

PROPOSED AMENDMENT

HB 1188 # 1

DIGEST

School police pension matters. Makes changes to the definition of a "school resource officer" for provisions relating to the 1977 police officers' and firefighters' pension and disability fund (1977 fund). Provides that a school police department may participate in the 1977 fund. Establishes requirements for establishing a local board for school police departments. Provides that an appointing authority shall waive the age restriction for a school resource officer for purposes of the 1977 fund if: (1) on the date the individual applies to be appointed and hired, the individual is a veteran who has completed at least 20 years of military service; (2) the individual received or is eligible to receive a discharge from the armed forces of the United States under conditions other than certain specified conditions; and (3) the individual meets all other requirements for appointment and hiring. Provides that a school corporation or charter school that employs a school resource officer must enter into a contract or memorandum of understanding with a local law enforcement agency for the purpose of complying with the reporting and payment requirements for purposes of the 1977 fund. Makes conforming amendments.

1 Page 5, after line 38, begin a new paragraph and insert:
2 "SECTION 7. IC 36-8-4.7-2, AS ADDED BY P.L.115-2016,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 2. As used in this chapter, "appointing authority"
5 means:
6 (1) the chief executive officer, board, or other entity of a police
7 department with authority to appoint and hire a member of the
8 police department; **or**
9 (2) the chief executive officer, board, or other entity of a fire
10 department with authority to appoint and hire a member of the fire
11 department;
12 **(3) for purposes of a school resource officer who becomes or**
13 **remains a member of the 1977 fund under IC 36-8-8-3(f) or**
14 **IC 36-8-8-3(g), the governing body of a school corporation or**
15 **the equivalent for a charter school; or**
16 **(4) for purposes of a school police officer, the governing body**
17 **of a school corporation or the equivalent for a charter school.**
18 SECTION 8. IC 36-8-4.7-5, AS AMENDED BY P.L.238-2025,
19 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2026]: Sec. 5. (a) Notwithstanding any contrary law, an
2 appointing authority shall waive any age restriction for a person not
3 more than forty (40) years and six (6) months of age that applies to the
4 appointment and hiring of an individual as:

5 (1) a member of the police department; **or**
6 (2) a member of the fire department; **or**

7 **(3) a school resource officer (as defined in IC 36-8-8-2.2);**

8 if the individual meets the requirements of subsection (b).

9 (b) An individual who meets all the following requirements is
10 entitled to the waiver described in subsection (a):

11 (1) On the date the individual applies to be appointed and hired
12 as:

13 (A) a member of the police department; **or**
14 (B) a member of the fire department; **or**

15 **(C) a school resource officer (as defined in IC 36-8-8-2.2);**
16 the individual is a veteran who has completed at least twenty (20)
17 years of military service.

18 (2) The individual received or is eligible to receive a discharge
19 from the armed forces of the United States under conditions other
20 than conditions set forth in IC 10-17-12-7.5(2).

21 (3) The individual meets all other requirements for appointment
22 and hiring as:

23 (A) a member of the police department; **or**
24 (B) a member of the fire department; **or**

25 **(C) a school resource officer (as defined in IC 36-8-8-2.2);**
26 including all physical requirements.

27 (c) An individual who is entitled to the waiver described in
28 subsection (a) is eligible to become a member of the 1977 fund.

29 SECTION 9. IC 36-8-8-2.1, AS AMENDED BY P.L.135-2024,
30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2026]: Sec. 2.1. (a) As used in this chapter, "local board"
32 means the following:

33 (1) For a unit that established a 1925 fund for its police officers,
34 the local board described in IC 36-8-6-2.

35 (2) For a unit that established a 1937 fund for its firefighters, the
36 local board described in IC 36-8-7-3.

37 (3) For a consolidated city that established a 1953 fund for its
38 police officers, the local board described in IC 36-8-7.5-2.

39 (4) For a unit, other than a consolidated city, that did not establish
40 a 1925 fund for its police officers or a 1937 fund for its

1 firefighters, the local board described in subsection (b) or (c).
2 (5) For an airport authority, the board of an airport authority.
3 (6) For a school resource officer, the local board described in
4 subdivisions (1) through (4) that manages the fund established in
5 the unit or the consolidated city in which the:

6 (A) territory of the school corporation; or
7 (B) charter school;

8 is located. However, if more than one (1) local board is applicable
9 under this subdivision, the governing body of the school
10 corporation or the equivalent authority for the charter school that
11 employs or contracts to employ the school resource officer may
12 choose the applicable local board with respect to the school
13 resource officer.

14 **(7) For a school corporation police department established
15 under IC 20-26-16, a local board designated under section 25
16 of this chapter.**

17 (b) If a unit did not establish a 1925 fund for its police officers, a
18 local board shall be composed in the same manner described in
19 IC 36-8-6-2(b). However, if there is not a retired member of the
20 department, no one shall be appointed to that position until such time
21 as there is a retired member.

22 (c) If a unit did not establish a 1937 fund for its firefighters, a local
23 board shall be composed in the same manner described in
24 IC 36-8-7-3(b). However, if there is not a retired member of the
25 department, no one shall be appointed to that position until such time
26 as there is a retired member.

27 SECTION 10. IC 36-8-8-2.2, AS ADDED BY P.L.135-2024,
28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2026]: Sec. 2.2. As used in this chapter, "school resource
30 officer" has the meaning means a law enforcement officer:

31 **(1) with sworn authority;**
32 **(2) who is trained in school based law enforcement and crisis
33 response;**
34 **(3) who is assigned by a law enforcement agency to work
35 collaboratively with one (1) or more schools; and**
36 **(4) who has satisfied the training requirements** set forth in
37 IC 20-26-18.2-1.

38 **The term does not include a law enforcement officer employed by
39 a school corporation police department established under
40 IC 20-26-16.**

1 SECTION 11. IC 36-8-8-3, AS AMENDED BY P.L.135-2024,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 3. (a) If a town establishes a board of metropolitan
4 police commissioners, or if a town becomes a city, the municipality
5 shall participate in the 1977 fund and shall enroll all full-time police
6 officers and firefighters in the 1977 fund. However, if a police officer
7 or former marshal is a member of the public employees' retirement
8 fund, the police officer or former marshal may continue as a member
9 of that fund instead of the 1977 fund. Notwithstanding the age
10 requirements under section 7(a) of this chapter, a police officer or
11 former marshal employed by a municipality at the time the
12 municipality enters the 1977 fund under this section shall be a member
13 of the 1977 fund unless the police officer or former marshal elects to
14 continue as a member of the public employees' retirement fund. A
15 person may become a member of the 1977 fund under this subsection
16 without meeting the age limitation under section 7(a) of this chapter
17 only if the person satisfies:

18 (1) any aptitude, physical agility, or physical and mental standards
19 established by a local board under IC 36-8-3.2; and
20 (2) the minimum standards that are:
21 (A) adopted by the system board under section 19 of this
22 chapter; and
23 (B) in effect on the date the person becomes a member of the
24 1977 fund.

25 Credit for prior service of a person who becomes a member of the 1977
26 fund under this subsection shall be determined under section 18 or 18.1
27 of this chapter. No service credit beyond that allowed under section 18
28 or 18.1 of this chapter may be recognized under the 1977 fund.

29 (b) If a unit did not establish a 1937 fund for its firefighters, the unit
30 may participate in the public employees' retirement fund or it may
31 participate in the 1977 fund. If a unit established a 1937 fund for its
32 firefighters, the unit is and shall remain a participant in the 1977 fund.

33 (c) A unit that:
34 (1) has not established a pension fund for its firefighters; or
35 (2) is participating in the public employees' retirement fund under
36 subsection (b);
37 may participate in the 1977 fund upon approval by the fiscal body,
38 notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund
39 under this subsection must comply with section 21 of this chapter.
40 However, if a police officer or firefighter is a member of the public

1 employees' retirement fund, the police officer or firefighter may
2 continue as a member of that fund instead of the 1977 fund.

3 (d) If a unit that participates in the 1977 fund provides longevity
4 increases, the amount of the longevity increase provided in a year must
5 be greater than or equal to the amount of the longevity increase
6 provided in the previous year.

7 (e) An airport authority may participate in the 1977 fund. An airport
8 authority that participates in the 1977 fund under this subsection must
9 comply with section 21 of this chapter. However, if a police officer or
10 firefighter is a member of the public employees' retirement fund, the
11 police officer or firefighter may continue as a member of that fund
12 instead of the 1977 fund.

13 (f) A school corporation or charter school that:

14 (1) employs a school resource officer; or

15 (2) enters into a contract or memorandum of understanding with
16 a **local law enforcement agency to employ a school resource**
17 **officer;**

18 (A) **local law enforcement agency;**

19 (B) **private entity; or**

20 (C) **nonprofit corporation;**

21 **to employ a school resource officer;**

22 may **allow the school resource officer to participate in the 1977 fund.**

23 A school corporation or charter school that **participates in the 1977**
24 **fund employs a school resource officer** under this subsection or
25 subsection (g) must comply with section 21.5 of this chapter **and must**
26 **enter into a contract or memorandum of understanding with a**
27 **local law enforcement agency for the purpose of complying with**
28 **the reporting and payment requirements under sections 6 and 6.5**
29 **of this chapter.** However, if a school resource officer is a member of
30 the public employees' retirement fund, the school resource officer may
31 continue as a member of that fund instead of the 1977 fund.

32 (g) A school resource officer hired or rehired after June 30, 2024,
33 who is a member of the 1977 fund shall remain in the 1977 fund.

34 (h) **A school corporation or charter school that establishes a**
35 **school police department under IC 20-26-16 may participate in the**
36 **1977 fund. For purposes of this chapter, the term "police officer"**
37 **includes a school police officer who is a member of a school**
38 **corporation or charter school police department that participates**
39 **in the 1977 fund. Notwithstanding the age requirements under**
40 **section 7(a) of this chapter, a school police officer employed by a**

1 **school corporation or charter school at the time the school**
2 **corporation or charter school enters the 1977 fund under this**
3 **section shall be a member of the 1977 fund unless the school**
4 **corporation or charter school elects to continue the school police**
5 **officer as a member of the public employees' retirement fund. A**
6 **school police officer may become a member of the 1977 fund under**
7 **this subsection without meeting the age limitation under section**
8 **7(a) of this chapter only if the school police officer satisfies:**

9 (1) **any aptitude, physical agility, or physical and mental**
10 **standards established by a local board under IC 36-8-3.2; and**
11 (2) **the minimum standards that are:**
12 (A) **adopted by the system board under section 19 of this**
13 **chapter; and**
14 (B) **in effect on the date the school police officer becomes**
15 **a member of the 1977 fund.**

16 **Credit for prior service of a school police officer who becomes a**
17 **member of the 1977 fund under this subsection shall be determined**
18 **under section 18 or 18.1 of this chapter. No service credit beyond**
19 **that allowed under section 18 or 18.1 of this chapter may be**
20 **recognized under the 1977 fund.**

21 SECTION 12. IC 36-8-8-7, AS AMENDED BY P.L.102-2023,
22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2026]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as
24 provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m), a police
25 officer or a firefighter who:

26 (1) is less than forty (40) years of age; and
27 (2) passes the baseline statewide physical and mental
28 examinations required under section 19 of this chapter;
29 shall be a member of the 1977 fund and is not a member of the 1925
30 fund, the 1937 fund, or the 1953 fund.

31 (b) A police officer or firefighter with service before May 1, 1977,
32 who is hired or rehired after April 30, 1977, may receive credit under
33 this chapter for service as a police officer or firefighter prior to entry
34 into the 1977 fund if the employer who rehires the police officer or
35 firefighter chooses to contribute to the 1977 fund the amount necessary
36 to amortize the police officer's or firefighter's prior service liability over
37 a period of not more than thirty (30) years, the amount and the period
38 to be determined by the system board. If the employer chooses to make
39 the contributions, the police officer or firefighter is entitled to receive
40 credit for the police officer's or firefighter's prior years of service

1 without making contributions to the 1977 fund for that prior service. In
2 no event may a police officer or firefighter receive credit for prior years
3 of service if the police officer or firefighter is receiving a benefit or is
4 entitled to receive a benefit in the future from any other public pension
5 plan with respect to the prior years of service.

6 (c) Except as provided in section 18 of this chapter, a police officer
7 or firefighter is entitled to credit for all years of service after April 30,
8 1977, with the police or fire department of an employer covered by this
9 chapter.

10 (d) A police officer or firefighter with twenty (20) years of service
11 does not become a member of the 1977 fund and is not covered by this
12 chapter, if the police officer or firefighter:

13 (1) was hired before May 1, 1977;

14 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
15 of which were repealed September 1, 1981); and

16 (3) is rehired after April 30, 1977, by the same employer.

17 (e) A police officer or firefighter does not become a member of the
18 1977 fund and is not covered by this chapter if the police officer or
19 firefighter:

20 (1) was hired before May 1, 1977;

21 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
22 of which were repealed September 1, 1981);

23 (3) was rehired after April 30, 1977, but before February 1, 1979;
24 and

25 (4) was made, before February 1, 1979, a member of a 1925,
26 1937, or 1953 fund.

27 (f) A police officer or firefighter does not become a member of the
28 1977 fund and is not covered by this chapter if the police officer or
29 firefighter:

30 (1) was hired by the police or fire department of a unit before May
31 1, 1977;

32 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
33 of which were repealed September 1, 1981);

34 (3) is rehired by the police or fire department of another unit after
35 December 31, 1981; and

36 (4) is made, by the fiscal body of the other unit after December
37 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
38 unit.

39 If the police officer or firefighter is made a member of a 1925, 1937, or
40 1953 fund, the police officer or firefighter is entitled to receive credit

1 for all the police officer's or firefighter's years of service, including
2 years before January 1, 1982.

3 (g) As used in this subsection, "emergency medical services" and
4 "emergency medical technician" have the meanings set forth in
5 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

6 (1) is employed by a unit that is participating in the 1977 fund;
7 (2) was employed as an emergency medical technician by a
8 political subdivision wholly or partially within the department's
9 jurisdiction;
10 (3) was a member of the public employees' retirement fund during
11 the employment described in subdivision (2); and
12 (4) ceased employment with the political subdivision and was
13 hired by the unit's fire department due to the reorganization of
14 emergency medical services within the department's jurisdiction;
15 shall participate in the 1977 fund. A firefighter who participates in the
16 1977 fund under this subsection is subject to sections 18 and 21 of this
17 chapter.

18 (h) A police officer or firefighter does not become a member of the
19 1977 fund and is not covered by this chapter if the individual was
20 appointed as:

21 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
22 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
23 unless the executive of the unit requests that the 1977 fund accept the
24 individual in the 1977 fund and the individual previously was a
25 member of the 1977 fund.

26 (i) A police matron hired or rehired after April 30, 1977, and before
27 July 1, 1996, who is a member of a police department in a second or
28 third class city on March 31, 1996, is a member of the 1977 fund.

29 (j) A park ranger who:

30 (1) completed at least the number of weeks of training at the
31 Indiana law enforcement academy or a comparable law
32 enforcement academy in another state that were required at the
33 time the park ranger attended the Indiana law enforcement
34 academy or the law enforcement academy in another state;
35 (2) graduated from the Indiana law enforcement academy or a
36 comparable law enforcement academy in another state; and
37 (3) is employed by the parks department of a city having a
38 population of more than one hundred ten thousand (110,000) and
39 less than one hundred fifty thousand (150,000);
40 is a member of the fund.

3 (1) who is a member of the 1977 fund before a consolidation
4 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

5 (2) whose employer is consolidated into the consolidated law
6 enforcement department or the fire department of a consolidated
7 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

11 is a member of the 1977 fund without meeting the requirements under
12 sections 19 and 21 of this chapter.

13 (l) Notwithstanding any other provision of this chapter, if:

14 (1) before a consolidation under IC 8-22-3-11.6, a police officer

15 or firefighter provides law enforcement services or fire protection

16 services for an entity in a consolidated city:

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

24 the police officer or firefighter is a member of the 1977 fund without
25 meeting the requirements under sections 19 and 21 of this chapter.

26 (m) A police officer or firefighter who is a member of the 1
27 under subsection (k) or (l) may not be:

28 (1) retired for purposes of section 10 of this chapter; or

34 (1) is an active member of the 1977 fund with an employer that
35 participates in the 1977 fund;

35 participates in the 1977 fund;
36 (2) separates from that employer; and

(3) not later than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer, **school resource officer**, or firefighter with the same or a second employer that participates in the 1977

12 (p) Notwithstanding any other provision of this chapter, a veteran
13 who is:

14 (1) described in IC 36-8-4.7; and
15 (2) employed as a firefighter, or police officer, or school
16 resource officer;

17 is a member of the 1977 fund.

18 (q) Notwithstanding any other provision of this chapter and except
19 as provided in subsection (o), a police officer, **school resource officer**,
20 or firefighter who:

21 (1) is an active member of the 1977 fund with an employer that
22 participates in the 1977 fund;

(2) separates from that employer; and
(3) more than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer, **school resource officer**, or firefighter with the same or a second employer that participates in the 1977 fund;

29 is a member of the 1977 fund without meeting the age limitation under
30 subsection (a) provided the member can accrue twenty (20) years of
31 service credit in the 1977 fund by the time the **police officer, school**
32 **resource officer, or** firefighter becomes sixty (60) years of age. A
33 police officer, **school resource officer**, or firefighter who participates
34 in the 1977 fund under this subsection must pass the baseline statewide
35 physical and mental examination under section 19 of this chapter. A
36 police officer, **school resource officer**, or firefighter to whom this
37 subsection applies is entitled to receive credit for all years of 1977 fund
38 covered service as a police officer, **school resource officer**, or
39 firefighter with all employers that participate in the 1977 fund.

40 SECTION 13. IC 36-8-8-21.5, AS ADDED BY P.L.135-2024,

1 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 21.5. (a) This section applies to a school resource
3 officer that becomes or remains a member of the 1977 fund under
4 section 3(f) or 3(g) of this chapter.

5 (b) A school resource officer is a member of the 1977 fund if the
6 school resource officer:

- 7 (1) **subject to IC 36-8-4.7-5**, meets the age limitation under
8 section 7(a) of this chapter;
- 9 (2) passes the baseline statewide physical and mental
10 examinations required under section 19 of this chapter; and
- 11 (3) meets the training requirements under IC 20-26-18.2-1.

12 (c) Credit for prior service of a school resource officer who becomes
13 a member of the 1977 fund under this section shall be determined
14 under section 18 or 18.1 of this chapter. No service credit beyond that
15 allowed under section 18 or 18.1 of this chapter may be recognized
16 under the 1977 fund.

17 SECTION 14. IC 36-8-8-25 IS ADDED TO THE INDIANA CODE
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2026]: **Sec. 25. (a) This section applies to a school corporation**
20 **police department established under IC 20-26-16.**

21 **(b) The governing body of one (1) or more school corporations,**
22 **or the equivalent for a charter school, may designate either of the**
23 **following as the local board for a school corporation police**
24 **department:**

- 25 (1) **A local board described in section 2.1(a)(1), 2.1(a)(3), or**
26 **2.1(a)(4) of this chapter.**
- 27 (2) **A board of trustees established under subsection (c).**

28 **(c) If the governing body of one (1) or more school corporations,**
29 **or the equivalent for a charter school, designates a board of**
30 **trustees under subsection (b)(2) to serve as the local board, the**
31 **following apply:**

32 **(1) Except as otherwise provided in this subdivision, the board**
33 **of trustees must consist of at least seven (7) but not more than**
34 **nine (9) trustees, as follows:**

35 **(A) A school superintendent or the school superintendent's**
36 **designee, a school fiscal officer or the school fiscal officer's**
37 **designee, and a police chief of a participating school police**
38 **department, who are ex officio voting members of the**
39 **board of trustees.**

40 **(B) One (1) retired member of a participating school police**

1 **department. However, if there is not a retired member of**
2 **a participating school police department, no one shall be**
3 **appointed under this subdivision until such time as there**
4 **is a retired member.**

5 **(C) At least three (3) but not more than five (5) active**
6 **members of a participating police department.**

7 **However, for a board of trustees established under this**
8 **subsection where there are not sufficient members of a school**
9 **police department to appoint a local board of trustees under**
10 **this subsection consisting of at least five (5) trustees, the local**
11 **board of trustees appointed under this subsection may be**
12 **composed of three (3) trustees, those being the superintendent**
13 **or the superintendent's designee, the school fiscal officer or**
14 **the school fiscal officer's designee, and the school police**
15 **department chief. The trustees are selected in a manner**
16 **prescribed by the governing body for a school corporation or**
17 **the equivalent for a charter school. If the board of trustees**
18 **will manage two (2) or more school police departments, the**
19 **members shall be selected in a manner agreed upon by the**
20 **participating school corporations or charter schools. The**
21 **trustees shall serve at the pleasure of the appointing**
22 **authority.**

23 **(2) A majority of all the trustees constitutes a quorum for the**
24 **transaction of business.**

25 **(3) The trustees receive no pay for their services.**

26 **(4) The board of trustees may make all necessary bylaws for:**

27 **(A) meetings of the trustees;**

28 **(B) all matters connected with the care, preservation, and**
29 **disbursement of the fund; and**

30 **(C) all other matters connected with the proper execution**
31 **of this chapter.**

32 **(5) For purposes of IC 36-8-6-3, the school superintendent or**
33 **the school superintendent's designee described in subdivision**
34 **(1)(A) is considered the president, and the school fiscal officer**
35 **or the school fiscal officer's designee described in subdivision**
36 **(1)(A) is considered the treasurer."**

37 Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as introduced.)