



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed Senate Bill 1006 be amended to read as follows:

- 1 Page 5, between lines 34 and 35, begin a new paragraph and insert:
- 2 "SECTION 8. IC 5-2-1-9, AS AMENDED BY P.L.205-2013,
- 3 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2014]: Sec. 9. (a) The board shall adopt in accordance with
- 5 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
- 6 The rules, which shall be adopted only after necessary and proper
- 7 investigation and inquiry by the board, shall include the establishment
- 8 of the following:
- 9 (1) Minimum standards of physical, educational, mental, and
- 10 moral fitness which shall govern the acceptance of any person for
- 11 training by any law enforcement training school or academy
- 12 meeting or exceeding the minimum standards established
- 13 pursuant to this chapter.
- 14 (2) Minimum standards for law enforcement training schools
- 15 administered by towns, cities, counties, law enforcement training
- 16 centers, agencies, or departments of the state.
- 17 (3) Minimum standards for courses of study, attendance
- 18 requirements, equipment, and facilities for approved town, city,
- 19 county, and state law enforcement officer, police reserve officer,
- 20 and conservation reserve officer training schools.
- 21 (4) Minimum standards for a course of study on cultural diversity
- 22 awareness that must be required for each person accepted for
- 23 training at a law enforcement training school or academy.
- 24 (5) Minimum qualifications for instructors at approved law
- 25 enforcement training schools.
- 26 (6) Minimum basic training requirements which law enforcement
- 27 officers appointed to probationary terms shall complete before

being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, mental retardation, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising

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

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

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

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

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

(e) This subsection does not apply to:

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

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

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

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

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

regarding the subjects of arrest, search and seizure, the lawful use of force, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using

1 available technology in conjunction with live instruction. The board
 2 shall provide the course material, the instructors, and the facilities at
 3 the regional sites throughout the state that are used for the pre-basic
 4 course. In addition, the board may certify pre-basic courses that may be
 5 conducted by other public or private training entities, including
 6 postsecondary educational institutions.

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

- 27 (1) An emergency situation.
- 28 (2) The unavailability of courses.

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

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

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

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

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

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

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

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

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

(3) is hired under subdivision (1) in an upper level policymaking position; and

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

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

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

(1) arrest;

(2) search; and

(3) seizure.

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

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming

agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

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

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

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

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

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

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

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

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

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

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

(v) This subsection applies to the following:

- (1) Minimum basic training program required under subsection (d).**

(2) Mandatory inservice training program required under subsection (g).

(3) Town marshal basic training program required under subsection (h).

(4) Police chief executive training program required under subsection (j).

(5) Any other training program for which the board adopts standards.

After December 31, 2014, the standards adopted by the board for each program described in this subsection must include requirements for mandatory training in identifying, responding to, and reporting bias motivated crimes in which the person who committed the offense selected the victim who was injured or whose property was damaged or otherwise affected because of the actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender, or gender identity of the victim."

Page 20, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 25. IC 10-13-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "bias **motivated** crime" means an offense in which the person who commits the offense ~~knowingly or~~ intentionally:

(1) selected the person who was injured; or

(2) damaged or otherwise affected property;

by the offense because of the color, creed, disability, national origin, race, religion, ~~or~~ sexual orientation, **gender, or gender identity** of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

SECTION 26. IC 10-13-3-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. (a) A law enforcement agency shall collect information concerning bias **motivated** crimes.

(b) At least two (2) times each year, a law enforcement agency shall submit information collected under subsection (a) to the Indiana central repository for criminal history information. Information shall be reported in the manner and form prescribed by the department.

(c) A law enforcement agency shall submit data regarding the commission of bias motivated crimes to the Federal Bureau of Investigation in accordance with guidelines established under 28 U.S.C. 534.

~~(c)~~ (d) At least one (1) time each year, the Indiana central repository for criminal history information shall submit a report that includes a compilation of information obtained under subsection (b) to each law enforcement agency and to the legislative council. A report submitted

to a law enforcement agency and the legislative council under this subsection may not contain the name of a person who:

- (1) committed or allegedly committed a bias **motivated** crime; or
- (2) was the victim or the alleged victim of a bias **motivated** crime.

A report submitted to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

~~(d)~~ **(e)** Except as provided in ~~subsection (e)~~, **subsections (c) and (f)**, information collected, submitted, and reported under this section must be consistent with guidelines established for the acquisition, preservation, and exchange of identification records and information by:

- (1) the Attorney General of the United States; or
- (2) the Federal Bureau of Investigation;

under 28 U.S.C. 534 and the Hate Crime Statistics Act, as amended (28 U.S.C. 534 note).

~~(e)~~ **(f)** Information submitted under subsection (b) and reports issued under subsection ~~(e)~~ **(d)** shall, in conformity with guidelines prescribed by the department,

~~(1)~~ be separated in reports on the basis of whether it is an alleged crime, a charged crime, or a crime for which a conviction has been obtained. ~~and~~

~~(2) be divided in reports on the basis of whether, in the opinion of the reporting individual and the data collectors, bias was the primary motivation for the crime or only incidental to the crime."~~

Page 110, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 95. IC 35-45-2-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.2. (a) As used in this section, "personal characteristics" mean an individual's actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender, or gender identity.**

(b) A person who, with the intent to harass, annoy, or alarm an individual because of the individual's personal characteristics:

- (1) damages property belonging to or in possession of the individual; or**

- 1 **(2) causes bodily injury to the individual;**
- 2 **commits malicious spite, a Level 6 felony."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1006 as printed February 28, 2014.)

Senator TAYLOR