

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

HOUSE ENROLLED ACT No. 1193

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.130-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

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- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- (13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.
- (14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.
- (15) Identify grants and other funds that can be used to fund the gang crime witness protection program.
- (16) After December 31, 2008, administer the licensing of:
 - (A) commercial driver training schools; and
 - (B) instructors at commercial driver training schools.
- (17) Administer any sexual offense services.
- (18) Administer domestic violence programs.
- (19) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.
- (20) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.
- (21) Administer the family violence and victim assistance fund under IC 5-2-6.8.
- (22) Administer and provide staff support to the law enforcement, school policing, and youth work group under IC 5-2-6.9.**

SECTION 2. IC 5-2-6.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 6.9. Law Enforcement, School Policing, and Youth Work Group

Sec. 1. (a) As used in this chapter, "institute" means the Indiana criminal justice institute established by IC 5-2-6-3.

(b) As used in this chapter, "work group" means the law enforcement, school policing, and youth work group established by

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section 2 of this chapter.

Sec. 2. (a) The law enforcement, school policing, and youth work group is established.

(b) The institute shall staff and administer the work group.

(c) The institute may adopt rules under IC 4-22-2 to administer the work group.

Sec. 3. (a) The work group consists of twenty-six (26) voting members, including:

- (1) the executive director of the Indiana criminal justice institute or the executive director's designee;**
- (2) the executive director of the Indiana law enforcement academy or the executive director's designee;**
- (3) the state superintendent of public instruction or the state superintendent's designee;**
- (4) the executive director of the Indiana judicial center or the executive director's designee;**
- (5) the executive director of the public defender council of Indiana or the executive director's designee;**
- (6) the executive director of the prosecuting attorneys council of Indiana or the executive director's designee;**
- (7) the executive director of the Indiana sheriff's association or the executive director's designee;**
- (8) a judge having juvenile court jurisdiction, appointed by the governor;**
- (9) a chief of police, police officer, or town marshal, appointed by the attorney general;**
- (10) a pediatric physician, appointed by the chief justice of the supreme court;**
- (11) a psychologist who treats adolescent children, appointed by the speaker of the house of representatives;**
- (12) a law enforcement officer employed by a law enforcement agency who routinely works in a school, appointed by the minority leader of the house of representatives;**
- (13) an attorney licensed to practice law in Indiana who is a member of the Indiana State Bar Association, appointed by the president pro tempore of the senate;**
- (14) an individual who is less than nineteen (19) years of age, appointed by the minority leader of the senate;**
- (15) a school teacher who is employed by a junior high school, middle school, or high school, appointed by the governor;**
- (16) a school social worker, appointed by the attorney general;**

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- (17) a school attorney, appointed by the chief justice of the supreme court;
- (18) a school principal from an urban school district, appointed by the speaker of the house of representatives;
- (19) a school principal from a suburban or rural school district, appointed by the minority leader of the house of representatives;
- (20) an individual who represents or is employed by a child advocate organization, appointed by the president pro tempore of the senate;
- (21) a special education teacher, appointed by the minority leader of the senate;
- (22) a law school professor, appointed by the governor;
- (23) a university or college professor who has studied or specializes in school discipline and racial equity issues of children, appointed by the attorney general;
- (24) the director of a law enforcement training school or academy other than the Indiana law enforcement academy, appointed by the chief justice of the supreme court;
- (25) a parent of a child who is enrolled in high school, appointed by the speaker of the house of representatives; and
- (26) a parent of a child who is enrolled in high school, appointed by the president pro tempore of the senate.

(b) The work group also consists of four (4) members of the general assembly who shall serve as nonvoting members of the work group. The president pro tempore of the senate shall appoint two (2) senators, who may not be members of the same political party. The speaker of the house of representatives shall appoint two (2) representatives, who may not be members of the same political party.

(c) The individual appointed under subsection (a)(22) shall serve as the chairperson of the work group.

(d) The individuals appointing work group members under this section should strive for a diverse group of appointees reflecting a variety of ethnic groups and races and both men and women.

Sec. 4. The work group shall meet one (1) time per month at the call of the chairperson.

Sec. 5. Fourteen (14) voting members of the work group constitute a quorum. The work group is not prohibited from conducting business as a result of a vacancy in the work group. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from

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the same group that was represented by the outgoing member.

Sec. 6. All appointments of the work group's members are renewable.

Sec. 7. (a) A member of the work group who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b) and is not entitled to reimbursement for traveling expenses.

(b) A member of the work group who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 8. (a) Before July 1 of each year, the work group shall submit an annual report to the:

- (1)** legislative council;
- (2)** governor;
- (3)** department of education;
- (4)** Indiana law enforcement academy;
- (5)** commission on courts established by IC 33-23-10-1;
- (6)** education roundtable established by IC 20-19-4-2;
- (7)** chief justice of the supreme court; and
- (8)** board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8.

(b) The report must include the findings and recommendations of the board.

(c) The report submitted to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 9. The institute shall:

- (1)** provide staff support to the work group; and
- (2)** post the work group's:
 - (A)** meeting minutes; and
 - (B)** reports;
 on the institute's web site.

Sec. 10. (a) The work group shall:

- (1)** recommend legislation to the general assembly;
- (2)** study and recommend training curricula to the Indiana law enforcement academy concerning law enforcement officer interactions with juveniles;
- (3)** study and recommend training curricula concerning law enforcement, school policing, and juveniles, as described in subsection (b), for:

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- (A) school resources officers;
 - (B) teachers;
 - (C) school administrators;
 - (D) school corporation police officers; and
 - (E) privately contracted security officers who work in schools;
- (4) study and make recommendations concerning methods by which law enforcement agencies may improve interactions with juveniles;
- (5) study and recommend methods by which law enforcement agencies and schools may collaborate on reducing juvenile involvement in the juvenile justice system, including:
- (A) when school administrators should be notified before a student is arrested;
 - (B) what types of arrests should not occur on school property;
 - (C) recommendations regarding school administrators and law enforcement agencies reviewing school safety policies;
 - (D) policies concerning parental notification of student arrests; and
 - (E) the use of alternatives to arrest;
- (6) study and recommend pilot programs for school districts and law enforcement agencies to reduce juvenile involvement in the juvenile justice system based on best practices;
- (7) study and recommend guidelines for school districts to adopt to reduce juvenile involvement in the juvenile justice system;
- (8) study and recommend whether law enforcement agencies should employ juvenile justice specialists to:
- (A) train law enforcement officers on appropriate law enforcement interactions with juveniles;
 - (B) collaborate with schools to reduce law enforcement interactions with juveniles; and
 - (C) develop alternatives to arresting juveniles;
- (9) study and recommend educational curricula to the department of education for students regarding:
- (A) the juvenile justice and criminal justice systems;
 - (B) the types of conduct that can lead to school discipline;
 - (C) the consequences of being arrested; and
 - (D) restorative justice principles;
- (10) study and recommend training curricula for school employees concerning:

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- (A) the juvenile justice system;
 - (B) alternatives to student suspension, expulsion, and arrest;
 - (C) restorative justice; and
 - (D) the consequences of arresting a youth;
- (11) study and recommend the use of school security guards by school corporations and whether additional training is recommended for school security guards to make arrests, conduct searches, and carry firearms on school corporation property;
- (12) study the use of zero (0) tolerance policies by schools and the impact that zero (0) tolerance policies have for youth involvement in the juvenile justice system;
- (13) study and recommend curriculum for the law enforcement training academy to adopt regarding training requirements for each person accepted for training at a law enforcement training school or academy regarding:
- (A) interacting with juveniles; and
 - (B) de-escalation techniques appropriate for youth;
- (14) study and recommend whether law enforcement agencies should provide continuing education to law enforcement officers regarding:
- (A) interacting with juveniles; and
 - (B) de-escalation techniques appropriate for youth; and
- (15) study and recommend whether school security guards should receive training before being allowed to carry a firearm on school corporation property.
- (b) The recommendations under subsection (a)(3) may include recommendations for training concerning:
- (1) adolescent development;
 - (2) adolescent psychology;
 - (3) children with disabilities and special needs;
 - (4) law enforcement interactions with youth in schools;
 - (5) relationship building;
 - (6) implications for asserting authority;
 - (7) cultural competency; and
 - (8) alternatives to referral, arrest, and detention.
- (c) The work group shall make a recommendation regarding the issue stated in subsection (a)(11) by August 1, 2011.
- Sec. 11. The work group shall conduct its first meeting by August 1, 2010.
- Sec. 12. This chapter expires June 30, 2015.

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SECTION 3. IC 20-34-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 6. Student Safety Reporting

Sec. 1. (a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:

- (1) The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests.**
- (2) The offenses for which students were arrested on school corporation property.**
- (3) The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property.**
- (4) Statistics concerning the age, race, and gender of students arrested on school corporation property and categorizing the statistics by offenses.**
- (5) Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report:**
 - (A) the number of officers in the school corporation police department; and**
 - (B) the training the officers must complete.**
- (6) If the school corporation employs private security guards to enforce rules or laws on school property, a detailed explanation of the use of private security guards by the school corporation.**
- (7) If the school corporation has an agreement with a local law enforcement agency regarding procedures to arrest students on school property, a detailed explanation of the use of the local law enforcement agency by the school corporation.**

(b) By August 1 of each year, the department shall submit a report to:

- (1) the legislative council;**
- (2) the education roundtable established by IC 20-19-4-2;**
- (3) the board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8; and**
- (4) the criminal justice institute;**

providing a summary of the reports submitted to the department

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under subsection (a). The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) By August 1 of each year, the department must post the reports described in subsections (a) and (b) on the department's Internet web site.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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