

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.

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- 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

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

(1) a member of the police department; ~~or~~

(2) a member of the fire department; ~~or~~

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

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

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

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

(A) a member of the police department; ~~or~~

(B) a member of the fire department; ~~or~~

(C) a school resource officer (as defined in IC 36-8-8-2.2);

the individual is a veteran who has completed at least twenty (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 conditions set forth in IC 10-17-12-7.5(2).

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

(A) a member of the police department; ~~or~~

(B) a member of the fire department; ~~or~~

(C) a school resource officer (as defined in IC 36-8-8-2.2);

including all physical requirements.

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

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

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

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

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

(4) For a unit, other than a consolidated city, that did not establish 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.**

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

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

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

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

(c) A unit that:

- (1) has not established a pension fund for its firefighters; or
- (2) is participating in the public employees' retirement fund under subsection (b);

may participate in the 1977 fund upon approval by the fiscal body, notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund under this subsection must comply with section 21 of this chapter. However, if a police officer or firefighter is a member of the public

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

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

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

(f) A school corporation or charter school that:

(1) employs a school resource officer; or

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

(A) ~~local law enforcement agency;~~

(B) ~~private entity; or~~

(C) ~~nonprofit corporation;~~

to employ a school resource officer;

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

A school corporation or charter school that ~~participates in the 1977 fund~~ **employs a school resource officer** under this subsection or subsection (g) must comply with section 21.5 of this chapter **and 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 under sections 6 and 6.5 of this chapter.** However, if a school resource officer is a member of the public employees' retirement fund, the school resource officer may continue as a member of that fund instead of the 1977 fund.

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

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

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

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

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

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

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

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

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

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

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

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

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

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

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

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

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

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) and less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

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

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated 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;

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

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

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(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;

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

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

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

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

(n) Notwithstanding any other provision of this chapter and subject to subsection (o), a police officer, **school resource officer**, or firefighter who:

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

(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

1 fund;
 2 is a member of the 1977 fund without meeting for a second time the
 3 age limitation under subsection (a) and the requirements under sections
 4 19 and 21 of this chapter. A police officer, **school resource officer**, or
 5 firefighter to whom this subsection applies is entitled to receive credit
 6 for all years of 1977 fund covered service as a police officer, **school**
 7 **resource officer**, or firefighter with all employers that participate in
 8 the 1977 fund.

9 (o) The one hundred eighty (180) day limitation described in
 10 subsection (n)(3) does not apply to a member of the 1977 fund who is
 11 eligible for reinstatement under IC 36-8-4-11.

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;
- 23 (2) separates from that employer; and
- 24 (3) more than one hundred eighty (180) days after the date of the
 25 separation described in subdivision (2), becomes employed as a
 26 full-time police officer, **school resource officer**, or firefighter
 27 with the same or a second employer that participates in the 1977
 28 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,

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

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

(1) **subject to IC 36-8-4.7-5**, meets the age limitation under section 7(a) of this chapter;

(2) passes the baseline statewide physical and mental examinations required under section 19 of this chapter; and

(3) meets the training requirements under IC 20-26-18.2-1.

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

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

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

(1) A local board described in section 2.1(a)(1), 2.1(a)(3), or 2.1(a)(4) of this chapter.

(2) A board of trustees established under subsection (c).

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

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

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

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

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

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

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

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

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

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

(A) meetings of the trustees;

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

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

(5) For purposes of IC 36-8-6-3, the school superintendent or the school superintendent's designee described in subdivision

(1)(A) is considered the president, and the school fiscal officer or the school fiscal officer's designee described in subdivision

(1)(A) is considered the treasurer."

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as introduced.)