and make regulations for the
 29 administration of the affairs of the district.
 30 (2) Prescribe uniform rules pertaining to investigations and
 31 hearings.
 32 (3) Supervise the fiscal affairs and responsibilities of the district.
 33 (4) Prescribe the qualifications of, appoint, remove, and fix the
 34 compensation of the employees of the district. The compensation
 35 must be reasonable and similar in amount to the compensation
 36 allowed employees performing similar service for the state and
 37 political subdivisions of the state. The board may delegate to
 38 employees authority to perform ministerial acts in all cases except
 39 where final action of the board is necessary.
 40 (5) Keep an accurate and complete record of all district
 41 proceedings and record and file all bonds and contracts, assuming
 42 responsibility for the custody and preservation of all papers and



- 1 documents of the district.
- 2 (6) Make an annual report to the court of income and expenses.
- 3 The report must be submitted not later than thirty (30) days after
- 4 the annual meeting and may include any of the following:
- 5 (A) A statement of the progress in accomplishing each purpose
- 6 for which the district is established.
- 7 (B) Recommendations for amendment to the district plan.
- 8 (C) Any matter that the board believes should be brought to
- 9 the attention of the court for instructions or approval.
- 10 (7) Adopt a seal and certify all official acts.
- 11 (8) Sue and be sued collectively by the legal name "_____
- 12 Conservancy District", with service of process made on the
- 13 chairman of the board. However, costs may not be taxed against
- 14 the directors individually in an action.
- 15 (9) Invoke any legal, equitable, or special remedy for the
- 16 enforcement of this article or of any proper action of the board in
- 17 a court.
- 18 (10) If advisable, establish an advisory committee.
- 19 (11) Exercise the powers granted under this article to accomplish
- 20 each purpose for which the district is established.
- 21 (12) If a purpose of the district is the construction or maintenance
- 22 of a levee in cooperation with the United States Secretary of the
- 23 Army, divide, by resolution, the levee into maintenance sections
- 24 and make assignment of each section to a director who must be a
- 25 resident freeholder near the maintenance section. The director
- 26 shall, upon assignment, supervise and assist in the maintenance
- 27 of the assigned maintenance section.
- 28 (13) Protect against encroachment by a stream. The board may,
- 29 alone or in cooperation with state or federal agencies, do whatever
- 30 is necessary to provide bank stabilization for the protection of the
- 31 works of improvement of the district.
- 32 (14) Insure property, personnel, and operations of the district
- 33 against risks and in amounts that the board determines necessary
- 34 to protect the district.
- 35 **(15) If the board employs a district marshal or deputy district**
- 36 **marshal under IC 14-33-25, the board must conduct the**
- 37 **disciplinary removal and appeals procedure prescribed by**
- 38 **IC 14-33-25-2 and IC 36-8-3-4.**
- 39 SECTION 14. IC 14-33-25 IS ADDED TO THE INDIANA CODE
- 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2023]:
- 42 **Chapter 25. Conservancy District Marshal**



1 **Sec. 1. If the:**

2 (1) board consists of directors in which each director of the
3 board has been elected to the board under IC 14-33-5-2 or
4 IC 14-33-5.4-3; and

5 (2) district plan requires the district to assume responsibility
6 for the construction, reconstruction, maintenance, and
7 operation of public streets and alleys with the district;
8 the board may appoint a conservancy district marshal and fix the
9 district marshal's compensation.

10 **Sec. 2. The district marshal serves at the pleasure of the board.**
11 **However, before terminating or suspending a district marshal who**
12 **has been employed by the district for more than six (6) months**
13 **after completing the minimum basic training requirements**
14 **adopted by the law enforcement training board under IC 5-2-1-9,**
15 **the board must conduct the disciplinary removal and appeals**
16 **procedure prescribed by IC 36-8-3-4 for city fire and police**
17 **departments.**

18 **Sec. 3. The district marshal is the chief police officer of the**
19 **district and has the powers of other law enforcement officers in**
20 **enforcing laws. The district marshal or the district marshal's**
21 **deputy:**

22 (1) shall arrest without process all persons who commit an
23 offense within the district marshal's or deputy's view, take
24 them before a court having jurisdiction, and detain them in
25 custody until the cause of the arrest has been investigated;

26 (2) shall suppress breaches of the peace;

27 (3) may execute search warrants and arrest warrants; and

28 (4) may pursue and jail persons who commit an offense.

29 **Sec. 4. (a) The board may by resolution authorize the district**
30 **marshal to appoint deputy district marshals. The board shall by**
31 **resolution fix the number of deputy district marshals. Deputy**
32 **district marshals have the powers and liabilities of the district**
33 **marshal in enforcing laws.**

34 **(b) The board shall fix the amount of bond, compensation, and**
35 **term of service of deputy district marshals. The district marshal**
36 **may dismiss a deputy district marshal at any time. However, a**
37 **deputy district marshal who has been employed by the district for**
38 **more than six (6) months after completing the minimum basic**
39 **training requirements adopted by the law enforcement training**
40 **board under IC 5-2-1-9 may be dismissed only if the procedure**
41 **prescribed by section 2 of this chapter is followed.**

42 **Sec. 5. (a) As used in this section, "body armor" has the**



1 meaning set forth in IC 35-47-5-13(a).

2 (b) A district may provide the district marshal and active
3 deputy district marshals of the district with body armor for the
4 torso. The district shall replace the body armor for the torso
5 provided under this subsection according to the replacement
6 period recommended by the manufacturer of the body armor for
7 the torso.

8 (c) The district marshal and active deputy district marshals of
9 the district may not be required to pay for maintenance of the body
10 armor for the torso furnished under this section.

11 (d) Body armor for the torso provided by a district under this
12 section remains the property of the district. The district may sell
13 the property when it becomes unfit for use, and all money received
14 shall be paid into the general fund of the district.

15 SECTION 15. IC 35-47-4.5-3, AS AMENDED BY P.L.147-2018,
16 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2023]: Sec. 3. As used in this chapter, "public safety officer"
18 means:

- 19 (1) a state police officer;
- 20 (2) a county sheriff;
- 21 (3) a county police officer;
- 22 (4) a correctional officer;
- 23 (5) an excise police officer;
- 24 (6) a county police reserve officer;
- 25 (7) a city police officer;
- 26 (8) a city police reserve officer;
- 27 (9) a conservation enforcement officer;
- 28 (10) a gaming agent;
- 29 (11) a town marshal;
- 30 (12) a deputy town marshal;
- 31 (13) a state educational institution police officer appointed under
32 IC 21-39-4;
- 33 (14) a probation officer;
- 34 (15) a firefighter;
- 35 (16) an emergency medical technician;
- 36 (17) a paramedic;
- 37 (18) a member of a consolidated law enforcement department
38 established under IC 36-3-1-5.1;
- 39 (19) a gaming control officer; or
- 40 (20) a community corrections officer;
- 41 (21) a conservancy district marshal; or
- 42 (22) a deputy conservancy district marshal.



1 SECTION 16. IC 36-8-3-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) This section also
 3 applies to all:

- 4 (1) towns and townships that have full-time, paid police or fire
 5 departments; **and**
 6 (2) **conservancy districts that have a full-time, paid**
 7 **conservancy district marshal or deputy conservancy district**
 8 **marshal under IC 14-33-25.**

9 For purposes of this section, the appropriate appointing authority of a
 10 town, ~~or~~ township, **or conservancy district** is considered the safety
 11 board of a town, ~~or~~ township, **or conservancy district**. In a town with
 12 a board of metropolitan police commissioners, that board is considered
 13 the safety board of the town for police department purposes.

14 (b) Except as provided in subsection (m), a member of the police or
 15 fire department holds office or grade until the member is dismissed or
 16 demoted by the safety board. Except as provided in subsection (n), a
 17 member may be disciplined by demotion, dismissal, reprimand,
 18 forfeiture, or suspension upon either:

- 19 (1) conviction in any court of any crime; or
 20 (2) a finding and decision of the safety board that the member has
 21 been or is guilty of any one (1) or more of the following:
 22 (A) Neglect of duty.
 23 (B) A violation of rules.
 24 (C) Neglect or disobedience of orders.
 25 (D) Incapacity.
 26 (E) Absence without leave.
 27 (F) Immoral conduct.
 28 (G) Conduct injurious to the public peace or welfare.
 29 (H) Conduct unbecoming an officer.
 30 (I) Another breach of discipline.

31 The safety board may not consider the political affiliation of the
 32 member in making a decision under this section. If a member is
 33 suspended or placed on administrative leave under this subsection, the
 34 member is entitled to the member's allowances for insurance benefits
 35 to which the member was entitled before being suspended or placed on
 36 administrative leave. In addition, the local unit may provide the
 37 member's allowances for any other fringe benefits to which the member
 38 was entitled before being suspended or placed on administrative leave.

39 (c) Before a member of a police or fire department may be
 40 suspended in excess of five (5) days without pay, demoted, or
 41 dismissed, the safety board shall offer the member an opportunity for
 42 a hearing. If a member desires a hearing, the member must request the



1 hearing not more than five (5) days after the notice of the suspension,
 2 demotion, or dismissal. Written notice shall be given either by service
 3 upon the member in person or by a copy left at the member's last and
 4 usual place of residence at least fourteen (14) days before the date set
 5 for the hearing. The hearing conducted under this subsection shall be
 6 held not more than thirty (30) days after the hearing is requested by the
 7 member, unless a later date is mutually agreed upon by the parties. The
 8 notice must state:

- 9 (1) the time and place of the hearing;
 10 (2) the charges against the member;
 11 (3) the specific conduct that comprises the charges;
 12 (4) that the member is entitled to be represented by counsel;
 13 (5) that the member is entitled to call and cross-examine
 14 witnesses;
 15 (6) that the member is entitled to require the production of
 16 evidence; and
 17 (7) that the member is entitled to have subpoenas issued, served,
 18 and executed in the county where the unit is located.

19 If the corporation counsel or city attorney is a member of the safety
 20 board of a city, the counsel or attorney may not participate as a safety
 21 board member in a disciplinary hearing concerning a member of either
 22 department. The safety board shall determine if a member of the police
 23 or fire department who is suspended in excess of five (5) days shall
 24 continue to receive the member's salary during the suspension.

25 (d) Upon an investigation into the conduct of a member of the police
 26 or fire department, or upon the trial of a charge preferred against a
 27 member of either department, the safety board may compel the
 28 attendance of witnesses, examine them under oath, and require the
 29 production of books, papers, and other evidence at a meeting of the
 30 board. For this purpose, the board may issue subpoenas and have them
 31 served and executed in any part of the county where the unit is located.
 32 If a witness refuses to testify or to produce books or papers in the
 33 witness's possession or under the witness's control, IC 36-4-6-21
 34 controls to the extent applicable. The proper court may compel
 35 compliance with the order by attachment, commitment, or other
 36 punishment.

37 (e) The reasons for the suspension, demotion, or dismissal of a
 38 member of the police or fire department shall be entered as specific
 39 findings of fact upon the records of the safety board. A member who is
 40 suspended for a period exceeding five (5) days, demoted, or dismissed
 41 may appeal the decision to the circuit or superior court of the county in
 42 which the unit is located. However, a member may not appeal any other



1 decision.

2 (f) An appeal under subsection (e) must be taken by filing in court,
3 within thirty (30) days after the date the decision is rendered, a verified
4 complaint stating in concise manner the general nature of the charges
5 against the member, the decision of the safety board, and a demand for
6 the relief asserted by the member. A bond must also be filed that
7 guarantees the appeal will be prosecuted to a final determination and
8 that the plaintiff will pay all costs adjudged against the plaintiff. The
9 bond must be approved as bonds for costs are approved in other cases.
10 The unit must be named as the sole defendant, and the plaintiff shall
11 have a summons issued as in other cases against the unit. Neither the
12 safety board nor the members of it may be made parties defendant to
13 the complaint, but all are bound by service upon the unit and the
14 judgment rendered by the court.

15 (g) In an appeal under subsection (e), no pleading is required by the
16 unit to the complaint, but the allegations are considered denied. The
17 unit may file a motion to dismiss the appeal for failure to perfect it
18 within the time and in the manner required by this section. If more than
19 one (1) person was included in the same charges and in the same
20 decision of dismissal by the safety board, then one (1) or more of the
21 persons may join as plaintiffs in the same complaint, but only the
22 persons that appeal from the decision are affected by it. The decision
23 of the safety board is final and conclusive upon all persons not
24 appealing. The decision appealed from is not stayed or affected
25 pending the final determination of the appeal, but remains in effect
26 unless modified or reversed by the final judgment of the court.

27 (h) A decision of the safety board is considered prima facie correct,
28 and the burden of proof is on the party appealing. All appeals shall be
29 tried by the court. The appeal shall be heard de novo only upon any
30 new issues related to the charges upon which the decision of the safety
31 board was made. The charges are considered to be denied by the
32 accused person. Within ten (10) days after the service of summons the
33 safety board shall file in court a complete transcript of all papers,
34 entries, and other parts of the record relating to the particular case.
35 Inspection of these documents by the person affected, or by the person's
36 agent, must be permitted by the safety board before the appeal is filed,
37 if requested. Each party may produce evidence relevant to the issues
38 that it desires, and the court shall review the record and decision of the
39 safety board upon appeal.

40 (i) The court shall make specific findings and state the conclusions
41 of law upon which its decision is made. If the court finds that the
42 decision of the safety board appealed from should in all things be



1 affirmed, its judgment should state that, and judgment for costs shall
 2 be rendered against the party appealing. If the court finds that the
 3 decision of the safety board appealed from should not be affirmed in all
 4 things, then the court shall make a general finding, setting out
 5 sufficient facts to show the nature of the proceeding and the court's
 6 decision on it. The court shall either:

7 (1) reverse the decision of the safety board; or

8 (2) order the decision of the safety board to be modified.

9 (j) The final judgment of the court may be appealed by either party.

10 Upon the final disposition of the appeal by the courts, the clerk shall
 11 certify and file a copy of the final judgment of the court to the safety
 12 board, which shall conform its decisions and records to the order and
 13 judgment of the court. If the decision is reversed or modified, then the
 14 safety board shall pay to the party entitled to it any salary or wages
 15 withheld from the party pending the appeal and to which the party is
 16 entitled under the judgment of the court.

17 (k) Either party shall be allowed a change of venue from the court
 18 or a change of judge in the same manner as such changes are allowed
 19 in civil cases. The Indiana Rules of Trial Procedure govern in all
 20 matters of procedure upon the appeal that are not otherwise provided
 21 for by this section.

22 (l) An appeal takes precedence over other pending litigation and
 23 shall be tried and determined by the court as soon as practical.

24 (m) Except as provided in IC 36-5-2-13, the executive may reduce
 25 in grade any member of the police or fire department who holds an
 26 upper level policy making position. The reduction in grade may be
 27 made without adhering to the requirements of subsections (b) through
 28 (l). However, a member may not be reduced in grade to a rank below
 29 that which the member held before the member's appointment to the
 30 upper level policy making position.

31 (n) If the member is subject to criminal charges, the board may
 32 place the member on administrative leave until the disposition of the
 33 criminal charges in the trial court. Any other action by the board is
 34 stayed until the disposition of the criminal charges in the trial court. An
 35 administrative leave under this subsection may be with or without pay,
 36 as determined by the board. If the member is placed on leave without
 37 pay, the board, in its discretion, may award back pay if the member is
 38 exonerated in the criminal matter.

39 SECTION 17. IC 36-8-3-4.1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.1. (a) This section
 41 also applies to all:

42 (1) towns and townships that have full-time, paid police or fire



1 departments; **and**

2 **(2) conservancy districts that have a full-time, paid**
 3 **conservancy district marshal or deputy conservancy district**
 4 **marshal under IC 14-33-25.**

5 For purposes of this section, the appropriate appointing authority of a
 6 town, ~~or~~ township, **or conservancy district** is considered the safety
 7 board of a town, ~~or~~ township, **or conservancy district**. In a town with
 8 a board of metropolitan police commissioners, that board is considered
 9 the safety board of the town.

10 (b) In addition to the disciplinary powers of the safety board, the
 11 chief of the department may, without a hearing, reprimand or suspend
 12 without pay a member, including a police radio or signal alarm operator
 13 or a fire alarm operator, for a maximum of five (5) working days. For
 14 the purposes of this section, eight (8) hours of paid time constitutes one
 15 (1) working day. If a chief reprimands a member in writing or suspends
 16 a member, the chief shall, within forty-eight (48) hours, notify the
 17 board in writing of the action and the reasons for the action. A member
 18 who is reprimanded in writing or suspended under this section may,
 19 within forty-eight (48) hours after receiving notice of the reprimand or
 20 suspension, request in writing that the board review the reprimand or
 21 suspension and either uphold or reverse the chief's decision. At its
 22 discretion, the board may hold a hearing during this review. If the
 23 board holds a hearing, written notice must be given either by service
 24 upon the member in person or by a copy left at the member's last and
 25 usual place of residence at least fourteen (14) days before the date set
 26 for the hearing. The notice must contain the information listed under
 27 section 4(c) of this chapter. If the decision is reversed, the member who
 28 was suspended is entitled to any wages withheld as a result of the
 29 suspension.

30 SECTION 18. IC 36-8-8-18, AS AMENDED BY P.L.43-2018,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2023]: Sec. 18. (a) Except as provided in subsection (b), if a
 33 unit becomes a participant in the 1977 fund, credit for prior service by
 34 police officers (including prior service as a full-time, fully paid town
 35 marshal, ~~or~~ full-time, fully paid deputy town marshal, **full-time, fully**
 36 **paid conservancy district marshal, or full-time, fully paid deputy**
 37 **conservancy district marshal** by a police officer employed by a
 38 metropolitan board of police commissioners) or by firefighters before
 39 the date of participation may be given by the system board only if:

40 (1) the amount necessary to fund the police officer's or
 41 firefighter's prior service liability is contributed to the 1977 fund
 42 under an agreement that specifies how much the unit is to



1 contribute, if any, and how much the police officer or firefighter
2 is to contribute, if any; and

3 (2) the amount that the police officers or firefighters would have
4 contributed if they had been members of the 1977 fund during
5 their prior service is paid to the 1977 fund under an agreement
6 that specifies how much the unit is to contribute, if any, and how
7 much the police officer or firefighter is to contribute, if any.

8 If the requirements of subdivisions (1) and (2) are not met, a fund
9 member is entitled to credit only for years of service after the date of
10 participation. Contributions under subdivisions (1) and (2) must be
11 paid in a lump sum or in installments over a period of not more than
12 thirty (30) years, the amount and period to be determined by the system
13 board. The periods determined by the system board under subdivisions
14 (1) and (2) for any installment payments may differ between the unit
15 and the police officers or firefighters and between subdivisions (1) and
16 (2).

17 (b) If a unit becomes a participant in the 1977 fund under section
18 3(c) of this chapter, or if a firefighter becomes a member of the 1977
19 fund under section 7(g) of this chapter, credit for prior service before
20 the date of participation or membership shall be given by the system
21 board as follows:

22 (1) For a member who will accrue twenty (20) years of service
23 credit in the 1977 fund by the time the member reaches the
24 earliest retirement age under the fund at the time of the member's
25 date of participation in the 1977 fund and who participated in
26 PERF as a police officer, a firefighter, or an emergency medical
27 technician, the member will be given credit in the 1977 fund for
28 one-third (1/3) of the member's years of participation in PERF as
29 a police officer, a firefighter, or an emergency medical technician.

30 (2) For a member who will accrue twenty (20) years of service
31 credit in the 1977 fund by the time the member reaches the
32 earliest retirement age under the fund at the time of the member's
33 date of participation in the 1977 fund and who did not participate
34 in a pension plan as a police officer, a firefighter, or an emergency
35 medical technician, the member will be given credit in the 1977
36 fund for one-third (1/3) of the member's years of prior service
37 with the unit as a police officer, a firefighter, or an emergency
38 medical technician only if:

39 (A) The amount necessary to fund the member's prior service
40 liability is contributed to the 1977 fund under an agreement
41 that specifies how much the unit is to contribute, if any, and
42 how much the member is to contribute, if any. Contributions



- 1 must be paid in a lump sum or in installments as provided in
 2 clause (C). The amount of contributions must be based on the
 3 actual salary earned by a first class patrolman or a first class
 4 firefighter at the time the unit becomes a participant in the
 5 1977 fund, or the police officer or firefighter becomes a
 6 member of the 1977 fund, or if no such salary designation
 7 exists, the actual salary earned by the police officer or
 8 firefighter.
- 9 (B) The amount the police officer or firefighter would have
 10 contributed if the police officer or firefighter had been a
 11 member of the 1977 fund during the police officer's or
 12 firefighter's prior service must be fully paid under an
 13 agreement that specifies how much the unit is to pay, if any,
 14 and how much the member is to pay, if any. Contributions
 15 must be paid in a lump sum or in installments as provided in
 16 clause (C). The amount of contributions must be based on the
 17 police officer's or firefighter's actual salary earned during that
 18 period before service can be credited under this section.
- 19 (C) Any amortization schedule for contributions paid under
 20 clause (A) and contributions to be paid under clause (B) must
 21 include interest at a rate determined by the system board. The
 22 board shall determine the term of any amortization schedule
 23 authorized under clauses (A) and (B), not to exceed ten (10)
 24 years. The terms of the various amortization schedules
 25 authorized under clauses (A) and (B) may differ.
- 26 (3) For a member who will not accrue twenty (20) years of service
 27 credit in the 1977 fund by the time the member reaches the
 28 earliest retirement age under the fund at the time of the member's
 29 date of participation in the 1977 fund, credit for such prior service
 30 shall be given only if:
- 31 (A) The amount necessary to fund the member's prior service
 32 liability is contributed to the 1977 fund under an agreement
 33 that specifies how much the unit is to contribute, if any, and
 34 how much the member is to contribute, if any. Contributions
 35 must be paid in a lump sum or in installments as provided in
 36 clause (C). The amount of contributions must be based on the
 37 actual salary earned by a first class patrolman or a first class
 38 firefighter at the time the unit becomes a participant in the
 39 1977 fund, or the police officer or firefighter becomes a
 40 member of the 1977 fund, or if no such salary designation
 41 exists, the actual salary earned by the police officer or
 42 firefighter. The limit on credit for prior service does not apply



1 to a firefighter if the firefighter was a member of the 1937
2 fund or 1977 fund whose participation was terminated due to
3 the creation of a new fire protection district under
4 IC 36-8-11-5 and who subsequently became a member of the
5 1977 fund. A firefighter who was a member of or reentered the
6 1937 fund or 1977 fund whose participation was terminated
7 due to the creation of a new fire protection district under
8 IC 36-8-11-5 is entitled to full credit for prior service in an
9 amount equal to the firefighter's years of service before
10 becoming a member of or reentering the 1977 fund. Service
11 may only be credited for time as a full-time, fully paid police
12 officer, firefighter, or emergency medical technician under
13 section 7(g) of this chapter.

14 (B) The amount the police officer or firefighter would have
15 contributed if the police officer or firefighter had been a
16 member of the 1977 fund during the police officer's or
17 firefighter's prior service must be fully paid under an
18 agreement that specifies how much the unit is to pay and how
19 much the member is to pay. Contributions must be paid in a
20 lump sum or in installments as provided in clause (C). The
21 amount of contributions must be based on the police officer's
22 or firefighter's actual salary earned during that period before
23 service can be credited under this section.

24 (C) Any amortization schedule for contributions paid under
25 clause (A) and contributions to be paid under clause (B) must
26 include interest at a rate determined by the system board. The
27 board shall determine the term of any amortization schedule
28 authorized under clauses (A) and (B), not to exceed ten (10)
29 years. The terms of the various amortization schedules
30 authorized under clauses (A) and (B) may differ.

31 (4) If, at the time a unit entered the 1977 fund, a fund member
32 received the maximum prior service credit allowed by subdivision
33 (3) and, at a later date, the earliest retirement age was lowered,
34 the unit or the fund member, or both, may contribute to the 1977
35 fund on the fund member's behalf an additional amount that is
36 determined in the same manner as under subdivision (3) with
37 respect to the additional prior service, if any, available as a result
38 of the lower retirement age. If the additional amount described in
39 this subdivision is paid in accordance with the requirements of
40 subdivision (3), the fund member shall receive the additional
41 service credit necessary for the fund member to retire at the lower
42 earliest retirement age.



- 1 (c) This subsection applies to a unit that:
- 2 (1) becomes a participant in the 1977 fund under section 3(c) of
- 3 this chapter; and
- 4 (2) is a fire protection district created under IC 36-8-11 that
- 5 includes a township or a municipality that had a 1937 fund.
- 6 A firefighter who continues uninterrupted service with a unit covered
- 7 by this subsection and who participated in the township or municipality
- 8 1937 fund is entitled to receive service credit for such service in the
- 9 1977 fund. However, credit for such service is limited to the amount
- 10 accrued by the firefighter in the 1937 fund or the amount necessary to
- 11 allow the firefighter to accrue twenty (20) years of service credit in the
- 12 1977 fund by the time the firefighter becomes fifty-two (52) years of
- 13 age, whichever is less.
- 14 (d) A unit to which subsection (c) applies shall contribute into the
- 15 1977 fund the amount necessary to fund the amount of past service
- 16 determined in accordance with subsection (c), amortized over a period
- 17 not to exceed ten (10) years with interest at a rate determined by the
- 18 system board.
- 19 (e) If the township or municipality has accumulated money in its
- 20 1937 fund, any amount accumulated that exceeds the present value of
- 21 all projected future benefits from the 1937 plan shall be paid by the
- 22 township or municipality to the unit for the sole purpose of making the
- 23 contributions determined in subsection (d).
- 24 (f) To the extent permitted by the Internal Revenue Code and the
- 25 applicable regulations, the 1977 fund may accept, on behalf of a fund
- 26 member who is purchasing permissive service credit under this chapter,
- 27 a rollover of a distribution from any of the following:
- 28 (1) A qualified plan described in Section 401(a) or Section 403(a)
- 29 of the Internal Revenue Code.
- 30 (2) An annuity contract or account described in Section 403(b) of
- 31 the Internal Revenue Code.
- 32 (3) An eligible plan that is maintained by a state, a political
- 33 subdivision of a state, or an agency or instrumentality of a state or
- 34 political subdivision of a state under Section 457(b) of the
- 35 Internal Revenue Code.
- 36 (4) An individual retirement account or annuity described in
- 37 Section 408(a) or Section 408(b) of the Internal Revenue Code.
- 38 (g) To the extent permitted by the Internal Revenue Code and the
- 39 applicable regulations, the 1977 fund may accept, on behalf of a fund
- 40 member who is purchasing permissive service credit under this chapter,
- 41 a trustee to trustee transfer from any of the following:
- 42 (1) An annuity contract or account described in Section 403(b) of



1 the Internal Revenue Code.

2 (2) An eligible deferred compensation plan under Section 457(b)
3 of the Internal Revenue Code.

4 SECTION 19. IC 36-8-8-18.1, AS AMENDED BY P.L.27-2019,
5 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2023]: Sec. 18.1. (a) As used in this section, "police officer"
7 includes a former full-time, fully paid:

8 (1) town marshal;

9 (2) ~~or full-time, fully paid~~ deputy town marshal;

10 (3) **conservancy district marshal; or**

11 (4) **deputy conservancy district marshal;**

12 who is employed as a police officer by a metropolitan board of police
13 commissioners.

14 (b) If a unit becomes a participant in the 1977 fund and the unit
15 previously covered police officers, firefighters, or emergency medical
16 technicians in PERF, or if the employees of the unit become members
17 of the 1977 fund under section 7(g) of this chapter, the following
18 provisions apply:

19 (1) A minimum benefit applies to members electing to transfer or
20 being transferred to the 1977 fund from PERF. The minimum
21 benefit, payable at age fifty-two (52), for such a member equals
22 the actuarial equivalent of the vested retirement benefit payable
23 to the member upon normal retirement under IC 5-10.2-4-1 as of
24 the day before the transfer, based solely on:

25 (A) creditable service;

26 (B) the average of the annual compensation; and

27 (C) the amount credited to the annuity savings account;

28 of the transferring member as of the day before the transfer under
29 IC 5-10.2 and IC 5-10.3.

30 (2) The system board shall transfer from PERF to the 1977 fund
31 the amount credited to the annuity savings accounts that is
32 necessary for the purchase of service credit and the present value
33 of benefits attributable to the transferring members.

34 (3) The amount the unit and the member must contribute to the
35 1977 fund under section 18 of this chapter, if any service credit
36 is to be given under that section, will be reduced by the amounts
37 transferred to the 1977 fund by the system board under
38 subdivision (2).

39 (4) Credit for prior service in PERF of a member as a police
40 officer, a firefighter, or an emergency medical technician is
41 waived in PERF. Any credit for that service under the 1977 fund
42 shall only be given in accordance with section 18 of this chapter.



- 1 (5) Credit for prior service in PERF of a member, other than as a
- 2 police officer, a firefighter, or an emergency medical technician,
- 3 remains in PERF and may not be credited under the 1977 fund.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1625, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1625 as introduced.)

FRYE R

Committee Vote: Yeas 12, Nays 0

