IC 10

TITLE 10. PUBLIC SAFETY

IC 10-1

ARTICLE 1. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-2

ARTICLE 2. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-3

ARTICLE 3. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-4

ARTICLE 4. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-5

ARTICLE 5. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-6

ARTICLE 6. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-7

ARTICLE 7. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-8

ARTICLE 8. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-9

ARTICLE 9. REPEALED

(Repealed by P.L.2-2003, SEC.102.)

IC 10-10

ARTICLE 10. EFFECT OF RECODIFICATION OF TITLE 10

IC 10-10-1

Chapter 1. Effect of Recodification by the Act of the 2003 Regular Session of the General Assembly

IC 10-10-1-1

"Prior law"

Sec. 1. As used in this chapter, "prior law" refers to the statutes concerning state police, civil defense, emergency management, military affairs, veterans affairs, and war memorials that are repealed or amended in the recodification act of the 2003 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 2003 regular session of the general assembly.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-2

Purpose of recodification

Sec. 2. The purpose of the recodification act of the 2003 regular session of the general assembly is to recodify prior law in a style that is clear, concise, and easy to interpret and apply. Except to the extent that:

(1) the recodification act of the 2003 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 2003 regular session of the general assembly; or

(2) the minutes of meetings of the code revision commission during 2002 expressly indicate a different purpose;

the substantive operation and effect of the prior law continue uninterrupted as if the recodification act of the 2003 regular session of the general assembly had not been enacted.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-3

Statutory construction of recodification

Sec. 3. Subject to section 2 of this chapter, sections 4 through 9 of this chapter shall be applied to the statutory construction of the recodification act of the 2003 regular session of the general assembly.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-4

Effect of recodification

Sec. 4. (a) The recodification act of the 2003 regular session of

the general assembly does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made or authorized;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of any contracts, easements, or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

(A) permits;

(B) licenses;

(C) certificates of registration;

(D) grants of authority; or

(E) limitations of authority; or

(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2003 regular session of the general assembly (July 1, 2003). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2003 regular session of the general assembly had not been enacted.

(b) The recodification act of the 2003 regular session of the general assembly does not:

(1) extend or cause to expire a permit, license, certificate of registration, or other grant or limitation of authority; or

(2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior law.

(c) The recodification act of the 2003 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior law or the rules adopted under the prior law.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-5

Recodification of prior law

Sec. 5. The recodification act of the 2003 regular session of the

general assembly shall be construed as a recodification of prior law. Except as provided in section 2(1) and 2(2) of this chapter, if the literal meaning of the recodification act of the 2003 regular session of the general assembly (including a literal application of an erroneous change to an internal reference) would result in a substantive change in the prior law, the difference shall be construed as a typographical, spelling, or other clerical error that must be corrected by:

(1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 2003 regular session of the general assembly; or

(2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 2003 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of statutory construction that a court must apply the literal meaning of an act if the literal meaning of the act is unambiguous does not apply to the recodification act of the 2003 regular session of the general assembly to the extent that the recodification act of the 2003 regular session of the general assembly is not substantively identical to the prior law.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-6

References to repealed statutes

Sec. 6. Subject to section 9 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in the recodification act of the 2003 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-7

References to citations

Sec. 7. A citation reference in the recodification act of the 2003 regular session of the general assembly to another provision of the recodification act of the 2003 regular session of the general assembly shall be treated as including a reference to the provision of prior law that is substantively equivalent to the provision of the recodification act of the 2003 regular session of the general assembly that is referred to by the citation reference.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-8

References to prior rules

Sec. 8. (a) As used in the recodification act of the 2003 regular session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the

recodification act of the 2003 regular session of the general assembly refers to either:

(1) rules adopted under the recodification act of the 2003 regular session of the general assembly; or

(2) rules adopted under the prior law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior law continue in effect after June 30, 2003, until the rules are amended, repealed, or suspended.

As added by P.L.2-2003, SEC.1.

IC 10-10-1-9

References to prior law

Sec. 9. (a) A reference in the recodification act of the 2003 regular session of the general assembly to a citation in the prior law before its repeal is added in certain sections of the recodification act of the 2003 regular session of the general assembly only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 2003 regular session of the general assembly of a reference to a citation in the prior law before its repeal does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of contracts, easements, or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

(A) permits;

(B) licenses;

(C) certificates of registration;

(D) grants of authority; or

(E) limitations of authority; or

(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2003 regular session of the general assembly (July 1, 2003). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2003 regular session of the general assembly had not been

enacted.

(c) The inclusion or omission in the recodification act of the 2003 regular session of the general assembly of a citation to a provision in the prior law does not affect the use of a prior conviction, violation, or noncompliance under the prior law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 2003 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 2003 regular session of the general assembly in a manner that does not result in a substantive change in the law.
As added by P.L.2-2003, SEC.1.

IC 10-11

ARTICLE 11. STATE POLICE

IC 10-11-1

Chapter 1. Definitions

IC 10-11-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2003, SEC.2.

IC 10-11-1-2

"Board"

Sec. 2. "Board" refers to the state police board established by IC 10-11-2-5.

As added by P.L.2-2003, SEC.2.

IC 10-11-1-3

"Department"

Sec. 3. "Department" refers to the state police department established by IC 10-11-2-4.

As added by P.L.2-2003, SEC.2.

IC 10-11-1-4

"Superintendent"

Sec. 4. "Superintendent" refers to the superintendent of the department appointed under IC 10-11-2-6.

As added by P.L.2-2003, SEC.2.

IC 10-11-2

Chapter 2. State Police Department

IC 10-11-2-1

"Civilian employee"

Sec. 1. As used in this chapter, "civilian employee" means an employee assigned to a position other than a position having police rank as a peace officer.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-2

"Employee"

Sec. 2. (a) As used in this chapter, "employee" means an employee of the department.

(b) The term includes police employees.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-3

"Police employee"

Sec. 3. As used in this chapter, "police employee" means an employee who is assigned police work as a peace officer under section 21 of this chapter.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-4

Department established

Sec. 4. The state police department is established.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-5

State police board established

Sec. 5. (a) The state police board is established. The board shall administer, manage, and control the department.

(b) The board consists of six (6) members appointed by the governor, not more than three (3) of whom may belong to the same political party. A member of the board appointed by the governor shall serve for a term of four (4) years except when appointed to fill a vacancy for an unexpired term. In making appointments to the board, the governor shall select one (1) member from each of six (6) geographical regions in Indiana as described in subsection (d). Each member must be a permanent resident of the region from which the member is appointed.

(c) As vacancies occur, the governor shall select new members by region, beginning with the lowest numbered region that is not represented and continuing in that manner until each region is represented.

(d) For purposes of appointments to the state police board, the geographical regions described in subsections (b) and (c) are as

follows:

(1) Region I is comprised of Lake, Porter, LaPorte, Newton, Jasper, Starke, Pulaski, Benton, White, Warren, and Fountain counties.

(2) Region II is comprised of St. Joseph, Elkhart, LaGrange, Steuben, Marshall, Kosciusko, Noble, DeKalb, Whitley, and Allen counties.

(3) Region III is comprised of Fulton, Cass, Miami, Wabash, Huntington, Wells, Adams, Carroll, Howard, Grant, Blackford, Tippecanoe, Clinton, Tipton, Madison, Montgomery, Boone, Hamilton, and Jay counties.

(4) Region IV is comprised of Hendricks, Marion, and Hancock counties.

(5) Region V is comprised of Vermillion, Parke, Putnam, Morgan, Vigo, Clay, Owen, Monroe, Brown, Sullivan, Greene, Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry counties.

(6) Region VI is comprised of Delaware, Randolph, Henry, Wayne, Johnson, Shelby, Rush, Fayette, Union, Bartholomew, Decatur, Franklin, Jackson, Jennings, Ripley, Dearborn, Ohio, Washington, Scott, Jefferson, Switzerland, Clark, Harrison, and Floyd counties.

(e) Members appointed to the board shall serve during their respective terms and until their respective successors have been appointed and qualified. A member of the board may be removed by the governor for inefficiency, incompetency, or neglect of duty after the member has been accorded a hearing by the governor upon reasonable notice of the charge being made against the member.

(f) As compensation for service on the board, each member of the board is entitled to receive the following:

(1) Twenty-five dollars ($25) per day for each day or part of a day during which the member is engaged in transacting the business of the board.

(2) The member's actual traveling and other expenses necessarily incurred in discharging the duties of the member's office.

(g) The members of the board shall organize by the election of a president and a secretary from among their own membership, each of whom shall serve a term of one (1) year.

(h) Four (4) members of the board constitute a quorum for the transaction of business. The board shall hold regular monthly meetings and special meetings throughout the year as necessary to transact the business of the department.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-6
Appointment of superintendent

Sec. 6. (a) The governor shall appoint a superintendent of the department.

(b) The superintendent:

(1) shall be selected on the basis of training and experience; and

(2) must:

(A) have:

(i) served at least five (5) years as a police executive; or

(ii) had five (5) years experience in the management of military, semi-military, or police bodies;

to equip the superintendent for the position; and

(B) have been trained in police affairs or public administration.

(c) The superintendent:

(1) is the executive officer; and

(2) has general charge of the work of the department.

(d) The superintendent shall serve at the pleasure of the governor.

(e) The governor shall fix the salary of the superintendent.

(f) The superintendent may be removed by the governor with or without cause.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-7

Department organization

Sec. 7. The department shall be organized in conformity with the rules adopted by the board.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-8

Purchases; expenditures; salaries

Sec. 8. (a) The state purchasing agent shall purchase all personal property, supplies, and equipment the department needs.

(b) All capital expenditures shall be made with the approval of the budget committee.

(c) The salaries and compensation of police employees and other employees shall be fixed by the board with the approval of the governor.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-9

Rules

Sec. 9. The superintendent, with the approval of the board, may adopt rules for the government of the department.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-10

Rank, grade, and position classifications

Sec. 10. (a) The superintendent, with the approval of the board, shall establish a classification of ranks, grades, and positions in the

department.

(b) For each rank, grade, and position established, the superintendent shall designate the authority and responsibility within the limits of this chapter.

(c) For each rank, grade, and position established, the superintendent shall set standards of qualifications in conformity with the plans and standards most widely adopted in other states, dominions, and provinces. The superintendent shall fix the prerequisites of training, education, and experience for each rank, grade, and position.

(d) The board, with the approval of the budget agency and the governor, shall prescribe the salaries to be paid for each rank, grade, and position.

(e) The superintendent, with the approval of the board and in accordance with the rules adopted by the superintendent, shall designate the rank, grade, and position held by each employee of the department until the superintendent designates an employee to hold another rank, grade, or position. The superintendent may assign and reassign each employee of the department to serve at stations and to perform within the limits of this chapter the duties the superintendent designates to the employee. The superintendent may determine the conditions and amounts of bonds required in appropriate cases.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-11

Use of seized motor vehicle

Sec. 11. (a) The superintendent, with the approval of the board and the budget agency, may accept for use by the department a motor vehicle forfeited under IC 16-42-20-5.

(b) If the department accepts a vehicle described in subsection (a), the department shall pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, and advertising and court costs.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-12

Employees; appointments; political activities

Sec. 12. (a) The superintendent:

(1) with the approval of the board;

(2) within the limits of any appropriation made available for the purpose; and

(3) subject to section 14 of this chapter;

shall appoint personnel to the ranks, grades, and positions of the department that the superintendent considers necessary for the efficient administration of the department.

(b) The superintendent shall:

(1) devise and administer examinations designed to test applicants; and

(2) appoint only those applicants who best meet the prescribed standards and prerequisites.

(c) An employee appointed to the department is on probation for one (1) year from the date of appointment. The board may extend the employee's probationary status for cause for a period of not more than one (1) additional year.

(d) An employee may:

(1) be a candidate for elected office or a political party office if permitted under 5 U.S.C. 1502 and serve in that office if elected;

(2) be appointed to or selected for a pro tempore appointment to any office and serve in that office if appointed or selected; and

(3) if the employee is not on duty, solicit votes and campaign funds and challenge voters for the office for which the person is a candidate.

An employee may serve in a part-time local elected office. However, service in a part-time local elected office must be in accordance with IC 4-2-6 and the rules and employee policies of the department. If elected to other than a part-time local elected office, the employee or appointee shall resign as an employee or appointee before assuming elected office.

As added by P.L.2-2003, SEC.2. Amended by P.L.100-2012, SEC.24.

IC 10-11-2-13

Salaries; police employees

Sec. 13. (a) The board shall categorize salaries of police employees within each rank based upon the rank held and the number of years of service in the department through the twentieth year. The salary ranges the board assigns to each rank shall be divided into a base salary and twenty (20) increments above the base salary, with:

(1) the base salary in the rank paid to a person with less than one (1) year of service in the department; and

(2) the highest salary in the rank paid to a person with at least twenty (20) years of service in the department.

(b) The salary matrix prescribed by this section shall be reviewed and approved by the budget agency before implementation.

As added by P.L.2-2003, SEC.2. Amended by P.L.234-2007, SEC.306.

IC 10-11-2-14

Training school

Sec. 14. (a) The superintendent, with the approval of the board, shall organize and maintain a training school for police employees of the department.

(b) A police employee may not be assigned to regular active duty until the police employee receives the training and successfully passes the course for probationers prescribed by the superintendent.

(c) Training courses, other than for probationers, shall be prescribed and conducted by the superintendent for all police employees of the department.
As added by P.L.2-2003, SEC.2.

IC 10-11-2-15
Discharge, demotion, and suspension of employee; hearings; judicial review

Sec. 15. (a) The superintendent may discharge, demote, or temporarily suspend an employee of the department for cause, after setting forth charges in writing.

(b) The charges may be based on any violation of the laws of Indiana or any violation of the rules of the department approved by the board. A copy of the charges shall be personally delivered to the employee by the employee's immediate commanding officer.

(c) An employee who is charged under this section has a right to answer the charges in a personal appearance before the superintendent. The superintendent shall set the appearance not less than five (5) days after the delivery of the copy of the written charges to the employee.

(d) Under the charges and after the personal appearance under this section, disciplinary action taken by the superintendent is subject to review at a public hearing before the board if the hearing is demanded by the disciplined employee not later than fifteen (15) days after receiving notice of the disciplinary action. The notice shall be by certified mail, return receipt requested, and shall be addressed to the employee at the employee's last known place of residence. If the employee fails to request a hearing before the board not later than fifteen (15) days after receiving notice of disciplinary action, as provided in this section, the decision and action of the superintendent are final and not subject to review.

(e) An employee who requests a hearing before the board under this section may be represented by counsel. The attorney general shall appear in the case to represent the interests of the people of the state.

(f) The state has the burden of proving the charges giving rise to the hearing. The procedure in a hearing before the board is informal and without recourse to the technical common law rules of evidence required in proceedings in courts.

(g) The board shall:

(1) designate a reporter for the hearing; and

(2) after all evidence has been introduced, make an informal finding of facts and a determination based upon the facts.

(h) The board shall notify the employee of its findings and determination by certified mail, return receipt requested, addressed to the employee at the employee's last known place of residence. If aggrieved by the determination, an employee may seek judicial review under IC 4-21.5-5.

(i) Probationers may be discharged, demoted, or temporarily suspended without right to a hearing before the board.

(j) An employee may not be discharged, demoted, temporarily suspended, or disciplined:

(1) because of political affiliation; or

(2) after the employee's probationary period, except as provided in this chapter.

(k) This chapter may not be construed to prevent the exercise of disciplinary measures by commanding officers within the department under the rules approved by the board.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-16

Number of citations as performance evaluation factor

Sec. 16. (a) This section applies to the issuance of a citation for a traffic violation under:

(1) IC 9; or

(2) a local ordinance that corresponds to a provision under IC 9.

(b) The department may not give greater consideration to the number of citations (as defined in IC 9-28-2-1), including:

(1) a summons;

(2) a ticket; or

(3) any other official document;

arising from a parking or standing violation that a law enforcement officer issues than to any other factor in the evaluation of the law enforcement officer's performance.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-17

Uniforms and equipment

Sec. 17. (a) The board shall provide, within amounts appropriated for the purpose, the uniforms and equipment necessary for the employees of the department to perform their respective duties.

(b) The uniforms and equipment provided to employees under this section remain the property of the state.

(c) The board may sell uniforms and equipment, with the consent of the governor, if the uniforms and equipment become unfit for use. Money received from a sale under this section must be paid into the state treasury and credited to the state general fund.

(d) The board shall charge against an employee of the department the value of any property of the department lost or destroyed through carelessness or neglect of the employee. If the board determines that the loss or destruction of the department's property was due to carelessness or neglect of an employee, the value of the equipment shall be deducted from the pay of the employee.

(e) An employee of the department may perform nonduty work, for compensation, using the issued uniform, radio, and firearm provided by the board, if that work is approved by the superintendent

in accordance with the rules and employee policies of the department. The employee shall reimburse the department for the value of any uniforms or equipment lost or destroyed in the performance of the nonduty work.
As added by P.L.2-2003, SEC.2. Amended by P.L.83-2006, SEC.1.

IC 10-11-2-18
Official hat and insignia; violation

Sec. 18. (a) The superintendent shall file with the secretary of state a drawing or photograph and a worded description, including the color, of the official uniform hat and insignia to be worn by state police officers while on duty.

(b) A person who wears or uses in public the hat or insignia or any imitation, reproduction, or facsimile of the hat or insignia, except an appointed member of the department authorized by the superintendent to wear the hat or insignia, commits a Class C infraction.

(c) After the drawing or photograph and worded description of the hat and insignia are filed with the secretary of state, the hat and insignia may not be changed by the department.
As added by P.L.2-2003, SEC.2.

IC 10-11-2-19
Employee expenses, lodgings, and subsistence

Sec. 19. (a) The superintendent may approve vouchers to pay expenses incurred by employees of the department in the discharge of their duties.

(b) The vouchers shall be audited and paid out of the appropriations for the department in the manner provided by law.

(c) Allowances for lodging and subsistence while away from official station may be paid to the employees of the department under the terms and conditions that the superintendent may prescribe. The superintendent may provide lodging and subsistence for employees of the department at their official stations.
As added by P.L.2-2003, SEC.2.

IC 10-11-2-20
Headquarters; purchase of services and equipment; special fund

Sec. 20. (a) The superintendent shall establish headquarters and stations in localities the superintendent considers advisable for the enforcement of the laws of the state.

(b) Within the limits of appropriations, the superintendent may do the following:

(1) Purchase, lease, or otherwise acquire suitable places, lands, buildings, or rooms as local headquarters.

(2) Erect and equip buildings and headquarters as necessary.

(3) Purchase or otherwise acquire motor equipment, horses, and other services, commodities, and equipment the superintendent

considers essential for the needs of the employees of the department in carrying out their duties.

(4) Discontinue any headquarters or stations if the superintendent considers it desirable for the proper enforcement of the laws of the state.

(5) Purchase and install any approved standard mechanical devices or equipment for the instantaneous or rapid transmission or broadcasting of any information concerning crime or the apprehension of criminals.

(c) The superintendent, with the approval of the board, may sell, dispose of, or destroy property that becomes unnecessary or unfit for further use by the department. Any money received from a sale under this subsection shall be deposited in the state treasury as a special fund to be used for the purchase of new equipment. The fund does not revert to the state general fund.

(d) Authority vested in the superintendent under this section shall be exercised with the approval of the board.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-21

Enforcement powers; transfer of control or direction of department members prohibited

Sec. 21. (a) The officers and police employees of the department have all necessary police powers:

(1) to enforce the laws of the state for the regulation and use of vehicles;

(2) for the protection of the surface or other physical part of the highways in Indiana; and

(3) without writ or warrant, to make an arrest for violation of the laws of the state for the regulation and use of vehicles when the violation is committed in their presence.

(b) The police employees of the department shall:

(1) prevent and detect offenses;

(2) apprehend offenders;

(3) enforce the laws; and

(4) perform other duties imposed upon them by law.

(c) Police employees of the department have:

(1) in any part of Indiana, the same powers concerning criminal matters and the enforcement of related laws as sheriffs, constables, and police officers have in their respective jurisdictions; and

(2) power to act as agents for the state on return of parolees, fugitives from justice, and persons extradited to Indiana for offenses.

(d) A warrant of arrest or search warrant may be executed by any police employee of the department in any part of the state, according to the terms of the warrant without endorsement.

(e) Police employees are subject to the call of the governor. The

governor may assign to the department other police duties that the executive department considers advisable, including the duties performed by deputy fire marshals.

(f) Police employees have power to arrest, without warrant, a person who is committing or attempting to commit in their presence or view a violation of the laws of the state.

(g) Under order of the superintendent, police employees may cooperate with any other department of the state or with local authorities.

(h) Police employees may not:

(1) exercise their powers within the limits of a city in labor disputes; or

(2) suppress rioting and disorder;

except by direction of the governor or upon the request of the mayor of the city with the approval of the governor or, if the governor is not available, with the approval of the lieutenant governor. Outside the limits of a city, police employees may not exercise their power in labor disputes except by direction of the governor or upon the request of the judge of the circuit court of the county, with the approval of the governor or, if the governor is not available, with the approval of the lieutenant governor.

(i) The control or direction of the officers or members of the department may not be transferred or delegated to any other agency or officer of the state or any subdivision of the state.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-22

Fingerprints; identification data

Sec. 22. (a) The members of the department:

(1) shall take fingerprints and any other identification data prescribed by the superintendent of persons taken into custody for felonies; and

(2) may, if they consider it advisable, take the fingerprints and other data of persons taken into custody for offenses other than felonies.

(b) Members of the department shall promptly transmit and file fingerprints and other data collected under this section.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-23

Cooperation with other agencies

Sec. 23. The employees of the department shall cooperate and exchange information with:

(1) any other department or authority of the state or with other police forces, both within and outside Indiana; and

(2) federal police forces;

to achieve greater success in preventing and detecting crimes and apprehending criminals.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-24
Correctional institutions to receive prisoners; medical examination or treatment

Sec. 24. (a) Except as provided in subsection (b), a person who has charge of a jail, prison, correctional facility, or other place of detention shall:

(1) receive a prisoner arrested by a police employee of the department within the jurisdiction served by the jail; and

(2) detain the prisoner in custody until otherwise ordered by a court or by the superintendent.

A person who refuses to receive a prisoner or who releases a prisoner except as directed may be removed from office by the governor.

(b) A person who has charge of a jail, prison, correctional facility, or other place of detention may not receive or detain a prisoner in custody under subsection (a) until the arresting police employee has had the prisoner examined by a physician or competent medical personnel if the prisoner appears to be:

(1) unconscious;

(2) suffering from a serious illness;

(3) suffering from a serious injury; or

(4) seriously impaired by alcohol, a controlled substance (as defined in IC 35-48-1-9), a drug other than a controlled substance, or a combination of alcohol, a controlled substance, or drugs.

(c) Except as provided in subsection (d), the cost of the examination and resulting treatment under subsection (b) is the financial responsibility of the prisoner receiving the examination or treatment.

(d) If a prisoner is unable to bear the financial responsibility for the cost of the examination and treatment under subsection (b), the prisoner may apply for indigent medical assistance.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-25
Pension program rights preserved

Sec. 25. All rights, duties, and liabilities of the state police department and its employees provided by IC 10-1-2 (before its repeal) and IC 10-12-2 are continued and preserved in the state police department established by this chapter and in those eligible to receive its benefits as though this chapter had not been enacted.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-26
Weigh station personnel; powers

Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or

portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.
(2) IC 6-6-1.1-1202.
(3) IC 6-6-2.5.
(4) IC 6-6-4.1-12.
(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21 (before its expiration) or IC 9-18.1-7.
(15) IC 9-24-1-1.
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-6.1-6 and IC 9-24-6.1-7, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13 (before their expiration).
(28) IC 9-29-5-42 (before its expiration).
(29) IC 10-14-8.
(30) IC 13-17-5-1, IC 13-17-5-3, or IC 13-17-5-4.
(31) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6.1-7.

As added by P.L.2-2003, SEC.2. Amended by P.L.210-2005, SEC.72; P.L.156-2006, SEC.23; P.L.21-2007, SEC.4; P.L.26-2010, SEC.1; P.L.125-2012, SEC.399; P.L.135-2013, SEC.11; P.L.2-2014,

SEC.51; P.L.217-2014, SEC.180; P.L.198-2016, SEC.633.

IC 10-11-2-27
Salaries; motor carrier employees

Sec. 27. (a) The board shall categorize salaries of motor carrier inspectors within each rank based upon the rank held and the number of years of service in the department through the tenth year. The salary ranges the board assigns to each rank shall be divided into a base salary and ten (10) increments above the base salary, with:

(1) the base salary in the rank paid to a person with less than one (1) year of service in the department; and

(2) the highest salary in the rank paid to a person with at least ten (10) years of service in the department.

(b) For purposes of creating the salary matrix prescribed by this section, the board may not approve salary ranges for any rank that are less than the salary ranges effective for that rank on January 1, 1995.

(c) The salary matrix prescribed by this section:

(1) shall be reviewed and approved by the budget agency before implementation; and

(2) must include the job classifications of motor carrier district coordinator, motor carrier zone coordinator, and motor carrier administrator.

As added by P.L.2-2003, SEC.2. Amended by P.L.234-2007, SEC.304.

IC 10-11-2-28
Security at state buildings and grounds; special police employees; capitol police officers; rules

Sec. 28. (a) The department shall maintain security and preserve the peace in and about the following:

(1) The state capitol building.

(2) A state office building.

(3) A state parking facility.

(4) A state motor pool garage.

(5) A state warehouse.

(6) The Indiana state library.

(7) The governor's residence.

(8) Any other building or property used by the state for any of the following purposes:

(A) Housing of personnel or activities of an agency or a branch of state government.

(B) Providing transportation or parking for state employees or persons having business with state government.

(b) A special police employee of the department assigned to the security activities under this section, other than an officer or police employee of the department who possesses police powers under section 21 of this chapter, possesses all of the common law and

statutory powers of law enforcement officers except for the service of civil process.

(c) For purposes of IC 5-2-1, a special police employee assigned to the security activities under this section, other than a regular police employee of the department, is a capitol police officer.

(d) Capitol police officers shall enforce IC 4-20.5 and rules of the Indiana department of administration.

(e) The superintendent may adopt rules under IC 4-22-2 to do the following:

(1) Enforce IC 4-20.5 and rules of the Indiana department of administration concerning the security of state property.

(2) Carry out the responsibilities for security of state property under this section.

As added by P.L.2-2003, SEC.2. Amended by P.L.83-2006, SEC.2.

IC 10-11-2-28.1

Transfer of certain employees from Indiana department of administration to department; treatment of employee prior service

Sec. 28.1. (a) The special police employees of the state police assigned to security activities under IC 10-1-1-29 or IC 10-1-1-30 (before their repeal) initially shall be composed of the employees of the Indiana department of administration who are employed on June 30, 2002, as part of its security officer activity. Civilian employees of the Indiana department of administration who support the security officer activity become employees of the department.

(b) Except as provided in subsection (c), an employee of the Indiana department of administration who becomes a member of the department under subsection (a) on July 1, 2002:

(1) is entitled to have the employee's service under the Indiana department of administration before July 1, 2002, included for the purpose of computing all applicable employment rights and benefits with the security section;

(2) is a member of the state retirement fund or pension plan in which the employee was a member on June 30, 2002; and

(3) if the employee was covered on June 30, 2002, by a labor agreement to which the state is a party, continues to be subject to the terms and conditions of the agreement and any successor labor agreements entered into by the state.

(c) An employee of the Indiana department of administration who:

(1) becomes a member of the department under subsection (a); and

(2) becomes a state police officer after fulfilling the law enforcement training requirements and all other requirements of the department;

is not entitled to have the employee's service under the Indiana department of administration or the security section included for the purpose of computing all applicable employment rights and benefits as a state police officer.

As added by P.L.16-2009, SEC.16.

IC 10-11-2-28.5
Salary matrix for capitol police officers

Sec. 28.5. (a) After June 30, 2007, the board shall use a salary matrix that categorizes salaries of capitol police officers described in section 28 of this chapter within each rank based upon the rank held and the number of years of service in the department through the tenth year. The salary ranges the board assigns to each rank shall be divided into a base salary and ten (10) increments above the base salary, with:

(1) the base salary in the rank paid to a capitol police officer with less than one (1) year of service in the department; and

(2) the highest salary in the rank paid to a capitol police officer with at least ten (10) years of service in the department.

(b) For purposes of creating the salary matrix prescribed by this section, the board may not approve salary ranges for any rank of capitol police officers that are less than the salary ranges effective for that rank on January 1, 2006.

(c) The salary matrix prescribed by this section shall be reviewed and approved by the budget agency before implementation.

(d) The salary matrix developed under subsection (a) must use the same percentage differentials between increments that are used for the salary matrix for police employees under IC 10-11-2-13.

As added by P.L.83-2006, SEC.3.

IC 10-11-2-29
Assignment of special police employees as gaming agents

Sec. 29. The superintendent may assign a special police employee described in section 28(b) of this chapter to serve as a gaming agent under an agreement with the Indiana gaming commission under IC 4-33-4-3.5.

As added by P.L.2-2003, SEC.2. Amended by P.L.97-2004, SEC.40.

IC 10-11-2-30
Wellness program

Sec. 30. The department may establish a wellness program for department employees as set forth in IC 4-15-13.

As added by P.L.2-2003, SEC.2.

IC 10-11-2-31
Reporting guidelines; format; number and geographical dispersal

Sec. 31. (a) The superintendent shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for the report of a methamphetamine laboratory by a law enforcement agency under IC 5-2-15-3.

(b) The guidelines adopted under this section must require a law

enforcement agency to report the existence of a methamphetamine laboratory to:

(1) the department;

(2) the local fire department that serves the area in which the methamphetamine laboratory is located;

(3) the county health department or, if applicable, multiple county health department of the county in which the methamphetamine laboratory is located; and

(4) the Indiana criminal justice institute;

on the form or in the specified electronic format adopted by the superintendent.

(c) The guidelines adopted under this section:

(1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14, expired June 30, 2007, and repealed) that the superintendent determines to be relevant;

(2) may require the department to report the existence of the methamphetamine laboratory to one (1) or more additional agencies or organizations;

(3) must require the department to maintain reports filed under IC 5-2-15-3 in a manner permitting an accurate assessment of:

(A) the number of methamphetamine laboratories located in Indiana in a specified period;

(B) the geographical dispersal of methamphetamine laboratories located in Indiana in a specified period; and

(C) any other information that the superintendent determines to be relevant; and

(4) must require a law enforcement agency to report any other information that the superintendent determines to be relevant.

As added by P.L.192-2005, SEC.4. Amended by P.L.186-2007, SEC.7; P.L.3-2008, SEC.83.

IC 10-11-2-31.1

Adoption of guidelines for receiving information regarding cleanup of property contaminated by methamphetamine manufacture; removal of property from public list of contaminated sites

Sec. 31.1. (a) The superintendent shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for receiving an approved certificate of cleanup from the department of environmental management that property used for the manufacture of methamphetamine or polluted by waste from the manufacture of methamphetamine has been certified as decontaminated by an inspector approved under IC 13-14-1-15.

(b) Guidelines adopted under this section must require that the department remove, in accordance with the time periods described in IC 5-2-6-19, the decontaminated property from any publicly available list of methamphetamine contaminated properties compiled or made available by the department.

As added by P.L.180-2014, SEC.3.

IC 10-11-2-32
Operation of Indiana intelligence fusion center

Sec. 32. The superintendent shall operate the Indiana intelligence fusion center established by IC 10-11-9-2.
As added by P.L.27-2010, SEC.2.

IC 10-11-2-33
Medical forensic examination kits

Sec. 33. (a) The superintendent shall adopt guidelines to establish a standard medical forensic examination kit for victims of a sex crime.

(b) The superintendent shall distribute the standard medical forensic examination kits to hospitals and other health care providers who may provide forensic medical examinations to the victims of a sex crime. The superintendent may adopt guidelines to carry out this subsection.
As added by P.L.161-2014, SEC.1.

IC 10-11-2-34
Informational pamphlet distributed to law enforcement agencies

Sec. 34. (a) As used in this section, "law enforcement agency" has the meaning set forth in IC 5-2-17-2.

(b) The superintendent shall provide a written informational pamphlet about the National Center for Missing and Exploited Children and the National Runaway Safeline. The pamphlet must include the following information:

(1) The twenty-four (24) hour toll free numbers for the following:

(A) The National Center for Missing and Exploited Children.

(B) The National Runaway Safeline.

(2) A description of the services that the National Center for Missing and Exploited Children and the National Runaway Safeline provide to families of missing children.

(c) The superintendent shall distribute a copy of the pamphlet to every law enforcement agency.

(d) The superintendent shall annually review the pamphlet information to ensure that the information is accurate. If the pamphlet information is not accurate, the superintendent shall:

(1) provide a new written informational pamphlet that includes the information described in subsection (b); and

(2) distribute a copy of the updated pamphlet to every law enforcement agency.
As added by P.L.23-2015, SEC.2.

IC 10-11-2-34.2

Forfeitures conducted by the federal government; report to legislative council

Sec. 34.2. (a) The superintendent shall annually report to the legislative council, to the extent the information is available, the amount of money that the state police department has received from the federal government as the result of a forfeiture conducted by the federal government.

(b) The report shall be:

(1) submitted before July 15 of every year; and

(2) in an electronic format under IC 5-14-6.

(c) The report may include any other information that the superintendent believes would be helpful.

As added by P.L.237-2015, SEC.3.

IC 10-11-3

Chapter 3. Enforcement of Motor Carrier Laws

IC 10-11-3-1

Enforcement section established

Sec. 1. There is established within the department an enforcement section of twenty (20) state police officers who, on behalf of the department of state revenue, shall enforce strict compliance with IC 8-2.1.

As added by P.L.2-2003, SEC.2.

IC 10-11-3-2

Enforcement section

Sec. 2. (a) The enforcement section established by section 1 of this chapter consists of the following individuals:

(1) A chief enforcement officer.

(2) Nineteen (19) subordinate enforcement officers.

(3) Stenographic and clerical personnel needed to carry on the work of the section.

(b) The superintendent shall appoint all personnel with the approval of the board. The members of the enforcement section:

(1) must be state police officers; and

(2) shall be selected, trained, and subject to all the provisions of and vested with all of the authority granted by IC 22-1-1, except that they shall be permanently assigned to and primarily responsible for carrying out the duties imposed by this chapter.

Upon call of the superintendent, with the approval of the governor, the police personnel assigned to the enforcement section established by this chapter shall be available for general police duty in emergency situations only.

As added by P.L.2-2003, SEC.2.

IC 10-11-3-3

Powers

Sec. 3. (a) The enforcement officers employed by the enforcement section:

(1) are vested with all necessary police powers to enforce IC 8-2.1 and rules adopted under IC 8-2.1; and

(2) may investigate and make arrests for the violation of IC 8-2.1 or rules adopted under IC 8-2.1.

(b) This section does not abridge or change the authority, obligation, or duty of any other law enforcement officer to enforce this chapter.

As added by P.L.2-2003, SEC.2.

IC 10-11-3-4

Funding

Sec. 4. (a) Funds necessary to implement this chapter shall be

derived from dedicated revenues as implemented under Public Law 89-170. Public Law 89-170 and the standards for the operation of interstate motor carriers adopted under Public Law 89-170 are recognized and adopted.

(b) There is appropriated from sources and other funds deposited in the motor carrier regulation fund established under IC 8-2.1-23 to the department of state revenue the sums necessary for the enforcement section established by this chapter. Operating and other expenses for the section in the discharge of duties under this chapter shall be paid from sources by the department of state revenue upon the presentation of interdepartmental billing to the department by the superintendent.

As added by P.L.2-2003, SEC.2.

IC 10-11-4

Chapter 4. Defense of Employees in Civil Actions; Duties of Attorney General

IC 10-11-4-1

"Member"

Sec. 1. As used in this chapter, "member" means the following:

(1) An employee or appointee of the department.

(2) An employee or appointee of the board.

(3) The superintendent.

(4) A member of the board.

As added by P.L.2-2003, SEC.2.

IC 10-11-4-2

Civil action against a member

Sec. 2. If a member is sued for civil damages and the board administratively determines that:

(1) the civil action arose out of an act performed within the scope of the duties of the member; and

(2) a lack of defense of the civil action by the state would prejudice the enforcement of the laws of the state;

the board shall present its written findings to the attorney general.

As added by P.L.2-2003, SEC.2.

IC 10-11-4-3

Representation by attorney general or private counsel

Sec. 3. (a) Except as provided in subsection (b), if the attorney general finds the board's determination to be supported by substantial evidence, the attorney general shall defend the member in the civil action.

(b) The attorney general may authorize the department to hire private counsel to defend the member in the civil action.

As added by P.L.2-2003, SEC.2.

IC 10-11-4-4

Administrative determination not evidence in civil action

Sec. 4. The administrative determination by the board or the determination by the attorney general under this chapter may not be admitted as evidence in the trial of the civil action for damages.

As added by P.L.2-2003, SEC.2.

IC 10-11-4-5

Choice of defense counsel

Sec. 5. (a) This chapter may not be construed to deprive a member of the right to select defense counsel of the member's choice at the member's expense.

(b) This chapter may not be construed to relieve any person from any responsibility for civil damages.

As added by P.L.2-2003, SEC.2.

IC 10-11-5

Chapter 5. Disposition of Unclaimed Property

IC 10-11-5-1

Application

Sec. 1. This chapter does not apply to property:

(1) seized upon a search warrant; or

(2) the custody and disposition of which are otherwise provided by law.

As added by P.L.2-2003, SEC.2.

IC 10-11-5-2

Delivery of stolen, lost, and abandoned property

Sec. 2. If money, goods, or other property that has been stolen, lost, or abandoned comes into the possession of an employee of the department by virtue of the employee's office, the employee:

(1) shall deliver the money, goods, or other property to another employee of the department as designated by the superintendent; and

(2) is relieved from further responsibility for the money, goods, or other property.

As added by P.L.2-2003, SEC.2.

IC 10-11-5-3

Public auction proceeds

Sec. 3. (a) Except as provided in subsection (c), if:

(1) the money, goods, or other property remains unclaimed in the possession or control of the employee to whom it was delivered for six (6) months; and

(2) the location of the owner is unknown;

the goods or other property shall be sold at public auction.

(b) Notice of the sale must be published one (1) time each week for two (2) consecutive weeks in a newspaper of general circulation printed in the community in which the sale is to be held. The notice must include the following information:

(1) The time and place of the sale.

(2) A description of the property to be sold.

(c) Any property that:

(1) is perishable;

(2) will deteriorate greatly in value by keeping; or

(3) the expense of keeping will be likely to exceed the value of the property;

may be sold at public auction in accordance with the rules or orders of the superintendent. If the nature of the property requires an immediate sale, the superintendent may waive the six (6) month period of custody and the notice of sale provided in this section.

(d) The proceeds of a sale, after deducting all reasonable charges and expenses incurred in relation to the property, and all money shall

be presumed abandoned and shall be delivered to the attorney general for deposit into the abandoned property fund for disposition as provided by IC 32-34-1-33 and IC 32-34-1-34.
As added by P.L.2-2003, SEC.2.

IC 10-11-6

Chapter 6. Law Enforcement Training Conferences

IC 10-11-6-1

Training programs

Sec. 1. (a) The department may conduct training programs at semiannual conferences for law enforcement:

(1) officers;

(2) trainees; and

(3) applicants;

of cities, towns, and counties.

(b) A semiannual conference:

(1) may not last more than three (3) days; and

(2) shall be conducted at a state police post.

As added by P.L.2-2003, SEC.2.

IC 10-11-6-2

Training program supervision; subjects

Sec. 2. (a) The training program courses shall be conducted under the supervision and direction of the superintendent.

(b) The training programs must include courses of instruction in the following subjects:

(1) Detection, pursuit, apprehension, and conviction of criminals.

(2) Safety and first aid assistance.

(3) Any other subject the superintendent considers appropriate.

As added by P.L.2-2003, SEC.2.

IC 10-11-6-3

Per diem and traveling expenses

Sec. 3. (a) A city council shall appropriate, as necessary, sufficient funds to pay for each mile traveled to and from the conferences, at a rate equal to the rate paid to state officers and employees. The rate per mile shall change each time the state government changes its rate per mile. The city council also shall pay a per diem for expenses of not more than fifteen dollars ($15) a day for each day or part of a day an authorized person is in attendance at a conference.

(b) A county council shall appropriate sufficient funds to pay for each mile traveled to and from the conferences at a rate determined by the county council. The county council also shall pay a per diem for expenses of not more than fifteen dollars ($15) a day for each day or part of a day an authorized person is in attendance at a conference.

As added by P.L.2-2003, SEC.2.

IC 10-11-6-4

Authorization for attendance at conferences

Sec. 4. Authorization for attendance at the conferences by city,

town, or county law enforcement officers, trainees, or applicants shall be issued by the county auditor on recommendation of the executive authority of the law enforcement agency, office, or department to which the officer, trainee, or applicant belongs or has applied for membership.
As added by P.L.2-2003, SEC.2.

IC 10-11-7
Chapter 7. Drug Interdiction Fund

IC 10-11-7-1
Fund established
Sec. 1. The drug interdiction fund is established.
As added by P.L.2-2003, SEC.2.

IC 10-11-7-2
Administration of fund
Sec. 2. (a) The department shall administer the fund.
(b) Expenditures from the fund may be made only in accordance with the appropriations made by the general assembly.
As added by P.L.2-2003, SEC.2.

IC 10-11-7-3
Purposes
Sec. 3. The department may use money from the fund to do the following:
(1) Provide additional persons to conduct investigations into violations of drug and controlled substances statutes.
(2) Purchase laboratory equipment and other equipment necessary to assist in the effort to control illegal drug activity.
(3) Provide technical and investigative assistance to local law enforcement agencies to combat illegal drug activity.
(4) Fund other programs designed to reduce illegal drug activity.
As added by P.L.2-2003, SEC.2.

IC 10-11-7-4
Fund investment
Sec. 4. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.
As added by P.L.2-2003, SEC.2.

IC 10-11-7-5
No reversion to state general fund
Sec. 5. Money in the fund at the end of a fiscal year does not revert to the state general fund.
As added by P.L.2-2003, SEC.2.

IC 10-11-8

Chapter 8. Retailer Education Program

IC 10-11-8-1

"Chemical reagents or precursors"

Sec. 1. As used in this chapter, "chemical reagents or precursors" has the meaning set forth in IC 35-48-4-14.5.

As added by P.L.229-2003, SEC.1.

IC 10-11-8-2

"Law enforcement agency"

Sec. 2. As used in this chapter, "law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. The term includes the office of the inspector general.

As added by P.L.229-2003, SEC.1. Amended by P.L.222-2005, SEC.28.

IC 10-11-8-3

"Superintendent"

Sec. 3. As used in this chapter, "superintendent" refers to the superintendent of the state police department.

As added by P.L.229-2003, SEC.1.

IC 10-11-8-4

Retailer education program

Sec. 4. The superintendent, with input from other law enforcement agencies, may develop and maintain a program to inform retailers about illicit methamphetamine production, distribution, and use in Indiana.

As added by P.L.229-2003, SEC.1.

IC 10-11-8-5

Retailer education program forms

Sec. 5. The superintendent, with input from other law enforcement agencies, may develop procedures and forms for retailers to use to report to any law enforcement agency suspicious purchases, thefts, or other transactions involving any product under the retailers' control that contains chemical reagents or precursors.

As added by P.L.229-2003, SEC.1.

IC 10-11-8-6

Reporting not mandatory

Sec. 6. A retailer or retailer's employee is not required to report under this chapter.

As added by P.L.229-2003, SEC.1.

IC 10-11-8-7

Civil immunity for good faith reporting

Sec. 7. A retailer or retailer's employee who makes a good faith report to any law enforcement agency under this chapter is immune from civil liability for making the report. This section does not apply to acts or omissions amounting to gross negligence or willful or wanton misconduct.

As added by P.L.229-2003, SEC.1.

IC 10-11-9

Chapter 9. Indiana Intelligence Fusion Center

IC 10-11-9-1

"Collect"

Sec. 1. As used in this chapter, "collect" means to solicit or receive.

As added by P.L.27-2010, SEC.3.

IC 10-11-9-2

Establishment

Sec. 2. The Indiana intelligence fusion center is established to:

(1) collect;
(2) integrate;
(3) evaluate;
(4) analyze;
(5) disseminate; and
(6) maintain;

criminal intelligence information and other information to support governmental agencies and private organizations in detecting, preventing, investigating, and responding to criminal and terrorist activity in compliance with applicable state and federal laws and regulations, including 28 CFR 23.

As added by P.L.27-2010, SEC.3.

IC 10-11-9-3

Operation of center

Sec. 3. (a) The department shall operate the Indiana intelligence fusion center under the direction of the governor.

(b) The department shall cooperate with:

(1) the department of homeland security;
(2) local, state, or federal government agencies; and
(3) private organizations;

subject to applicable state and federal laws and regulations, including 28 CFR 23.

As added by P.L.27-2010, SEC.3.

IC 10-11-9-4

Collection of criminal intelligence information

Sec. 4. The Indiana intelligence fusion center may collect criminal intelligence information only if:

(1) reasonable suspicion exists that the subject of the criminal intelligence information is involved with or has knowledge of possible criminal or terrorist activity; and
(2) the criminal intelligence information is relevant to the criminal or terrorist activity.

As added by P.L.27-2010, SEC.3.

IC 10-12

ARTICLE 12. STATE POLICE PENSIONS AND BENEFITS

IC 10-12-1

Chapter 1. Definitions

IC 10-12-1-0.2

P.L.146-1987 intended to be codification and restatement of law; no effect on substantive operation of prior law

Sec. 0.2. (a) The:

(1) addition of IC 10-1-1.9 (before its repeal, now codified in this chapter) and IC 10-1-2.2 (before its repeal, now codified at IC 10-12-3);

(2) amendments made to IC 10-1-2-2 (before its repeal, now codified at IC 10-12-2-2); and

(3) repeal of IC 10-1-2-1;

by P.L.146-1987 are intended to be a codification and restatement of applicable or corresponding provisions of IC 10-1-2-1. If P.L.146-1987 repealed and replaced a law in the same form or in a restated form, the substantive operation and effect of that law continue uninterrupted.

(b) The:

(1) addition of IC 10-1-1.9 (before its repeal, now codified in this chapter), and IC 10-1-2.2 (before its repeal, now codified at IC 10-12-3);

(2) amendments made to IC 10-1-2-2 (before its repeal, now codified at IC 10-12-2-2); and

(3) repeal of IC 10-1-2-1;

do not affect rights or liabilities accrued, penalties incurred, crimes committed, or proceedings begun before July 1, 1987. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced as if P.L.146-1987 had not been enacted.

As added by P.L.220-2011, SEC.234.

IC 10-12-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-2

"Department"

Sec. 2. "Department" refers to the state police department established by IC 10-11-2-4.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-3

"Eligible employee"

Sec. 3. "Eligible employee" means a regular police employee of the department.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-4

"Employee beneficiary"

Sec. 4. "Employee beneficiary" means an eligible employee who:

(1) completes an application to become an employee beneficiary; and

(2) makes or causes to be made the proper deductions from wages as required by the pension trust.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-5

"Internal Revenue Code"

Sec. 5. "Internal Revenue Code":

(1) means the Internal Revenue Code of 1954, as in effect on September 1, 1974, if permitted with respect to governmental plans; or

(2) to the extent not inconsistent with subdivision (1), has the meaning set forth in IC 6-3-1-11.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-6

"Net amount paid into the trust fund from the wages of an employee beneficiary"

Sec. 6. "Net amount paid into the trust fund from the wages of an employee beneficiary" means:

(1) the amount of money paid into the trust fund from the wages of an employee beneficiary, plus interest at the rate of three percent (3%) or more compounded annually; less

(2) any sums, plus interest at the same rate, paid from the trust fund to:

(A) the employee beneficiary;

(B) any person claiming by, through, or under the employee beneficiary; or

(C) any government fund for the credit or benefit of the employee beneficiary.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-7

"Pension consultants"

Sec. 7. "Pension consultants" means an individual, a firm, or a corporation of technical consultants competent and qualified to supervise and assist in the establishment, maintenance, and operation of a pension plan on an actuarially sound basis.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-8
"Pension trust"

Sec. 8. "Pension trust" means the agreement between the department and the trustee under the terms of which an actuarially sound retirement pension plan is established and operated for the exclusive benefit of the employee beneficiaries subject to the limitations specified in IC 10-12-2, IC 10-12-3, and IC 10-12-4.
As added by P.L.2-2003, SEC.3.

IC 10-12-1-9
"Supplementary trust agreement"

Sec. 9. "Supplementary trust agreement" means an agreement that has the force and effect of law between the department and the trustee concerning the police benefit fund (as described in IC 10-12-2-7).
As added by P.L.2-2003, SEC.3.

IC 10-12-1-10
"Trustee"

Sec. 10. "Trustee" refers to the trustee of the pension trust, who may be:

(1) one (1) or more corporate trustees; or
(2) the treasurer of state serving under bond.

As added by P.L.2-2003, SEC.3.

IC 10-12-1-11
"Trust fund"

Sec. 11. "Trust fund" means the assets of the pension trust, including the following:

(1) Contributions from the department.
(2) Contributions from employee beneficiaries.
(3) Any other payments or contributions made to the pension trust.
(4) The income and proceeds derived from the investment of the assets of the pension trust.

As added by P.L.2-2003, SEC.3.

IC 10-12-2

Chapter 2. Pension, Death, Disability, Survivor, and Other Benefits

IC 10-12-2-0.2

P.L.146-1987 intended to be codification and restatement of law; no effect on substantive operation of prior law

Sec. 0.2. (a) The:

(1) addition of IC 10-1-1.9 (before its repeal, now codified at IC 10-12-1) and IC 10-1-2.2 (before its repeal, now codified at IC 10-12-3);

(2) amendments made to IC 10-1-2-2 (before its repeal, now codified at section 2 of this chapter); and

(3) repeal of IC 10-1-2-1;

by P.L.146-1987 are intended to be a codification and restatement of applicable or corresponding provisions of IC 10-1-2-1. If P.L.146-1987 repealed and replaced a law in the same form or in a restated form, the substantive operation and effect of that law continue uninterrupted.

(b) The:

(1) addition of IC 10-1-1.9 (before its repeal, now codified at IC 10-12-1) and IC 10-1-2.2 (before its repeal, now codified at IC 10-12-3);

(2) amendments made to IC 10-1-2-2 (before its repeal, now codified at section 2 of this chapter); and

(3) repeal of IC 10-1-2-1;

do not affect rights or liabilities accrued, penalties incurred, crimes committed, or proceedings begun before July 1, 1987. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced as if P.L.146-1987 had not been enacted.

(c) IC 10-1-2-11 (before its repeal, now codified at section 11 of this chapter), as added by P.L.69-2002, applies to the child or spouse of a regular, paid police employee of the state police department if the regular police employee of the state police department was permanently and totally disabled by a catastrophic personal injury that:

(1) was sustained in the line of duty; and

(2) permanently prevents the employee from performing any gainful work;

before, on, or after July 1, 2002.

As added by P.L.220-2011, SEC.235.

IC 10-12-2-1

Retention of service weapon; badge; identification card

Sec. 1. (a) If an eligible employee retires after at least twenty-five (25) years of service, the employee may:

(1) retain the employee's issued service weapon; and

(2) receive a "Retired" badge in recognition of the employee's

service to the department and the public.

(b) Upon an eligible employee's retirement, the department shall issue to the employee an identification card that:

(1) gives the employee's name and rank;

(2) signifies that the employee is retired; and

(3) notes the employee's authority to retain the employee's service weapon.

As added by P.L.2-2003, SEC.3. Amended by P.L.130-2015, SEC.1.

IC 10-12-2-2

Pension trust; commingling funds; investment of funds; report; termination

Sec. 2. (a) The department may:

(1) establish and operate an actuarially sound pension plan governed by a pension trust; and

(2) make the necessary annual contribution in order to prevent any deterioration in the actuarial status of the trust fund.

(b) The department shall make contributions to the trust fund. An employee beneficiary shall make contributions to the trust fund through authorized monthly deductions from wages.

(c) The trust fund:

(1) may not be commingled with any other funds; and

(2) shall be invested only in accordance with state laws for the investment of trust funds, together with other investments as are specifically designated in the pension trust.

Subject to the terms of the pension trust, the trustee, with the approval of the department and the pension advisory board, may establish investment guidelines and limits on all types of investments, including stocks and bonds, and take other action necessary to fulfill its duty as a fiduciary for the trust fund.

(d) The trustee shall invest the trust fund assets with the same care, skill, prudence, and diligence that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a similar character with similar aims.

(e) The trustee shall diversify the trust fund's investments in accordance with prudent investment standards. The investment of the trust fund is subject to section 3 of this chapter.

(f) The trustee shall receive and hold as trustee for the uses and purposes set forth in the pension trust the funds paid by the department, the employee beneficiaries, or any other person or persons.

(g) The trustee shall engage pension consultants to supervise and assist in the technical operation of the pension plan so that there is no deterioration in the actuarial status of the plan.

(h) Before October 1 of each year, the trustee, with the aid of the pension consultants, shall prepare and file a report with the department and the state board of accounts. The report must include the following with respect to the fiscal year ending on the preceding

June 30:

SCHEDULE I. Receipts and disbursements.

SCHEDULE II. Assets of the pension trust, listing investments as to book value and current market value at the end of the fiscal year.

SCHEDULE III. List of terminations, showing cause and amount of refund.

SCHEDULE IV. The application of actuarially computed "reserve factors" to the payroll data, properly classified for the purpose of computing the reserve liability of the trust fund as of the end of the fiscal year.

SCHEDULE V. The application of actuarially computed "current liability factors" to the payroll data, properly classified for the purpose of computing the liability of the trust fund for the end of the fiscal year.

SCHEDULE VI. An actuarial computation of the pension liability for all employees retired before the close of the fiscal year.

(i) The minimum annual contribution by the department must be of sufficient amount, as determined by the pension consultants, to prevent any deterioration in the actuarial status of the pension plan during that year. If the department fails to make the minimum contribution for five (5) successive years, the pension trust terminates and the trust fund shall be liquidated.

(j) Except as provided by applicable federal law, in the event of liquidation, the department shall take the following actions:

(1) All expenses of the pension trust must be paid.

(2) Adequate provision must be made for continuing pension payments to retired persons.

(3) Each employee beneficiary must receive the net amount paid into the trust fund from the employee beneficiary's wages.

(4) Any amount remaining in the pension trust after the department makes the payments described in subdivisions (1) through (3) must be equitably divided among the employee beneficiaries in proportion to the net amount paid from each employee beneficiary's wages into the trust fund.

As added by P.L.2-2003, SEC.3.

IC 10-12-2-3

Qualification of trust under Internal Revenue Code; benefit limitations

Sec. 3. (a) The pension trust shall satisfy the qualification requirements in Section 401 of the Internal Revenue Code, as applicable to the pension trust. In order to meet those requirements, the pension trust is subject to the following provisions, notwithstanding any other provision of this chapter, IC 10-12-3, or IC 10-12-4:

(1) The pension advisory board shall distribute the corpus and

income of the pension trust to participants and their beneficiaries in accordance with this chapter, IC 10-12-3, and IC 10-12-4.

(2) A part of the corpus or income of the pension trust may not be used or diverted to any purpose other than the exclusive benefit of the participants and their beneficiaries.

(3) Forfeitures arising from severance of employment, death, or any other reason may not be applied to increase the benefits any participant would otherwise receive under this chapter, IC 10-12-3, or IC 10-12-4.

(4) If the pension trust is terminated or if all contributions to the pension trust are completely discontinued, the rights of each affected participant to the benefits accrued at the date of the termination or discontinuance, to the extent then funded, are nonforfeitable.

(5) All benefits paid from the pension trust shall be distributed in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code and the regulations under that section. To meet those requirements, the pension trust is subject to the following provisions:

(A) The life expectancy of a participant, the participant's spouse, or the participant's beneficiary shall not be recalculated after the initial determination for purposes of determining benefits.

(B) If a participant dies before the distribution of the participant's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the participant died.

(C) The amount of an annuity paid to a participant's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Internal Revenue Code.

(6) The pension advisory board may not:

(A) determine eligibility for benefits;

(B) compute rates of contribution; or

(C) compute benefits of participants or beneficiaries;

in a manner that discriminates in favor of participants who are considered officers, supervisors, or highly compensated, as provided under Section 401(a)(4) of the Internal Revenue Code.

(7) Benefits paid under this chapter, IC 10-12-3, or IC 10-12-4 may not exceed the maximum benefit specified by Section 415 of the Internal Revenue Code.

(8) The salary taken into account under this chapter, IC 10-12-3, or IC 10-12-4 may not exceed the applicable amount under Section 401(a)(17) of the Internal Revenue Code.

(9) The trustee may not engage in a transaction prohibited by Section 503(b) of the Internal Revenue Code.

(b) Notwithstanding any other provision of this chapter or IC 10-12-3, and solely for the purposes of the benefits provided under IC 10-12-3, the benefit limitations of Section 415 of the Internal Revenue Code shall be determined by applying the provisions of Section 415(b)(10) of the Internal Revenue Code, as amended by the Technical and Miscellaneous Revenue Act of 1988. This section constitutes an election under Section 415(b)(10)(C) of the Internal Revenue Code to have Section 415(b) of the Internal Revenue Code, other than Section 415(b)(2)(G) of the Internal Revenue Code, applied without regard to Section 415(b)(2)(F) of the Internal Revenue Code (before its repeal on June 7, 2001, by P.L.107-16) to anyone who did not first become a participant before January 1, 1990.

As added by P.L.2-2003, SEC.3. Amended by P.L.42-2011, SEC.28.

IC 10-12-2-4

Mortality reserve account

Sec. 4. The department may establish, operate, and make necessary contributions to a mortality reserve account for the payment of supplementary death benefits to deceased employee beneficiaries. However, a supplementary death benefit may not exceed:

(1) fourteen thousand five hundred dollars ($14,500), for an employee beneficiary who dies before July 1, 2013; or

(2) twenty thousand dollars ($20,000), for an employee beneficiary who dies after June 30, 2013.

As added by P.L.2-2003, SEC.3. Amended by P.L.61-2013, SEC.1.

IC 10-12-2-5

Disability reserve account; additional department authority; disability pension payments

Sec. 5. (a) The department may establish, operate, and make necessary contributions to a disability reserve account for the payment of disability expense reimbursements and disability pensions to employee beneficiaries with a disability. The department also may do the following:

(1) Establish, under the terms of a supplementary trust agreement, disability expense reimbursements and disability pensions to be paid to employee beneficiaries who incur a disability in the line of duty.

(2) Establish, under the terms of a supplementary trust agreement, disability expense reimbursements and disability pensions to be paid to employee beneficiaries who incur a disability not in the line of duty.

(3) Seek rulings from the Internal Revenue Service as to the federal tax treatment for the line of duty disability benefits authorized by this section.

Except as provided in subsection (d), a monthly disability pension

may not exceed the maximum basic pension amount. However, in the case of disability incurred in the line of duty, an employee beneficiary may receive not more than forty dollars ($40) per month for each dependent parent and dependent child less than eighteen (18) years of age, in addition to the monthly disability pension payment under this chapter. Time in disability pension status is considered qualifying active service for purposes of calculating a retirement pension.

(b) This section shall be administered in a manner that is consistent with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and the regulations and amendments related to that act, to the extent required by that act.

(c) A disability payment made under this chapter is worker's compensation instead of a payment under IC 22-3-2 through IC 22-3-7.

(d) A regular, paid police employee of the state police department who has a permanent and total disability from a catastrophic personal injury that:

(1) is sustained in the line of duty after January 1, 2001; and

(2) permanently prevents the employee from performing any gainful work;

shall receive a disability pension equal to the employee's regular salary at the commencement of the disability. The disability pension provided under this subsection is provided instead of the regular monthly disability pension. The disability pension provided under this subsection must be increased at a rate equal to any salary increases the employee would have received if the employee remained in active service.

As added by P.L.2-2003, SEC.3. Amended by P.L.99-2007, SEC.35; P.L.1-2010, SEC.52.

IC 10-12-2-6

Dependent's pension reserve account

Sec. 6. (a) The department may establish, operate, and make necessary contributions to a dependent's pension reserve account for the payment of pensions to dependent parents, surviving spouses, and dependent unmarried children of employee beneficiaries who are killed in the line of duty.

(b) The maximum monthly pension amount payable to dependent mothers, dependent fathers, and surviving spouses:

(1) may not exceed the then current basic monthly pension amount paid to retirees; and

(2) shall cease with the last payment before the dependent parent's or surviving spouse's death.

(c) Except as provided in subsections (d) through (f), the maximum monthly pension amount payable to each dependent unmarried child may not exceed thirty percent (30%) of the current basic monthly pension amount paid to retirees. The payment shall

cease with the last payment before the child's marriage or nineteenth birthday, whichever occurs first.

(d) The total monthly pension amount paid to all dependent unmarried children of an employee beneficiary may not exceed the current basic monthly amount paid to retirees.

(e) Each unmarried dependent child who is at least nineteen (19) years of age but less than twenty-three (23) years of age is eligible to receive a pension payment while enrolled as a full-time student in a school, college, or university.

(f) A dependent child, married or unmarried, of an employee beneficiary who is killed in the line of duty is eligible to attend any Indiana state supported college or university tuition free.

(g) All dependent mothers, dependent fathers, surviving spouses, and dependent children who received a dependent pension on June 30, 1969, shall receive a pension calculated as provided by this section beginning on July 1, 1969. Any surviving spouse electing to, or who has previously elected to, receive joint survivorship benefits instead of pension payments is eligible to receive the full pension benefit.

As added by P.L.2-2003, SEC.3.

IC 10-12-2-7

Police benefit fund; duties of trustee; appropriations

Sec. 7. (a) The:

(1) mortality reserve account referred to in section 4 of this chapter;

(2) disability reserve account referred to in section 5 of this chapter; and

(3) dependent pension reserve account referred to in section 6 of this chapter;

may be commingled and operated as one (1) fund, known as the police benefit fund, under the terms of a supplementary trust agreement between the department and the trustee for the exclusive benefit of employee beneficiaries and their dependents.

(b) The trustee shall receive and hold as trustee for the uses and purposes set out in the supplementary trust agreement all funds paid to it as the trustee by the department or by any other person or persons.

(c) The trustee shall hold, invest, and reinvest the police benefit fund in:

(1) investments that trust funds are permitted to invest in under Indiana law; and

(2) other investments as may be specifically designated in the supplementary trust agreement.

(d) The trustee, with the assistance of the pension engineers, shall, not more than ninety (90) days after the close of the fiscal year, prepare and file with the department and the department of insurance a detailed annual report showing receipts, disbursements, case

histories, and recommendations as to the contributions required to keep the program in operation.

(e) Contributions by the department to the police benefit fund shall be provided in the general appropriations to the department.

As added by P.L.2-2003, SEC.3.

IC 10-12-2-8

Actuarial soundness of pension trust; inspection of books and accounts

Sec. 8. (a) The department of insurance shall approve the actuarial soundness of the pension trust and the general method of operation of the police benefit fund before the police benefit fund begins operation.

(b) In addition to the annual report required by subsection (d), the department's books, reports, and accounts shall be open to inspection by the department of insurance at all times.

As added by P.L.2-2003, SEC.3.

IC 10-12-2-9

Transfer of funds to police benefit fund; rewards and fees

Sec. 9. (a) Except as provided in subsection (b), a member of the department may not accept:

(1) a fee for the performance of an act in the line of duty; or

(2) a reward offered for the apprehension or conviction of any person or persons or for the recovery of any property.

(b) Any fee or reward to which a member of the department would be entitled except for the provisions of subsection (a) shall be paid to the police benefit fund.

As added by P.L.2-2003, SEC.3.

IC 10-12-2-10

Encumbering shares of benefits before payment

Sec. 10. (a) A person entitled to, having an interest in, or sharing a pension or benefit from the trust funds does not, before the actual payment of the pension or benefit, have the right to anticipate, sell, assign, pledge, mortgage, or otherwise dispose of or encumber the pension or benefit.

(b) A person's interest, share, pension, or benefit, before the actual payment of the interest, share, pension, or benefit, may not be:

(1) used to satisfy the debts or liabilities of the person entitled to the interest, share, pension, or benefit;

(2) subject to attachment, garnishment, execution, or levy or sale on judicial proceedings; or

(3) transferred by any means, voluntarily or involuntarily.

(c) The trustee may pay from the trust fund the amounts that the trustee determines are proper and necessary expenses of the trust fund.

As added by P.L.2-2003, SEC.3.

IC 10-12-2-11

College and university tuition exemption

Sec. 11. The child or spouse of an employee beneficiary who has a permanent and total disability from a catastrophic personal injury that was sustained in the line of duty and permanently prevents the employee beneficiary from performing any gainful work may not be required to pay tuition or mandatory fees at any state supported college, university, or technical school if:

(1) the child is less than twenty-three (23) years of age and is a full-time student pursuing a prescribed course of study; or

(2) the spouse is pursuing a prescribed course of study toward an undergraduate degree.

As added by P.L.2-2003, SEC.3. Amended by P.L.99-2007, SEC.36.

IC 10-12-3

Chapter 3. The State Police Pre-1987 Benefit System

IC 10-12-3-0.2

P.L.146-1987 intended to be codification and restatement of law; no effect on substantive operation of prior law

Sec. 0.2. (a) The:

(1) addition of IC 10-1-1.9 (before its repeal, now codified at IC 10-12-1) and IC 10-1-2.2 (before its repeal, now codified in this chapter);

(2) amendments made to IC 10-1-2-2 (before its repeal, now codified at IC 10-12-2-2); and

(3) repeal of IC 10-1-2-1;

by P.L.146-1987 are intended to be a codification and restatement of applicable or corresponding provisions of IC 10-1-2-1. If P.L.146-1987 repealed and replaced a law in the same form or in a restated form, the substantive operation and effect of that law continue uninterrupted.

(b) The:

(1) addition of IC 10-1-1.9 (before its repeal, now codified at IC 10-12-1) and IC 10-1-2.2 (before its repeal, now codified at in this chapter);

(2) amendments made to IC 10-1-2-2 (before its repeal, now codified at IC 10-12-2-2); and

(3) repeal of IC 10-1-2-1;

by P.L.146-1987, do not affect rights or liabilities accrued, penalties incurred, crimes committed, or proceedings begun before July 1, 1987. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced as if P.L.146-1987 had not been enacted.

As added by P.L.220-2011, SEC.236.

IC 10-12-3-1

Application of chapter

Sec. 1. This chapter applies only to an employee beneficiary who:

(1) is hired for the first time before July 1, 1987; and

(2) does not choose coverage by IC 10-12-4 under IC 10-12-4-1.

As added by P.L.2-2003, SEC.3.

IC 10-12-3-2

Limitations on pension trust

Sec. 2. The pension trust for employee beneficiaries covered by this chapter is subject to the limitations specified in this chapter.

As added by P.L.2-2003, SEC.3.

IC 10-12-3-3

Retirement age

Sec. 3. (a) The normal retirement age for a regular police

employee of the department may not be later than seventy (70) years of age.

(b) The department may not enforce a mandatory retirement age against its civilian employees.

As added by P.L.2-2003, SEC.3.

IC 10-12-3-4

Deductions from wages

Sec. 4. The monthly deductions from the employee beneficiary's wages for the trust fund may not exceed six percent (6%) of the employee beneficiary's average monthly wages (excluding payments for overtime and determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code).

As added by P.L.2-2003, SEC.3.

IC 10-12-3-5

Right to net amount paid into fund from wages

Sec. 5. If an employee beneficiary ceases to be an eligible employee for any reason, including death, disability, unemployment, or retirement:

(1) the employee beneficiary;

(2) the employee beneficiary's beneficiary; or

(3) the employee beneficiary's estate;

is entitled to receive at least the net amount paid into the trust fund from the wages of the employee beneficiary, either in a lump sum or in monthly installments not less than the basic pension amount.

As added by P.L.2-2003, SEC.3.

IC 10-12-3-6

Old age retirements; right to monthly income; minimum service for full amount

Sec. 6. If an employee beneficiary is retired for old age, the employee beneficiary is entitled to receive a lifelong monthly income as specified in section 7 of this chapter. However, to be entitled to the full amount of the basic pension amount, an employee beneficiary must have completed at least twenty (20) years of service to the department before retirement. Otherwise, the employee beneficiary is entitled to receive a proportionate pension based on the employee beneficiary's years of service to the department.

As added by P.L.2-2003, SEC.3.

IC 10-12-3-7

Basic pension amount; additional benefits

Sec. 7. (a) Benefits provided under this section are subject to IC 10-12-2-3.

(b) The basic monthly pension amount may not exceed by more than twenty dollars ($20) one-half (1/2) the amount of the employee

beneficiary's average monthly wage (excluding payments for overtime and determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code) received during the highest paid consecutive twelve (12) months before retirement. Salary that exceeds the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's sixth year of service may not be considered when the basic pension amount is computed.

(c) An employee beneficiary in the active service of the department who has completed twenty (20) years of service after July 1, 1937, and who continues after July 1, 1937, in the service of the department is entitled to add to the basic monthly pension amount, at retirement, the following:

(1) Two percent (2%) of the basic amount for each of the next two (2) full years of service over twenty (20) years.

(2) Three percent (3%) of the basic amount for each of the next two (2) full years over twenty-two (22) years.

(3) Four percent (4%) of the basic amount for each of the next two (2) full years over twenty-four (24) years.

(4) Five percent (5%) of the basic amount for each of the next two (2) full years over twenty-six (26) years.

(5) Six percent (6%) of the basic amount for each of the next two (2) full years over twenty-eight (28) years.

(6) Seven percent (7%) of the basic amount for each of the next two (2) full years over thirty (30) years.

(7) Eight percent (8%) of the basic amount for each of the next two (2) full years over thirty-two (32) years.

However, the total of the additional amount may not exceed seventy percent (70%) of the basic pension amount. These additional benefits are subject to the compulsory retirement age provided by the pension trust.

As added by P.L.2-2003, SEC.3. Amended by P.L.189-2007, SEC.1.

IC 10-12-4
Chapter 4. The State Police 1987 Benefit System

IC 10-12-4-1
Application of chapter; election of coverage

Sec. 1. (a) This chapter applies only to an employee beneficiary who:

(1) is hired for the first time after June 30, 1987; or

(2) chooses coverage by this chapter under subsection (b).

(b) Subject to subsection (c), an employee beneficiary who is hired for the first time before July 1, 1987, may choose to be covered by this chapter instead of IC 10-12-3 if the employee files an election with the trustee before July 1, 1988. An election filed under this subsection is irrevocable and, except as provided in subsection (d), takes effect after twelve (12) months of service as an eligible employee following the filing of the election.

(c) This chapter is applicable only if the general assembly provides sufficient funding for the increased cost of the benefits provided by this chapter. If this chapter is not applicable, then IC 10-12-3 applies to all employee beneficiaries regardless of when hired for the first time.

(d) If an employee beneficiary's mandatory retirement date occurs during the twelve (12) months following the filing of an election under subsection (b), the election takes effect only if:

(1) the employee beneficiary serves as an eligible employee until the mandatory retirement date; and

(2) the employee beneficiary pays to the trust fund a lump sum equal to the remaining deductions that would have been made from the employee beneficiary's wages under this chapter during the twelve (12) months following the election if the employee beneficiary had not retired.

The election takes effect on the mandatory retirement date or the date when the lump sum payment is made, whichever is later.

As added by P.L.2-2003, SEC.3.

IC 10-12-4-2
Limitations on trust

Sec. 2. The pension trust for employee beneficiaries covered by this chapter is subject to limitations specified in this chapter.

As added by P.L.2-2003, SEC.3.

IC 10-12-4-3
Retirement age

Sec. 3. The normal retirement age for an employee beneficiary must be established by the pension trust.

As added by P.L.2-2003, SEC.3.

IC 10-12-4-4

Deductions from wages

Sec. 4. An employee beneficiary shall contribute to the trust fund, by monthly deduction, six percent (6%) of the employee beneficiary's wages (excluding payments for overtime and determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code).

As added by P.L.2-2003, SEC.3.

IC 10-12-4-5

Years of service for full pension amount; proportionate amount; beginning of payments

Sec. 5. (a) An employee beneficiary who has completed twenty-five (25) years of service with the department is entitled to the full amount of the basic pension amount specified in section 7 of this chapter.

(b) An employee beneficiary who has completed less than twenty-five (25) years of service is entitled to a proportionate amount of the basic pension amount specified in section 7 of this chapter, based upon the employee beneficiary's years of service to the department. However, benefit payments to an employee beneficiary with less than twenty-five (25) years of service may not begin until the first day of the month on or after the date on which:

(1) the employee beneficiary becomes fifty (50) years of age; or

(2) the employee beneficiary retires;

whichever is later.

As added by P.L.2-2003, SEC.3.

IC 10-12-4-6

Right to net amount paid into fund from wages

Sec. 6. If an employee beneficiary ends employment for any reason before qualifying for a benefit under this chapter, the trustee shall pay to:

(1) the employee beneficiary;

(2) the employee beneficiary's beneficiary; or

(3) the employee beneficiary's estate;

the net amount paid into the trust fund from the employee beneficiary's wages. This amount may be paid in a lump sum or in monthly installments not less than the basic pension amount.

As added by P.L.2-2003, SEC.3.

IC 10-12-4-7

Basic monthly pension amount; additional benefits

Sec. 7. (a) Benefits provided under this section are subject to IC 10-12-2-3.

(b) Except as provided in subsection (c), the basic monthly pension amount of an employee beneficiary may not exceed one-half (1/2) of the employee beneficiary's average monthly wage (excluding payments for overtime and determined without regard to any salary

reduction agreement established under Section 125 of the Internal Revenue Code) received during the highest paid consecutive thirty-six (36) months before retirement.

(c) For an employee beneficiary who retires after June 30, 1987, and before July 1, 1988, the basic monthly pension may not exceed the lesser of:

(1) the pension under subsection (b); or

(2) one-half (1/2) the maximum salary of a first sergeant.

(d) For an employee beneficiary who retires after June 30, 1988, and before July 1, 1989, the basic monthly pension may not exceed the lesser of:

(1) the pension under subsection (b); or

(2) one-half (1/2) the maximum salary of a captain.

(e) An employee beneficiary in the active service of the department who has completed twenty-five (25) years of service after July 1, 1937, and who continues after July 1, 1937, in the service of the department is entitled to add to the basic monthly pension amount, at retirement, the following:

(1) Five percent (5%) of the basic amount for each of the next three (3) full years over twenty-five (25) years.

(2) Six percent (6%) of the basic amount for each of the next two (2) full years over twenty-eight (28) years.

(3) Seven percent (7%) of the basic amount for each of the next two (2) full years over thirty (30) years.

(4) Eight percent (8%) of the basic amount for each of the next two (2) full years over thirty-two (32) years.

However, the total of these additional amounts may not exceed seventy percent (70%) of the basic pension amount. These additional benefits are subject to any compulsory retirement age provided by the pension trust.

As added by P.L.2-2003, SEC.3.

IC 10-12-4-8

Increase in pension to certain individuals

Sec. 8. (a) The basic monthly pension payable under section 7 of this chapter after June 30, 1995, to a member of the pension trust who retired after June 30, 1987, and before July 1, 1990, shall be increased by thirty-nine dollars ($39).

(b) The department shall pay into the trust fund an amount sufficient to pay the increased benefits granted under this section. The trustee shall pay the increase in the monthly benefit required by this section from money in the trust fund.

As added by P.L.2-2003, SEC.3.

IC 10-12-4-9

Benefit increase payable after June 30, 2007

Sec. 9. (a) The basic monthly pension amount (plus postretirement increases) payable after June 30, 2007, to an employee beneficiary

of the state police 1987 benefit system who retired or was disabled after June 30, 1987, and before July 2, 2005, shall be increased by one percent (1%) of the maximum basic monthly pension amount payable to a retired state police employee in the grade of a trooper who has completed twenty-five (25) years of service as of July 1, 2007, as calculated under section 7 of this chapter.

(b) The increases specified in this section:

(1) shall be based on the date of the employee beneficiary's latest retirement or disability;

(2) do not apply to the benefits payable in a lump sum; and

(3) are in addition to any other increase provided by law.

As added by P.L.189-2007, SEC.2.

IC 10-12-4-10

Benefit increase payable after June 30, 2008

Sec. 10. (a) The basic monthly pension amount (plus postretirement increases) payable after June 30, 2008, to an employee beneficiary of the state police 1987 benefit system who retired or was disabled after June 30, 1987, and before July 2, 2006, shall be increased by one percent (1%) of the maximum basic monthly pension amount payable to a retired state police employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2007, as calculated under section 7 of this chapter.

(b) The increases specified in this section:

(1) shall be based on the date of the employee beneficiary's latest retirement or disability;

(2) do not apply to the benefits payable in a lump sum; and

(3) are in addition to any other increase provided by law.

As added by P.L.189-2007, SEC.3.

IC 10-12-5

Chapter 5. Supplemental Pension Benefits

IC 10-12-5-0.3

Application of certain amendments to chapter; reduction of recomputed supplemental benefit

Sec. 0.3. (a) The amendments made to sections 3 and 4 of this chapter by P.L.5-2008 apply to supplemental benefits payable after June 30, 2007, to retired employee beneficiaries of the state police pre-1987 retirement system established under IC 10-12-3.

(b) The payment of a supplemental benefit recomputed under sections 3 and 4 of this chapter, as amended by P.L.5-2008, for the period after June 30, 2007, and before the date on which the recomputed supplemental benefit is first paid, must be reduced by the amount of any supplemental benefit computed and paid after June 30, 2007, under sections 3 and 4 of this chapter before those sections were amended by P.L.5-2008.

As added by P.L.220-2011, SEC.237.

IC 10-12-5-1

Intent of chapter

Sec. 1. This chapter is intended to be a supplement to IC 10-12-3 and does not repeal, impair, or otherwise adversely affect the pension fund or pension benefits provided for in IC 10-12-3 for eligible employees of the department.

As added by P.L.2-2003, SEC.3.

IC 10-12-5-2

Eligibility

Sec. 2. To become eligible for any supplemental benefits provided in this chapter, an employee of the department must:

(1) be at least fifty-five (55) years of age;

(2) have completed at least twenty (20) years of service with the department or be retired by virtue of becoming fifty-five (55) years of age; and

(3) be eligible to receive retirement benefits under IC 10-12-3.

As added by P.L.2-2003, SEC.3.

IC 10-12-5-3

Administration; schedule of benefits; benefit calculation

Sec. 3. (a) The pension advisory board that administers the pension under IC 10-12-3 shall direct and supervise the supplemental benefits provided in this chapter.

(b) The pension advisory board shall:

(1) annually provide a schedule showing the number of retirees receiving pension benefits under IC 10-12-3; and

(2) meet at least one (1) time each year to add to the regular pension benefit or annuity and any previously granted

supplemental benefit the amount described in subsection (c) or (d).

(c) This subsection applies only to a retiree who is eligible for the first time under section 2 of this chapter to receive a supplemental benefit. The supplemental benefit referred to in subsection (b)(2) for a retiree in the first year the retiree is eligible for a supplemental benefit is the sum of:

(1) the difference between:

(A) the retiree's pension benefit; and

(B) the pension benefit:

(i) received by an employee retiring in that year from the department with twenty (20) years of active service; and

(ii) computed on the day the pension advisory board meets as required under subsection (b)(2); plus

(2) any amount computed under subsection (d) after the date the retiree reaches fifty-five (55) years of age.

(d) This subsection applies to a retiree who is eligible under section 2 of this chapter to receive a supplemental benefit, but whose supplemental benefit is not computed under subsection (c). The supplemental benefit referred to in subsection (b)(2) is equal to fifty percent (50%) of the difference between:

(1) the pension benefits to be received by an employee retiring from the department with twenty (20) years of active service the day after a change in the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's sixth year of service; and

(2) the pension benefit received by an employee retiring from the department with twenty (20) years of active service the day before a change in the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's sixth year of service.

As added by P.L.2-2003, SEC.3. Amended by P.L.189-2007, SEC.4; P.L.5-2008, SEC.1.

IC 10-12-5-4

Incentive increases

Sec. 4. As an incentive to all employees of the department, the supplemental pension benefits of this chapter shall be increased by more than the increase provided in section 3(c) or 3(d) of this chapter, at the rate of a five percent (5%) per year increase for each year of active service over twenty (20) years up to thirty (30) years of service, as calculated in section 3(c) or 3(d) of this chapter.

As added by P.L.2-2003, SEC.3. Amended by P.L.189-2007, SEC.5; P.L.3-2008, SEC.84; P.L.5-2008, SEC.2; P.L.1-2009, SEC.89.

IC 10-12-5-5

Pension advisory board meetings; benefit funding

Sec. 5. (a) The pension advisory board may meet at any time to

make the necessary computations required by this chapter.

(b) The general assembly shall appropriate and the budget agency shall make available an amount sufficient to provide the funds necessary for supplemental pension benefits for eligible retirees under this chapter.

As added by P.L.2-2003, SEC.3. Amended by P.L.189-2007, SEC.6.

IC 10-12-5-6

Treasurer of state; trustee of account

Sec. 6. The treasurer of state:

(1) is the trustee for the funds allocated to the supplemental pension benefits; and

(2) shall keep the supplemental pension benefit funds in a separate account that the treasurer of state may designate as the state police department supplemental pension benefit fund.

As added by P.L.2-2003, SEC.3.

IC 10-12-5-7

Time of payment

Sec. 7. The supplemental pension benefits provided for in this chapter shall be paid at the same time and along with the regular pension benefits.

As added by P.L.2-2003, SEC.3.

IC 10-12-6

Chapter 6. Special Death Benefit for Motor Carrier Inspectors and Special Police Employees

IC 10-12-6-1

"Dies in the line of duty"

Sec. 1. As used in this chapter, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that:

(1) a motor carrier inspector; or

(2) a special police employee of the department who is not a regular police employee of the department;

is obligated or authorized by rule, regulation, condition of employment or service, or law to perform in the course of the inspector's or special police employee's regular duties.

As added by P.L.2-2003, SEC.3.

IC 10-12-6-2

Special death benefit; motor carrier inspector; special police employee

Sec. 2. A special death benefit of one hundred fifty thousand dollars ($150,000) for a motor carrier inspector or special police employee who dies in the line of duty shall be paid in a lump sum from the special death benefit fund established by IC 5-10-10-5 to the following relative of a motor carrier inspector or special police employee who dies in the line of duty:

(1) The surviving spouse.

(2) If there is no surviving spouse, the surviving children (to be shared equally).

(3) If there is no surviving spouse and there are no surviving children, the parent or parents in equal shares.

As added by P.L.2-2003, SEC.3.

IC 10-13

ARTICLE 13. STATE POLICE DATA AND INFORMATION PROGRAMS

IC 10-13-1

Chapter 1. Definitions

IC 10-13-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2003, SEC.4.

IC 10-13-1-2

"Department"

Sec. 2. "Department" refers to the state police department established by IC 10-11-2-4.

As added by P.L.2-2003, SEC.4.

IC 10-13-1-3

"Superintendent"

Sec. 3. "Superintendent" refers to the superintendent of the department appointed under IC 10-11-2-6.

As added by P.L.2-2003, SEC.4.

IC 10-13-2

Chapter 2. Criminal Justice Data Division

IC 10-13-2-1

"Division"

Sec. 1. As used in this chapter, "division" refers to the criminal justice data division established by section 2 of this chapter.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-2

Establishment

Sec. 2. (a) The criminal justice data division is established within the department.

(b) The division is under the administrative control and jurisdiction of the superintendent.

(c) The superintendent may:

(1) staff the division with personnel necessary for its efficient operation; and

(2) adopt rules to carry out the purposes of this chapter.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-3

Storage and retrieval of criminal justice data; consultants

Sec. 3. (a) The division shall use the most current equipment, methods, and systems for the rapid storage and retrieval of criminal justice data necessary for an effective criminal justice system within Indiana.

(b) The superintendent may hire consultants to advise the superintendent in the most efficient means of establishing, funding, and maintaining the criminal justice data system with the ultimate purpose of extending the services and benefits of the system to all governmental agencies of the state and its political subdivisions having a need for the data.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-4

Purpose

Sec. 4. The division shall be organized and administered to fulfill the following purposes:

(1) To inform the public and responsible governmental officials as to the nature of the crime problem, its magnitude, and its trend over time.

(2) To measure the effects of prevention and deterrence programs, ranging from community action to police patrol.

(3) To find out who commits crimes by age, sex, family status, income, ethnic and residential background, and other social attributes, to find the proper focus of crime prevention programs.

(4) To measure the workload and effectiveness of all agencies of the criminal justice system, both individually and as an integrated system.
(5) To analyze the factors contributing to success and failure of probation, parole, and other correctional alternatives for various kinds of offenders.
(6) To provide criminal justice agencies with comparative norms of performance.
(7) To furnish baseline data for research.
(8) To compute the costs of crime in terms of economic injury inflicted upon communities and individuals, as well as to assess the direct public expenditures by criminal justice agencies.
(9) To project expected crime rates and their consequences into the future for more enlightened government planning.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-5
Duties

Sec. 5. (a) The division, under the supervision and direction of the superintendent and in accordance with the rules adopted under this chapter, shall do the following:

(1) Collect data necessary for the accomplishment of the purposes of this chapter from all persons and agencies mentioned in section 6 of this chapter.
(2) Prepare and distribute to all the persons and agencies the forms to be used in reporting data to the division. The forms also must provide for items of information needed by federal bureaus, agencies, or departments engaged in the development of national criminal statistics.
(3) Prescribe the form and content of records to be kept by the persons and agencies to ensure the correct reporting of data to the division.
(4) Instruct the persons and agencies in the installation, maintenance, and use of records and equipment and in the manner of reporting to the division.
(5) Tabulate, analyze, and interpret the data collected.
(6) Supply data, upon request, to federal bureaus, agencies, or departments engaged in collecting and analyzing national criminal statistics.
(7) Present the following to the governor:
(A) Before July 1 of each year, a printed report containing the criminal statistics of the preceding calendar year.
(B) At other times the superintendent considers necessary or the governor requests, reports on public aspects of criminal statistics in a sufficiently general distribution for public enlightenment.

(b) The division may not obtain data under this chapter except that which is a public record, and all laws regulating privacy or restricting

use of the data apply to any data collected.

(c) The division may accept data and reports from agencies other than those required to report under this chapter if the data and reports are consistent with the purposes of this chapter.

As added by P.L.2-2003, SEC.4. Amended by P.L.97-2004, SEC.41.

IC 10-13-2-6

Public officials; cooperation with division; reporting noncompliance

Sec. 6. (a) If requested by the division, a public official or public agency dealing with crime or criminals or with delinquency or delinquents shall do the following:

(1) Install and maintain records needed for reporting data required by the division.

(2) Report to the division, as and when prescribed, all data requested.

(3) Give the accredited agents of the division access to the records for the purpose of inspection.

(4) Cooperate with the division to the end that its duties may be properly performed.

(b) An official required under this chapter to furnish reports, information, or statistics to the criminal justice data division or a person employed by the official is not liable in any action arising out of having furnished the information in a manner as may be required by this chapter or the rules adopted under this chapter.

(c) If a public official or public agency fails to comply with its duties under subsection (a), the division shall notify the Indiana criminal justice institute of the noncompliance in any manner approved by the Indiana criminal justice institute.

As added by P.L.2-2003, SEC.4. Amended by P.L.35-2013, SEC.2.

IC 10-13-2-7

Equipment methods and systems; compatibility

Sec. 7. As far as is practicable, the equipment methods and systems used by the criminal justice data division must be compatible with those used by similar agencies in other states and the federal government so that data necessary for interstate, national, and international criminal justice is readily available.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-8

Commission and advisory council; planning agency

Sec. 8. In the administration of the division, the superintendent shall have the advice and assistance of the criminal justice commission and advisory council and the criminal justice planning agency.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-9
Adoption of rules

Sec. 9. (a) The superintendent shall adopt rules necessary to accomplish the purposes of this chapter.

(b) In formulating the rules, the superintendent shall have the advice and assistance of the criminal justice advisory committee established by section 10 of this chapter.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-10
Criminal justice advisory committee; composition; meetings

Sec. 10. (a) The criminal justice advisory committee is established.

(b) The committee consists of the following persons or their designated representatives:

(1) The superintendent, who shall act as chairman.
(2) The attorney general.
(3) The executive director of the criminal justice planning agency.
(4) The commissioner of corrections.
(5) One (1) county sheriff serving in the sheriff's second or subsequent term of office.
(6) One (1) chief of police with at least two (2) years of experience as chief.
(7) One (1) prosecuting attorney in the prosecuting attorney's second or subsequent term of office.
(8) One (1) judge of a court of general criminal jurisdiction.
(9) The executive director of the law enforcement training academy.
(10) A criminologist or forensic scientist.

(c) A member of the committee:

(1) must be appointed by the governor on a nonpartisan basis; and
(2) shall serve at the pleasure of the governor.

(d) A member of the committee serves without compensation except per diem as provided by law.

(e) The committee shall meet as often as is considered necessary by the superintendent to formulate or revise rules for the statewide operation of the criminal justice data division.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-11
Reports and analyses

Sec. 11. The division shall, within the limits of time and manpower, comply with all reasonable requests for periodic reports and analysis of data as may be made by any officer or agency required to report data that is necessary for the proper performance of the duties of the officer or agency.

As added by P.L.2-2003, SEC.4.

IC 10-13-2-12
Intent of chapter; violations; penalties

Sec. 12. (a) It is the intent of the general assembly in enacting this chapter to provide information and data with reference to the total criminal justice system that will be equally beneficial to all officers, agencies, and components of the criminal justice system to better perform their respective duties for the overall improvement of criminal justice. Rules adopted under this chapter shall be drafted to express this intent.

(b) If a public official:

(1) is required by the rules to report to the division; and

(2) fails to comply with:

(A) the requests of the superintendent for information or data; or

(B) the rules governing records and systems and equipment and their maintenance;

the director of the criminal justice planning agency may deny the public official the benefits of the system until the public official complies with the rules.

(c) An official who knowingly, intentionally, or recklessly makes a false return of information to the division commits a Class A misdemeanor.

As added by P.L.2-2003, SEC.4. Amended by P.L.115-2003, SEC.10.

IC 10-13-2-13
Access to information in criminal justice information system

Sec. 13. Subject to policies adopted by the superintendent concerning the disclosure of law enforcement records, the division shall provide access to information in any criminal justice information system that is used to locate an individual for purposes relating to law enforcement to:

(1) the child support bureau; or

(2) a prosecuting attorney, private attorney, or private entity operating under an agreement or contract described in IC 31-25-4-13.1.

As added by P.L.80-2010, SEC.14.

IC 10-13-3

Chapter 3. Criminal History Information

IC 10-13-3-1

"Bias crime"

Sec. 1. As used in this chapter, "bias 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 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.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-2

"Care"

Sec. 2. As used in this chapter, "care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children less than eighteen (18) years of age.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-2.5

"Caseworker"

Sec. 2.5. As used in this chapter, "caseworker" has the meaning set forth in IC 31-9-2-11.

As added by P.L.146-2006, SEC.1.

IC 10-13-3-3

"Certificated employee"

Sec. 3. As used in this chapter, "certificated employee" has the meaning set forth in IC 20-29-2-4.

As added by P.L.2-2003, SEC.4. Amended by P.L.1-2005, SEC.113.

IC 10-13-3-4

"Council"

Sec. 4. As used in this chapter, "council" means the security and privacy council established by section 34 of this chapter.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-5

"Criminal history data"

Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Information, including a photograph, regarding a sex or violent offender (as defined in IC 11-8-8-5) obtained through sex or violent offender registration under IC 11-8-8.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(4) A photograph of the person who is the subject of the information described in subdivisions (1) through (3).

(c) The term includes fingerprint information described in section 24(f) of this chapter.

As added by P.L.2-2003, SEC.4. Amended by P.L.20-2006, SEC.1; P.L.140-2006, SEC.4 and P.L.173-2006, SEC.4; P.L.1-2007, SEC.96; P.L.216-2007, SEC.3.

IC 10-13-3-6

"Criminal justice agency"

Sec. 6. (a) As used in this chapter, "criminal justice agency" means any agency or department of any level of government whose principal function is:

(1) the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders;

(2) the location of parents with child support obligations under 42 U.S.C. 653;

(3) the licensing and regulating of riverboat gambling operations; or

(4) the licensing and regulating of pari-mutuel horse racing operations.

(b) The term includes the following:

(1) The office of the attorney general.

(2) The Medicaid fraud control unit, for the purpose of investigating offenses involving Medicaid.

(3) A nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

As added by P.L.2-2003, SEC.4. Amended by P.L.70-2004, SEC.1; P.L.234-2005, SEC.6.

IC 10-13-3-7
"Disposition"

Sec. 7. As used in this chapter, "disposition" means information disclosing that criminal proceedings have been concluded or indefinitely postponed.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-7.5
"Emergency placement"

Sec. 7.5. (a) As used in this chapter, "emergency placement" means an emergency out-of-home placement of a child by:

(1) the department of child services established by IC 31-25-1-1;
(2) a law enforcement officer;
(3) a caseworker;
(4) a juvenile probation officer; or
(5) a court;

as a result of exigent circumstances that require immediate placement with a person other than the child's parent, guardian, or custodian.

(b) The term includes any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian, as authorized under any of the following:

(1) IC 31-34-2.
(2) IC 31-34-2.5.
(3) IC 31-34-4.
(4) IC 31-34-5.
(5) IC 31-37-4.
(6) IC 31-37-5.
(7) IC 31-37-6.

(c) The term does not include any proposed or actual change in location of the child's placement for continuing care and custody after the court has entered an order at the time of or following a detention hearing required under IC 31-34-5 or IC 31-37-6, unless a court or an agency responsible for the child's care and supervision determines that an immediate change in placement is necessary to protect the health or safety of the child.

(d) The term does not include placement to an entity or in a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

As added by P.L.234-2005, SEC.7. Amended by P.L.145-2006, SEC.26; P.L.146-2006, SEC.2.

IC 10-13-3-8
"Inspection"

Sec. 8. As used in this chapter, "inspection" means visual perusal and includes the right to make memoranda abstracts of the information.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-9
"Institute"

Sec. 9. As used in this chapter, "institute" means the Indiana criminal justice institute established by IC 5-2-6-3.
As added by P.L.2-2003, SEC.4.

IC 10-13-3-10
"Law enforcement agency"

Sec. 10. (a) As used in this chapter, "law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders.

(b) The term includes:

(1) the office of the attorney general; and

(2) the office of the inspector general.

As added by P.L.2-2003, SEC.4. Amended by P.L.222-2005, SEC.29.

IC 10-13-3-11
"Limited criminal history"

Sec. 11. (a) As used in this chapter, "limited criminal history" means information with respect to any arrest or criminal charge, which must include:

(1) a disposition; and

(2) a photograph of the person who is the subject of the limited criminal history, if a photograph is available.

(b) However, the term includes information about any arrest or criminal charge that occurred less than one (1) year before the date of a request even if no disposition has been entered.
As added by P.L.2-2003, SEC.4. Amended by P.L.20-2006, SEC.2.

IC 10-13-3-12
"National criminal history background check"

Sec. 12. As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.
As added by P.L.2-2003, SEC.4.

IC 10-13-3-12.5
"National name based criminal history record check"

Sec. 12.5. As used in this chapter, "national name based criminal history record check" means a query of the Interstate Identification Index data base maintained by the Federal Bureau of Investigation that:

(1) is conducted using the subject's name; and

(2) does not use fingerprint identification or another method of

positive identification.
As added by P.L.234-2005, SEC.8.

IC 10-13-3-13
"No contact order"

Sec. 13. As used in this chapter, "no contact order" means an order that prohibits a person from having direct or indirect contact with another person and that is issued under any of the following:

(1) IC 31-32-13.
(2) IC 31-34-20.
(3) IC 31-37-19-1.
(4) IC 31-37-19-6.
(5) IC 33-39-1-8.
(6) IC 35-33-8-3.2.
(7) IC 35-38-2-2.3.

As added by P.L.2-2003, SEC.4. Amended by P.L.98-2004, SEC.80; P.L.1-2010, SEC.53.

IC 10-13-3-14
"Noncertificated employee"

Sec. 14. As used in this chapter, "noncertificated employee" has the meaning set forth in IC 20-29-2-11.
As added by P.L.2-2003, SEC.4. Amended by P.L.1-2005, SEC.114.

IC 10-13-3-15
"Protective order"

Sec. 15. (a) As used in this chapter, "protective order" has the meaning set forth in IC 5-2-9-2.1.

(b) The term includes a foreign protection order (as defined in IC 34-6-2-48.5).
As added by P.L.2-2003, SEC.4.

IC 10-13-3-16
"Qualified entity"

Sec. 16. (a) As used in this chapter, "qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services.

(b) The term includes the following:

(1) A business or an organization that licenses or certifies others to provide care or care placement services.
(2) A home health agency licensed under IC 16-27-1.
(3) A personal services agency licensed under IC 16-27-4.

As added by P.L.2-2003, SEC.4. Amended by P.L.197-2007, SEC.1.

IC 10-13-3-17
"Release"

Sec. 17. As used in this chapter, "release" means furnishing a copy or an edited copy of criminal history data.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-18
"Reportable offenses"

Sec. 18. As used in this chapter, "reportable offenses" means all felonies and those misdemeanors the superintendent designates.
As added by P.L.2-2003, SEC.4. Amended by P.L.156-2003, SEC.4.

IC 10-13-3-19
"Request"

Sec. 19. As used in this chapter, "request" means asking for release or inspection of a limited criminal history by noncriminal justice organizations or individuals in a manner that:

(1) reasonably ensures the identification of the subject of the inquiry; and

(2) contains a statement of the purpose for which the information is requested.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-20
"School corporation"

Sec. 20. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16.
As added by P.L.2-2003, SEC.4. Amended by P.L.1-2005, SEC.115.

IC 10-13-3-21
"Special education cooperative"

Sec. 21. As used in this chapter, "special education cooperative" has the meaning set forth in IC 20-35-5-1(8).
As added by P.L.2-2003, SEC.4. Amended by P.L.1-2005, SEC.116; P.L.231-2005, SEC.4; P.L.1-2006, SEC.170; P.L.38-2014, SEC.1.

IC 10-13-3-22
"Unidentified person"

Sec. 22. As used in this chapter, "unidentified person" means a deceased or mentally incapacitated person whose identity is unknown.
As added by P.L.2-2003, SEC.4.

IC 10-13-3-23
"Workplace violence restraining order"

Sec. 23. As used in this chapter, "workplace violence restraining order" means an order issued under IC 34-26-6.
As added by P.L.2-2003, SEC.4.

IC 10-13-3-24
State central repository; report of arrests; fingerprints

Sec. 24. (a) The department shall act as the official state central

repository for criminal history data.

(b) A sheriff, police department, or criminal justice agency in Indiana shall report to the department, on forms provided by the department, all arrests for reportable offenses.

(c) Except as provided in subsection (e), at the time a sheriff, police department, or criminal justice agency makes the report described in subsection (b), the sheriff, police department, or criminal justice agency shall transmit a photograph of the person who is the subject of the report to the department.

(d) The department may adopt guidelines concerning the:

(1) form; and

(2) manner of transmission (including electronic transmission);

of a photograph described in subsection (c). If the department adopts guidelines under this subsection, the sheriff, police department, or criminal justice agency required to transmit a photograph under subsection (c) shall transmit the photograph in accordance with the guidelines adopted by the department.

(e) Notwithstanding subsections (c) and (d):

(1) the department is not required to process; and

(2) a sheriff, police department, or criminal justice agency is not required to submit;

a photograph under this section unless the department has sufficient funding available to process photographs submitted under this section.

(f) The department of correction may report to the department:

(1) fingerprints recorded by the department of correction in any reliable manner, including the use of a digital fingerprinting device, when a person convicted of an offense is received by the department of correction; and

(2) an abstract of judgment received by the department of correction that relates to the fingerprints described in subdivision (1).

As added by P.L.2-2003, SEC.4. Amended by P.L.20-2006, SEC.3; P.L.216-2007, SEC.4.

IC 10-13-3-25

Disposition reports

Sec. 25. (a) If a person whose arrest has been reported as required by section 24 of this chapter is:

(1) transferred to the custody of another criminal justice agency; or

(2) released without having an indictment or information filed with any court;

a disposition report shall be furnished to the department by the agency from whose custody the person has been transferred or released. Disposition reports shall be made on forms provided by the department.

(b) If an indictment or information is filed in a court, the clerk of

the court shall furnish to the department, on forms provided by the department, a report of the disposition of the case.

(c) A disposition report, whether by a criminal justice agency or a court clerk, shall be sent to the department within thirty (30) days after the disposition.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-26

Release of data to criminal justice agencies

Sec. 26. (a) A criminal justice agency:

(1) shall provide criminal history data to another criminal justice agency upon request; and

(2) may receive criminal history data from another criminal justice agency.

(b) If the request is made by an agency doing a presentence investigation, the information shall be transmitted not later than seven (7) days after the date that the request is received.

(c) The department shall provide criminal history data to a criminal justice agency making a request if the council determines that the agency has complied with this chapter.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-27

Release of data to noncriminal justice organization or to individuals; national crime information center data restricted; penalties

Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has:

(A) applied for a license or is maintaining a license; and

(B) provided criminal history data as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit

corporation;
(9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;
(12) is being sought by the parent locator service of the child support bureau of the department of child services;
(13) is or was required to register as a sex or violent offender under IC 11-8-8;
(14) has been convicted of any of the following:
(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
(B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.
(C) Child molesting (IC 35-42-4-3).
(D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
(E) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
(F) Vicarious sexual gratification (IC 35-42-4-5).
(G) Child solicitation (IC 35-42-4-6).
(H) Child seduction (IC 35-42-4-7).
(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
(K) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (A) through (J).
(L) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (A) through (J).
(M) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (A) through (J);
(15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or
(16) is:
(A) a parent, guardian, or custodian of a child; or
(B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian;
with whom the department of child services or a county

probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

As added by P.L.2-2003, SEC.4. Amended by P.L.1-2005, SEC.117; P.L.234-2005, SEC.9; P.L.1-2006, SEC.171; P.L.145-2006, SEC.27; P.L.140-2006, SEC.5 and P.L.173-2006, SEC.5; P.L.1-2007, SEC.97; P.L.216-2007, SEC.5; P.L.146-2008, SEC.368; P.L.44-2009, SEC.4; P.L.153-2011, SEC.2; P.L.48-2012, SEC.7; P.L.158-2013, SEC.166; P.L.214-2013, SEC.2; P.L.13-2016, SEC.3.

IC 10-13-3-27.5

Record check by department of child services under exigent circumstances; transmittal of report copy; providing fingerprints; removal of child for failure to provide fingerprints; compliance with federal law; contesting denial of placement; fee

Sec. 27.5. (a) If:

(1) exigent circumstances require the emergency placement of a child; and

(2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;

upon request of the department of child services established by IC 31-25-1-1, a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual who is at least eighteen (18) years of age and who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a request under this section.

(b) After the department of child services, the caseworker, or the

juvenile probation officer receives the results of the national name based criminal history record check and before the maximum period allowed under federal law has elapsed, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual who is at least eighteen (18) years of age and who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

(1) use fingerprint identification to positively identify each individual whose fingerprints are provided to the department under this subsection; or

(2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) calendar days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual who is at least eighteen (18) years of age and who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

(1) notification to the subject of the check; and

(2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is the subject of the name based criminal history record check may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

(1) a complete set of the individual's fingerprints; and

(2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

(1) department; and

(2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

(1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or

(2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.

As added by P.L.234-2005, SEC.10. Amended by P.L.145-2006, SEC.28; P.L.146-2006, SEC.3; P.L.138-2007, SEC.1; P.L.205-2013, SEC.168.

IC 10-13-3-28

Criminal history check on request of an individual seeking employment or to volunteer

Sec. 28. On request of an individual who has applied for employment or to volunteer with a noncriminal justice organization or individual, the Indiana central repository for criminal history information shall process a request for a national fingerprint based criminal history check of the individual making the request from the Federal Bureau of Investigation's National Crime Information Center upon:

(1) the submission of fingerprints of the individual making the request; and

(2) the payment of a fifteen dollar ($15) fee.

As added by P.L.2-2003, SEC.4. Amended by P.L.127-2011, SEC.1; P.L.287-2013, SEC.1.

IC 10-13-3-29

Use by noncriminal justice organizations or individuals restricted

Sec. 29. A noncriminal justice organization or individual that receives a limited criminal history may not use it for purposes:

(1) other than those stated in the request; or

(2) that deny the subject any civil right to which the subject is entitled.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-30

Request for limited criminal history; duties of law enforcement agency and department

Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject

upon request.

(2) Collect a three dollar ($3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar ($7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the department of child services.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the registration of sex or violent offenders under IC 11-8-8 or the Indiana sex and violent offender registry under IC 36-2-13-5.5 or concerns a person required to register as a sex or violent offender under IC 11-8-8.

As added by P.L.2-2003, SEC.4. Amended by P.L.156-2003, SEC.5; P.L.145-2006, SEC.29; P.L.140-2006, SEC.6 and P.L.173-2006, SEC.6; P.L.216-2007, SEC.6.

IC 10-13-3-31

Release of data to subject person; fee; challenge of data authorized

Sec. 31. (a) Unless otherwise prohibited by law, a criminal justice agency that maintains criminal history data, upon request and proper identification of the person about whom criminal history data is maintained, shall provide that person with a copy of the person's criminal history data for a reasonable fee.

(b) Any person may challenge the information contained in the person's criminal history data file.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-32

Application of chapter

Sec. 32. This chapter is not applicable to and does not prevent the release or inspection of information contained in the following:

(1) Wanted person posters or announcements.

(2) An original record of entry, including a police blotter, maintained by a criminal justice agency.

(3) Published court or administrative opinions or records of public judicial, administrative, or legislative proceedings.

(4) Records of traffic offenses maintained by the bureau of motor vehicles.

(5) Announcements of pardon or executive clemency.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-33

Rules; challenge of data procedure

Sec. 33. (a) The council shall adopt rules under IC 4-22-2 to:

(1) assure the completeness and accuracy of criminal history data;

(2) protect information from loss, alteration, destruction, or improper direct access to the information files;

(3) prevent unreasonable interference with the regular discharge of the duties of employees of law enforcement agencies; and

(4) carry out this chapter.

(b) If a person makes a challenge under section 31(b) of this chapter, the department shall:

(1) make the changes requested, if it determines the data is in error; or

(2) conduct a hearing under IC 4-21.5-3, if requested by the person making the challenge.

(c) The rules adopted under this chapter must provide for inspection in a reasonable and timely manner.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-34

Security and privacy council; establishment; members

Sec. 34. (a) There is established a security and privacy council that consists of nine (9) members selected under subsections (b) and (c).

(b) The following six (6) members shall be appointed by and shall serve at the pleasure of the governor:

(1) A prosecuting attorney.

(2) The police chief of a city.

(3) The sheriff of a county.

(4) A criminal court judge.

(5) Two (2) citizens who are not law enforcement officers.

(c) The following persons, or their designees, also are members of the council:

(1) The superintendent.

(2) The attorney general.

(3) The commissioner of the department of correction.

(d) Members of the council are not entitled to receive compensation but are entitled to receive a per diem and mileage on those days in which they are engaged in the business of the council. Per diem and mileage paid shall be that amount paid to state employees.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-35

Indiana data and communication system; national crime information center's missing, wanted, and unidentified person files; entry or deletion of information

Sec. 35. (a) On a daily basis, all law enforcement agencies shall

enter into the Indiana data and communication system (IDACS) computer the following:

(1) All information concerning stolen or recovered property, including the following:

(A) Motor vehicles.

(B) Firearms.

(C) Securities.

(D) Boats.

(E) License plates.

(F) Other stolen or recovered property.

(2) All information concerning fugitives charged with a crime, including information concerning extradition.

(3) All information concerning runaways, missing and unidentified persons, and missing children (as defined in IC 10-13-5-4), including information concerning the release of those persons to the custody of a parent or guardian.

(4) Information contained in a protective order, including any modifications or extensions issued by a court and filed with a law enforcement agency as required in IC 5-2-9-6(f).

(b) On a daily basis, all law enforcement agencies shall do the following:

(1) Enter all information concerning missing children (as defined in IC 10-13-5-4) into the National Crime Information Center's Missing Person File.

(2) Enter all information concerning warrants issued for a person who allegedly abducted or unlawfully retained a missing child into the National Crime Information Center's Wanted Person File.

(3) Enter all information concerning unidentified persons into the National Crime Information Center's Unidentified Person File.

(4) Enter all information concerning a protective order, a workplace violence restraining order, or a no contact order involving intimate partners into the National Crime Information Center's (NCIC) Protection Order File if the order qualifies under NCIC rules.

(c) If a protective order, a no contact order, or a workplace violence restraining order is removed from a depository established under IC 5-2-9, the law enforcement agency responsible for the depository shall delete the information entered under subsection (a)(4) from the Indiana data and communication system (IDACS) computer.

As added by P.L.2-2003, SEC.4.

IC 10-13-3-36

Fees; nonprofit organizations; family and children division; family and children offices; health professions bureau; educational institutions

Sec. 36. (a) The department may not charge a fee for responding to a request for the release of a limited criminal history record if the request is made by a nonprofit organization:

(1) that has been in existence for at least ten (10) years; and

(2) that:

(A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;

(B) is a community intellectual disability and other developmental disabilities center (as defined in IC 12-7-2-39);

(C) is a supervised group living facility licensed under IC 12-28-5;

(D) is an area agency on aging designated under IC 12-10-1;

(E) is a community action agency (as defined in IC 12-14-23-2);

(F) is the owner or operator of a hospice program licensed under IC 16-25-3; or

(G) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the department of child services or the division of family resources if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 31-27.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution. The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

(1) by a state agency; and

(2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a

request for the release of a limited criminal history record made by the Indiana professional licensing agency established by IC 25-1-5-3 if the request is:

(1) made through the computer gateway that is administered by the office of technology; and

(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

(f) The department may not charge a church or religious society a fee for responding to a request for the release of a limited criminal history record if:

(1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(2) the request is made as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer; and

(3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society, including a child care ministry registered under IC 12-17.2-6.

(g) The department may not charge the school of education of a public or private postsecondary educational institution a fee for responding to a request for the release of a limited criminal history record if the request is made as part of a background investigation of a student before or after the student begins the student's field or classroom experience. However, the department may charge the student a fee for responding to a request for the release of a limited criminal history record.

As added by P.L.2-2003, SEC.4. Amended by P.L.138-2003, SEC.2; P.L.158-2003, SEC.1; P.L.261-2003, SEC.12; P.L.97-2004, SEC.42; P.L.1-2005, SEC.118; P.L.177-2005, SEC.30; P.L.1-2006, SEC.172; P.L.145-2006, SEC.30; P.L.142-2006, SEC.1; P.L.2-2007, SEC.147; P.L.121-2009, SEC.2; P.L.117-2015, SEC.4; P.L.51-2016, SEC.1.

IC 10-13-3-37

Use of fingerprints submitted for certain licensure applications; fees; retention of fingerprints

Sec. 37. (a) Under Public Law 92-544 (86 Stat. 1115), a local law enforcement agency may use fingerprints submitted for the purpose of identification in a request related to the following:

(1) A taxicab driver's license application.

(2) Reinstatement or renewal of a taxicab driver's license.

(b) An applicant shall submit the fingerprints on forms provided for the license application.

(c) The local law enforcement agency shall charge each applicant the fees set by the department and federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints.

(d) The local law enforcement agency may:

(1) forward for processing to the Federal Bureau of Investigation or any other agency fingerprints submitted by a license applicant; and

(2) receive the results of all fingerprint investigations.

(e) The department:

(1) may permanently retain an applicant's fingerprints submitted under this section; and

(2) shall retain the applicant's fingerprints separately from fingerprints collected under section 24 of this chapter.

As added by P.L.2-2003, SEC.4. Amended by P.L.200-2007, SEC.1; P.L.155-2011, SEC.1.

IC 10-13-3-38

Collection of bias crime information; reports

Sec. 38. (a) A law enforcement agency shall collect information concerning bias 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) 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 crime; or

(2) was the victim or the alleged victim of a bias crime.

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

(d) Except as provided in subsection (e), 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) Information submitted under subsection (b) and reports issued under subsection (c) 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.

As added by P.L.2-2003, SEC.4. Amended by P.L.28-2004, SEC.79.

IC 10-13-3-38.5

Use of fingerprints for employment or license; retention of fingerprints

Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

(1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:

(A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;

(B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the standard for harmed or threatened with harm set forth in IC 12-10-3-2(a)(3);

(C) at a state institution managed by the office of the secretary of family and social services or state department of health;

(D) at the Indiana School for the Deaf established by IC 20-22-2-1;

(E) at the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1;

(F) at a juvenile detention facility;

(G) with the Indiana gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under IC 28-11-2-3; or

(I) that has a job description that includes access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.

(2) Identification in a request related to an application for a teacher's license submitted to the department of education established by IC 20-19-3-1.

(3) Use by the gaming commission established under IC 4-33-3-1 for licensure of a promoter (as defined in IC 4-33-22-6) under IC 4-33-22.

(4) Use by the Indiana board of pharmacy in determining the individual's suitability for a position or employment with a wholesale drug distributor, as specified in IC 25-26-14-16(b), IC 25-26-14-16.5(b), IC 25-26-14-17.8(c), and IC 25-26-14-20.

(5) Identification in a request related to an individual applying for or renewing a license or certificate described in IC 25-1-1.1-4 and a conviction described in IC 25-1-1.1-2 or

IC 25-1-1.1-3.

An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment, license, or certificate application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for processing. The state personnel department, the Indiana professional licensing agency, or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

(d) The department:

(1) may permanently retain an applicant's fingerprints submitted under this section; and

(2) shall retain the applicant's fingerprints separately from fingerprints collected under section 24 of this chapter.

As added by P.L.261-2003, SEC.13. Amended by P.L.1-2005, SEC.119; P.L.120-2005, SEC.1; P.L.212-2005, SEC.1; P.L.218-2005, SEC.4; P.L.246-2005, SEC.90; P.L.1-2006, SEC.173; P.L.160-2009, SEC.2; P.L.113-2010, SEC.71; P.L.155-2011, SEC.2.

IC 10-13-3-39

Department designated authorized agency for national criminal history background check; request for background check by qualified entity; exchange of identification records; results provided to public agency

Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following persons:

(1) A person who seeks to be or is employed with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(3) A person for whom a national criminal history background

check is required under any law relating to the licensing of a home, center, or other facility for purposes of day care or residential care of children.

(4) A person for whom a national criminal history background check is permitted for purposes of:

(A) placement of a child in a foster family home, a prospective adoptive home, or the home of a relative, legal guardian to whom IC 29-3-8-9 applies, or other caretaker under section 27.5 of this chapter or IC 31-34;

(B) a report concerning an adoption as required by IC 31-19-8;

(C) collaborative care host homes and supervised independent living arrangements as provided in IC 31-28-5.8-5.5; or

(D) reunification of a child with a parent, guardian, or custodian as provided in IC 31-34-21-5.5.

(5) A person for whom a national criminal history background check is required for the licensing of a group home, child caring institution, child placing agency, or foster home under IC 31-27.

(6) A person for whom a national criminal history background check is required for determining the individual's suitability as an employee of a contractor of the state under section 38.5(a)(1) of this chapter.

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check. The department shall respond to the request in conformity with:

(1) the requirements of 42 U.S.C. 5119a; and

(2) the regulations prescribed by the Attorney General of the United States under 42 U.S.C. 5119a.

(e) Subsection (f):

(1) applies to a qualified entity that:

(A) is not a school corporation or a special education cooperative; or

(B) is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer; and

(2) does not apply to a qualified entity that is a:

(A) home health agency licensed under IC 16-27-1; or

(B) personal services agency licensed under IC 16-27-4.

(f) After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the person who is the subject of a request has been convicted of:

(1) an offense described in IC 20-26-5-11;
(2) in the case of a foster family home, an offense described in IC 31-27-4-13(a);
(3) in the case of a prospective adoptive home, an offense described in IC 31-19-11-1(c);
(4) any other felony; or
(5) any misdemeanor;

and convey the determination to the requesting qualified entity.

(g) This subsection applies to a qualified entity that:
(1) is a school corporation or a special education cooperative; and
(2) seeks a national criminal history background check to determine whether to employ or continue the employment of a certificated employee or a noncertificated employee of a school corporation or an equivalent position with a special education cooperative.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-26-5-11 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(h) This subsection applies to a qualified entity (as defined in IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall provide a copy to the public agency. Except as permitted by federal law, the public agency may not share the information contained in the national criminal history background check with a private agency.

(i) This subsection applies to a qualified entity that is a:
(1) home health agency licensed under IC 16-27-1; or
(2) personal services agency licensed under IC 16-27-4.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 16-27-2-5(a) and convey the determination to the requesting qualified entity.

(j) The department:
(1) may permanently retain an applicant's fingerprints submitted under this section; and
(2) shall retain the applicant's fingerprints separately from fingerprints collected under section 24 of this chapter.

As added by P.L.2-2003, SEC.4. Amended by P.L.1-2005, SEC.120; P.L.234-2005, SEC.11; P.L.138-2007, SEC.2; P.L.197-2007, SEC.2;

P.L.3-2008, SEC.85; P.L.155-2011, SEC.3; P.L.104-2015, SEC.1.

IC 10-13-3-40

Appropriation of excess handgun license fees

Sec. 40. If the amount of money that is deposited in the state general fund during a state fiscal year from handgun license fees (as described in IC 35-47-2-4) exceeds one million one hundred thousand dollars ($1,100,000), the excess is appropriated from the state general fund to the department. An appropriation under this section is subject to allotment by the budget agency.

As added by P.L.190-2006, SEC.1. Amended by P.L.91-2014, SEC.33.

IC 10-13-4

Chapter 4. Juvenile History Information

IC 10-13-4-1

"Council"

Sec. 1. As used in this chapter, "council" refers to the security and privacy council established by IC 10-13-3-34.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-2

"Criminal justice agency"

Sec. 2. As used in this chapter, "criminal justice agency" has the meaning set forth in IC 10-13-3-6.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-3

"Inspection"

Sec. 3. As used in this chapter, "inspection" means visual perusal and includes the right to make memoranda abstracts of juvenile history data.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-4

"Juvenile history data"

Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

(1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

(2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 11-8-8-5 if committed by an adult; and

(B) that is obtained through sex or violent offender registration under IC 11-8-8.

As added by P.L.2-2003, SEC.4. Amended by P.L.140-2006, SEC.7 and P.L.173-2006, SEC.7; P.L.216-2007, SEC.7.

IC 10-13-4-5

"Juvenile justice agency"

Sec. 5. As used in this chapter, "juvenile justice agency" means an agency or department of any level of government, the functions of which include juvenile justice activities included under IC 5-2-6-1.
As added by P.L.2-2003, SEC.4.

IC 10-13-4-6
"Petition"
Sec. 6. As used in this chapter, "petition" means a petition filed under IC 31-37-10 (or IC 31-6-4-9 before its repeal) alleging that a child is a delinquent child.
As added by P.L.2-2003, SEC.4.

IC 10-13-4-7
"Release"
Sec. 7. As used in this chapter, "release" means furnishing a copy or edited copy of juvenile history data.
As added by P.L.2-2003, SEC.4.

IC 10-13-4-8
"Reportable act"
Sec. 8. As used in this chapter, "reportable act" means a delinquent act that would be a felony if committed by an adult.
As added by P.L.2-2003, SEC.4.

IC 10-13-4-9
Official state central repository; duty to report delinquent acts to department
Sec. 9. (a) The department shall act as the official state central repository for juvenile history data.
(b) Juvenile justice agencies shall report to the department, on forms provided by the department, each incident in which a child is taken into custody for a reportable act allegedly committed by the child.
As added by P.L.2-2003, SEC.4.

IC 10-13-4-10
Duty to furnish dispositional report to department
Sec. 10. (a) If a child for whom a report is required to be submitted under section 9 of this chapter is:
(1) transferred to the custody of another juvenile justice agency; or
(2) released without having a petition filed with any court;
a disposition report shall be furnished to the department by the agency from which custody of the child has been transferred or released. Disposition reports must be made on forms provided by the department.
(b) If a petition is filed in any court, the clerk of the court shall furnish to the department, on forms provided by the department, a

report of the dispositional decree of the case entered under IC 31-37-19-5 (or IC 31-6-4-15.9 before its repeal).

(c) A report required under section 9 of this chapter or this section, whether by a juvenile justice agency or a court clerk, shall be sent to the department within thirty (30) days after the action necessitating the report occurs.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-11

Juvenile history data

Sec. 11. (a) A criminal or juvenile justice agency may:

(1) provide juvenile history data to; or

(2) receive juvenile history data from;

another criminal or juvenile justice agency.

(b) The department shall provide juvenile history data to any criminal or juvenile justice agency asking for it if the council determines that the agency has complied with this chapter.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-12

Release of juvenile history data

Sec. 12. (a) Except as otherwise provided, any criminal or juvenile justice agency that maintains juvenile history data shall, upon request and proper identification of the person about whom juvenile history data is maintained, provide:

(1) that person; or

(2) the person's parent, guardian, or custodian if the person is less than eighteen (18) years of age;

with a copy of the person's juvenile history data for a reasonable fee.

(b) A person or the person's parent, guardian, or custodian, if the person is less than eighteen (18) years of age, may challenge the accuracy of information about the person filed with the department as juvenile history data.

(c) The department may not release or allow inspection of juvenile history data to any person or agency that is not authorized under this chapter to receive it.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-13

Sealing juvenile history data

Sec. 13. (a) When a person who is the subject of juvenile history data on file with the department becomes twenty-two (22) years of age, the department shall seal that person's juvenile history data. However, this subsection does not apply if, after the department receives juvenile history data about a person, the person is arrested for a felony required to be reported to the department under IC 10-13-3.

(b) Except as provided under subsection (c), the department may

not release to or allow inspection of sealed juvenile history data by any agency or person other than the person who is the subject of the juvenile history data.

(c) A court may not order the release or inspection of sealed juvenile history data unless the person who is the subject of the sealed juvenile history data challenges its existence during a court proceeding.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-14

Rules; challenges to accuracy of information

Sec. 14. (a) The council shall adopt rules under IC 4-22-2 to do the following:

(1) Assure the completeness and accuracy of juvenile history data.

(2) Protect information from loss, alteration, destruction, or improper direct access to the information files.

(3) Prevent unreasonable interference with the regular discharge of the duties of employees of law enforcement agencies.

(4) Carry out this chapter.

(b) If a person makes a challenge under section 12(b) of this chapter, the department shall:

(1) make the changes requested, if the department determines the data is in error; or

(2) conduct a hearing under IC 4-21.5, if requested by the person making the challenge.

(c) The rules adopted under this chapter must provide for inspection and release of juvenile history data in a reasonable and timely manner.

As added by P.L.2-2003, SEC.4.

IC 10-13-5

Chapter 5. Indiana Clearinghouse for Information on Missing Children

IC 10-13-5-1

"Amber alert program"

Sec. 1. As used in this chapter, "Amber alert program" means a program under which the clearinghouse transmits information about a recently abducted child to broadcasters who:

(1) have agreed to participate in the program; and

(2) immediately and repeatedly broadcast the information to the general public.

As added by P.L.2-2003, SEC.4.

IC 10-13-5-2

"Broadcaster"

Sec. 2. As used in this chapter, "broadcaster" means the operator of a radio or television station.

As added by P.L.2-2003, SEC.4.

IC 10-13-5-3

"Clearinghouse"

Sec. 3. As used in this chapter, "clearinghouse" refers to the Indiana clearinghouse for information on missing children and missing endangered adults established by section 5 of this chapter.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.2.

IC 10-13-5-4

"Missing child"

Sec. 4. As used in this chapter, "missing child" means a person less than eighteen (18) years of age who:

(1) is, or is believed to be:

(A) a temporary or permanent resident of Indiana;

(B) at a location that cannot be determined by the person's parent or legal custodian; and

(C) reported missing to a law enforcement agency; or

(2) is, or is believed to be:

(A) a temporary or permanent resident of Indiana; and

(B) a victim of the offense of criminal confinement (IC 35-42-3-3) or interference with custody (IC 35-42-3-4).

As added by P.L.2-2003, SEC.4.

IC 10-13-5-4.3

"Missing endangered adult"

Sec. 4.3. As used in this chapter, "missing endangered adult" means an adult who is a high risk missing person under the definition in IC 5-2-17-1.

As added by P.L.43-2009, SEC.3.

IC 10-13-5-4.6
"Silver alert program"

Sec. 4.6. As used in this chapter, "silver alert program" means a program under which the clearinghouse transmits information about missing endangered adults to broadcasters who:

(1) have agreed to participate in the program; and

(2) immediately and repeatedly broadcast the information to the general public.

As added by P.L.43-2009, SEC.4.

IC 10-13-5-5
Establishment of clearinghouse

Sec. 5. The Indiana clearinghouse for information on missing children and missing endangered adults is established within the department.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.5.

IC 10-13-5-6
Duties of clearinghouse staff

Sec. 6. (a) The superintendent shall designate staff responsible for the operation of the clearinghouse.

(b) The staff's duties include the following:

(1) Creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children and missing endangered adults.

(2) Creation and operation of a central data storage, retrieval, and information distribution system designed for the exchange of information on missing children and missing endangered adults within and outside Indiana. The system must be capable of interacting with:

(A) the Indiana data and communication system under IC 10-13-3-35; and

(B) the National Crime Information Center.

(3) Development of appropriate forms for the reporting of missing children and missing endangered adults that may be used by law enforcement agencies and private citizens to provide useful information about a missing child or a missing endangered adult to the clearinghouse.

(4) Cooperation with the following agencies concerning the location of missing children and missing endangered adults:

(A) State and local public and private nonprofit agencies involved with the location and recovery of missing persons.

(B) Agencies of the federal government.

(C) State and local law enforcement agencies within and outside Indiana.

(5) Coordinating efforts to locate missing children and missing endangered adults with the agencies listed in subdivision (4).

(6) Operation of the toll free telephone line created under section 7(a) of this chapter.

(7) Publishing and updating, on a quarterly basis, a directory of missing children and missing endangered adults.

(8) Compiling statistics on missing children and missing endangered adult cases handled by the clearinghouse, including the number of cases resolved each year.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.6.

IC 10-13-5-7

Powers and duties of clearinghouse; confidentiality of information collected

Sec. 7. (a) The clearinghouse shall do the following:

(1) Collect, process, and maintain identification and investigative information to aid in finding missing children and missing endangered adults.

(2) Establish a statewide, toll free telephone line for the reporting:

(A) of missing children and missing endangered adults; and

(B) of sightings of missing children and missing endangered adults.

(3) Prescribe a uniform reporting form concerning missing children and missing endangered adults for use by law enforcement agencies within Indiana.

(4) Assist in training law enforcement and other professionals on issues relating to missing children and missing endangered adults.

(5) Operate a resource center of information regarding the prevention of:

(A) the abduction of children; and

(B) the sexual exploitation of children.

(6) Distribute the quarterly directory prepared under section 6(b)(7) of this chapter to schools and hospitals.

(7) Distribute the quarterly directory described in subdivision (6) to child care centers and child care homes that make an annual contribution of four dollars ($4) to the clearinghouse. The contributions must be used to help defray the cost of publishing the quarterly directory.

(b) For a missing child who was born in Indiana, the clearinghouse shall notify the vital statistics division of the state department of health:

(1) within fifteen (15) days after receiving a report under IC 31-36-1-3 (or IC 31-6-13-4 before its repeal) of a missing child less than thirteen (13) years of age; and

(2) promptly after the clearinghouse is notified that a missing child has been found.

(c) Upon receiving notification under subsection (b) that a child is missing or has been found, the vital statistics division of the state

department of health shall notify the local health department or the health and hospital corporation that has jurisdiction over the area where the child was born.

(d) Information collected, processed, or maintained by the clearinghouse under subsection (a) is confidential and is not subject to IC 5-14-3, but may be disclosed by the clearinghouse for purposes of locating missing children and missing endangered adults.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.7.

IC 10-13-5-8

Authorization to operate Amber alert program and silver alert program; agreements with broadcaster

Sec. 8. (a) The clearinghouse shall operate an Amber alert program and the silver alert program.

(b) Upon the establishment of an Amber alert program and the silver alert program, the clearinghouse may enter into an agreement with one (1) or more broadcasters to operate the Amber alert program and the silver alert program under this chapter.

(c) The superintendent shall designate staff responsible for the operation of the Amber alert program and the silver alert program.

(d) The department shall adopt guidelines governing the clearinghouse's operation of the Amber alert program and the silver alert program. The department's guidelines may require that staff, upon receiving a report that a child has been abducted or an endangered adult is missing, immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child or missing endangered adult to one (1) or more broadcasters participating in the Amber alert program or the silver alert program. The guidelines must include criteria that the clearinghouse shall use in determining whether to issue a silver alert and the geographic area or region in which to issue the silver alert.

(e) A broadcaster participating in the Amber alert program or the silver alert program shall immediately broadcast:

(1) a description of the abducted child or missing endangered adult; and

(2) other information that will assist in locating the abducted child or missing endangered adult;

to the general public in accordance with the Amber alert plan agreement or the silver alert plan agreement between the clearinghouse and the broadcaster.

(f) The department shall adopt guidelines governing the voluntary Amber alert program agreement and the voluntary silver alert program agreement between the clearinghouse and a broadcaster. The voluntary agreements between the clearinghouse and the broadcaster may include the following provisions:

(1) Upon receiving a notification as part of the Amber alert program or the silver alert program, the broadcaster shall broadcast the information contained on the notice on an

intermittent basis for a period of time as provided in the agreements between the clearinghouse and the broadcaster.

(2) The broadcaster shall treat the Amber alert notification or the silver alert notification as an emergency.

(3) The broadcaster shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification or a silver alert notification is:

(A) generally available to receive an Amber alert notification or a silver alert notification; and

(B) located such that the broadcaster will immediately become aware of an incoming Amber alert notification or silver alert notification.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.8.

IC 10-13-5-8.1

Amber alert program and silver alert program; agreement with electronic billboard operator

Sec. 8.1. (a) In addition to an agreement with a broadcaster under section 8 of this chapter, the clearinghouse may enter into an agreement with one (1) or more electronic billboard operators to display Amber alerts or silver alerts under this section. An agreement under this section may include a limitation on the days and times that the electronic billboard operator is required to have staff present to receive an Amber alert or a silver alert notification.

(b) The department's guidelines adopted under section 8 of this chapter may require staff, upon receiving a report that a child has been abducted or an endangered adult is missing, to immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child or missing endangered adult to one (1) or more electronic billboard operators participating in the Amber alert program or silver alert program if the Amber alert or silver alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive an Amber alert notification or a silver alert notification.

(c) An electronic billboard operator participating in the Amber alert program or silver alert program shall immediately display:

(1) a description of the abducted child or missing endangered adult; and

(2) other information that will assist in locating the abducted child or missing endangered adult;

to the general public in accordance with the Amber alert plan agreement or silver alert plan agreement between the clearinghouse and the electronic billboard operator.

(d) The department shall adopt guidelines governing the voluntary Amber alert program and the voluntary silver alert program agreements between the clearinghouse and an electronic billboard operator. The voluntary agreements between the clearinghouse and

the electronic billboard operator may include the following provisions:

(1) Upon receiving a notification as part of the Amber alert program or the silver alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreements between the clearinghouse and the electronic billboard operator.

(2) The electronic billboard operator shall treat the Amber alert notification or the silver alert notification as an emergency.

(3) The electronic billboard operator shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification or a silver alert notification is:

(A) generally available to receive an Amber alert notification or a silver alert notification; and

(B) located such that the electronic billboard operator will immediately become aware of an incoming Amber alert notification or a silver alert notification received during days and times when staff is present to receive an Amber alert notification or a silver alert notification.

As added by P.L.66-2007, SEC.6. Amended by P.L.43-2009, SEC.9.

IC 10-13-5-8.5

Civil immunity for Amber alert and silver alert participants

Sec. 8.5. (a) A broadcaster or electronic billboard operator that has agreed to participate in the Amber alert program or silver alert program and that:

(1) receives an Amber alert notification or a silver alert notification from the department; and

(2) broadcasts or displays:

(A) a description of the abducted child or missing endangered adult contained in the notification; and

(B) other information contained in the notification that will assist in locating the child or missing endangered adult;

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

(1) a person enters into an agreement with the department to establish or maintain an Amber alert web site or a silver alert web site; and

(2) the agreement provides that only the department has the ability to place information on the web site;

the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.

As added by P.L.131-2003, SEC.1. Amended by P.L.66-2007, SEC.7; P.L.43-2009, SEC.10.

IC 10-13-5-9
Notification of law enforcement agency of located child

Sec. 9. If a missing child is found, the child's parent or legal custodian shall notify the law enforcement agency that received the missing child notification under IC 31-36 (or IC 31-6-13 before its repeal).

As added by P.L.2-2003, SEC.4.

IC 10-13-5-10
Notification of clearinghouse of located child

Sec. 10. (a) Upon receiving notification from a parent or legal custodian that a missing child has been found, a law enforcement agency shall immediately notify the clearinghouse.

(b) Not later than sixty (60) days after the law enforcement agency described in subsection (a) complies with the requirements under federal law for periodic updates of the entries made to the National Crime Information Center (NCIC) concerning a missing child, the law enforcement agency described in subsection (a) shall review reports made to the clearinghouse and update the information.

As added by P.L.2-2003, SEC.4. Amended by P.L.36-2004, SEC.1.

IC 10-13-5-11
Attaching notice to birth certificate of child reported missing

Sec. 11. (a) Upon receiving notification under section 7 of this chapter, the vital statistics division of the state department of health and the appropriate local health department or health and hospital corporation shall attach a notice to the child's birth certificate stating that the child has been reported missing. The notice must remain attached to the birth certificate until notification is received under section 7 of this chapter that the missing child has been found.

(b) If a request for a copy of the birth certificate of a child is received, the vital statistics division and the appropriate local health department or health and hospital corporation shall require the person making the request to submit an application for the birth certificate that includes:

(1) the date of the request;

(2) the name, address, and telephone number of the person making the request; and

(3) the signature of the person making the request.

(c) If a notice that the child is missing has been attached to the birth certificate, the vital statistics division and the appropriate local health department or health and hospital corporation shall immediately notify the clearinghouse of the information contained in the application.

(d) A copy of the birth certificate of a missing child to which a notice has been attached under subsection (a) may not be issued without authorization from the clearinghouse.

As added by P.L.2-2003, SEC.4.

IC 10-13-5-12

Federal emergency alert system

Sec. 12. This chapter does not authorize the use of the federal emergency alert system unless otherwise authorized by federal law.

As added by P.L.43-2009, SEC.11.

IC 10-13-6

Chapter 6. Indiana DNA Data Base

IC 10-13-6-1

"Combined DNA Index System"

Sec. 1. As used in this chapter, "Combined DNA Index System" refers to the Federal Bureau of Investigation's national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-2

"DNA"

Sec. 2. As used in this chapter, "DNA" means deoxyribonucleic acid that:

(1) is located in the nucleated cells;

(2) provides an individual's personal genetic blueprint; and

(3) encodes genetic information that is the basis of human heredity and forensic identification.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-3

"DNA analysis"

Sec. 3. As used in this chapter, "DNA analysis" means an identification process in which the unique genetic code of an individual that is carried by the individual's DNA is compared with the genetic codes of another individual.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-4

"DNA profile"

Sec. 4. As used in this chapter, "DNA profile" means the results of all DNA identification tests on an individual's DNA sample.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-5

"DNA record"

Sec. 5. As used in this chapter, "DNA record" refers to DNA identification information stored in the state DNA data base or the Combined DNA Index System for the purpose of generating investigative leads or supporting statistical interpretation of DNA test results that:

(1) is the result obtained from DNA typing tests; and

(2) is comprised of the characteristics of a DNA sample that are of value in establishing the identity of individuals.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-6
"DNA sample"

Sec. 6. As used in this chapter, "DNA sample" means a blood, tissue, or other body fluid sample:

(1) provided by a person with respect to offenses covered by this chapter; or

(2) submitted to the state police laboratory under this chapter for analysis or storage, or both.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-7
"Superintendent"

Sec. 7. As used in this chapter, "superintendent" includes the superintendent or the superintendent's designee.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-8
Establishment of DNA data base; mandatory and discretionary testing and analysis

Sec. 8. (a) The superintendent may establish a data base of DNA identification records of:

(1) convicted criminals;

(2) crime scene specimens;

(3) unidentified missing persons; and

(4) close biological relatives of missing persons.

(b) The superintendent shall maintain the Indiana DNA data base.

(c) The superintendent may contract for services to perform DNA analysis of convicted offenders under section 10 of this chapter to assist federal, state, and local criminal justice and law enforcement agencies in the putative identification, detection, or exclusion of individuals who are subjects of an investigation or prosecution of a sex offense, a violent crime, or another crime in which biological evidence is recovered from the crime scene.

(d) The superintendent:

(1) may perform or contract for performance of testing, typing, or analysis of a DNA sample collected from a person described in section 10 of this chapter at any time; and

(2) shall perform or contract for the performance of testing, typing, or analysis of a DNA sample collected from a person described in section 10 of this chapter if federal funds become available for the performance of DNA testing, typing, or analysis.

(e) The superintendent shall adopt rules under IC 4-22-2 necessary to administer and enforce the provisions and intent of this chapter.

(f) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the

Indiana DNA data base by mistake.
As added by P.L.2-2003, SEC.4. Amended by P.L.69-2005, SEC.1 and P.L.142-2005, SEC.1.

IC 10-13-6-9
Duties of superintendent

Sec. 9. The superintendent shall ensure that the Indiana DNA data base:

(1) supports development of a population statistics data base when personal identifying information is removed;

(2) supports identification research and protocol development of forensic DNA analysis;

(3) assists in achieving quality control; and

(4) assists in the recovery or identification of human remains from mass disasters or for other humanitarian purposes, including identification of missing persons who may be alive.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-9.5
DNA sample processing fund

Sec. 9.5. (a) The DNA sample processing fund is established for the purpose of funding the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under this chapter. The fund shall be administered by the superintendent.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.176-2005, SEC.1.

IC 10-13-6-10
Persons required to provide DNA sample

Sec. 10. (a) This section applies to the following:

(1) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):

(A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:

(A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:

(A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction;

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation; or

(3) agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27.

A person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

As added by P.L.2-2003, SEC.4. Amended by P.L.69-2005, SEC.2 and P.L.142-2005, SEC.2; P.L.140-2006, SEC.8 and P.L.173-2006, SEC.8.

IC 10-13-6-11

Guidelines for DNA sample collection and shipment

Sec. 11. (a) The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment by the:

(1) county sheriff or designee of the county sheriff under section 10(b)(2) of this chapter; or

(2) supervising agency or designee of the supervising agency under section 10(b)(3) of this chapter.

The superintendent shall provide each county sheriff and supervising agency with the guidelines issued under this subsection. A county sheriff and supervising agency shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the

collection of DNA samples under section 10(b)(2) or 10(b)(3) of this chapter in one (1) or more counties until the earlier of the following:

(1) A date set by the superintendent.

(2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) or 10(b)(3) of this chapter or terminates a delay under section 10(b)(2) or 10(b)(3) of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

As added by P.L.2-2003, SEC.4. Amended by P.L.140-2006, SEC.9 and P.L.173-2006, SEC.9.

IC 10-13-6-12

Collection of samples

Sec. 12. DNA samples for the Indiana DNA data base must be collected in a medically approved manner by one (1) of the following:

(1) A physician.

(2) A registered nurse.

(3) A licensed vocational nurse.

(4) A licensed clinical laboratory technologist.

(5) Any other person trained to collect DNA samples properly.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-13

Purposes of testing

Sec. 13. (a) Tests performed on the DNA samples are for the following purposes:

(1) To analyze and type the genetic markers contained in or derived from DNA.

(2) For law enforcement identification purposes.

(3) For research or administrative purposes, including:

(A) development of a population statistics data base after personal identifying information is removed;

(B) support of identification research and protocol development of forensic DNA analysis methods;

(C) quality control; and

(D) assisting in the recovery or identification of human remains from mass disasters or for other humanitarian purposes, including identification of missing persons who may be alive.

(b) Tests performed under this chapter must be conducted in a manner that produces compatible results with procedures specified by the Federal Bureau of Investigation Laboratory to ensure that DNA records are fully exchangeable between DNA laboratories.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-14

Adherence to nationally recognized standards

Sec. 14. (a) A laboratory conducting forensic DNA analysis in Indiana must implement and follow nationally recognized standards for DNA quality assurance and proficiency testing, such as those approved by the American Society of Crime Laboratory Directors Laboratory Accreditation Board.

(b) Quality assurance guidelines issued by the Technical Working Group on DNA Analysis Methods serve as the standard for DNA testing under this chapter until national standards are set.

(c) A laboratory conducting forensic DNA analysis in Indiana shall forward relevant DNA data base records to the state police laboratory.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-15

Disclosure of DNA samples and analysis

Sec. 15. A laboratory conducting forensic DNA analysis in Indiana may disclose or allow access to collected DNA samples and DNA analysis results only under the following circumstances:

(1) To criminal justice agencies for law enforcement identification purposes.

(2) To defense counsel for criminal defense purposes.

(3) Upon authorization by a court or statute.

(4) For a population statistics data base, identification research and protocol development, or quality control purposes, but only if personal identifying information is removed.

(5) For purposes of postconviction DNA testing and analysis under IC 35-38-7.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-16

Collection of information for certain purposes prohibited

Sec. 16. The information contained in the Indiana DNA data base may not be collected or stored to obtain information about human physical traits or predisposition for disease.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-17

Personal information limited

Sec. 17. Personal information stored in the Indiana DNA data base is limited to:

(1) data necessary to:

(A) generate investigative leads; and

(B) support statistical interpretation of test results; and

(2) any other information necessary to allow for the successful implementation of the Indiana DNA data base system.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-18
Expungement of DNA profile

Sec. 18. (a) A person whose DNA profile has been included in the Indiana DNA data base may request expungement of the profile from the DNA data base on the grounds that the conviction on which the authority for inclusion in the Indiana DNA data base was founded has been reversed and the case has been dismissed.

(b) All identifiable information in the Indiana DNA data base pertaining to a person requesting expungement under subsection (a) shall be expunged, and all samples from the person shall be destroyed upon receipt of:

(1) a written request for expungement under subsection (a);

(2) a certified copy of the court order reversing and dismissing the conviction; and

(3) any other information necessary to ascertain the validity of the request.

(c) Upon expungement of a person's DNA profile from the Indiana DNA data base, the superintendent shall request expungement of the person's DNA profile from the national DNA data base.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-19
Access to DNA data base

Sec. 19. (a) Access to the Indiana DNA data base is limited to federal, state, and local law enforcement agencies through their servicing forensic DNA laboratories.

(b) The superintendent shall take appropriate measures to ensure that the Indiana DNA data base is protected against unauthorized access.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-20
Denial of privileges due to failure to follow quality control and privacy standards

Sec. 20. The superintendent may deny the privilege of a laboratory performing forensic DNA analysis within Indiana to exchange DNA identification records with federal, state, or local criminal justice agencies if required quality control and privacy standards described in this chapter for the Indiana DNA data base are not met by the laboratory.

As added by P.L.2-2003, SEC.4.

IC 10-13-6-21
Unlawful tampering

Sec. 21. A person who knowingly or intentionally without lawful authority tampers with or attempts to tamper with any DNA sample or a container collected under section 10 of this chapter commits a Level 6 felony.

As added by P.L.2-2003, SEC.4. Amended by P.L.158-2013, SEC.167.

IC 10-13-6-22
Unlawful use of data base information or DNA samples

Sec. 22. A person who knowingly or intentionally disseminates, receives, or otherwise uses or attempts to use information in the Indiana DNA data base or DNA samples used in DNA analyses, knowing that such dissemination, receipt, or use is for a purpose other than authorized by law, commits a Class A misdemeanor.
As added by P.L.2-2003, SEC.4.

IC 10-13-7

Chapter 7. Emergency Alert System Advisory Committee

IC 10-13-7-1

"Committee"

Sec. 1. As used in this chapter, "committee" refers to the emergency alert system advisory committee established by section 3 of this chapter.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-2

"Emergency alert system"

Sec. 2. As used in this chapter, "emergency alert system" refers to the system described in 47 CFR 11.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-3

Emergency alert system advisory committee; establishment

Sec. 3. The emergency alert system advisory committee is established.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-4

Composition of committee; terms

Sec. 4. (a) The committee consists of the following members:

(1) The superintendent or the superintendent's designee. The superintendent or the superintendent's designee is the committee's chair.

(2) The executive director of the department of homeland security or the executive director's designee.

(3) The state health commissioner or the commissioner's designee.

(4) An individual representing the National Weather Service, appointed by the governor.

(5) Two (2) individuals representing television broadcasters in Indiana, appointed by the governor.

(6) Two (2) individuals representing radio broadcasters in Indiana, appointed by the governor.

(7) An individual representing an Indiana newspaper that maintains a twenty-four (24) hour web site, appointed by the governor.

(8) An individual representing a video service provider that provides video service to Indiana consumers, appointed by the governor.

(b) The following apply to a committee member appointed under subsection (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8):

(1) The term of a member begins on one (1) of the following dates, whichever applies, during the year in which the member

is appointed:

(A) July 1, if the member is appointed on or before July 1.

(B) The day the member accepts the member's appointment, if the member is appointed after July 1.

(2) The term of a member expires on July 1 of the fourth year after the year the member's term begins.

(3) A member may be reappointed to serve a new term.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-5

Duties of committee

Sec. 5. The committee shall do the following:

(1) Develop, update, and monitor the effectiveness of the state emergency alert system plan.

(2) Make recommendations concerning the acquisition of appropriate technology and equipment to make the emergency notification system effective on a timely basis in all parts of Indiana.

(3) Through the department, purchase appropriate technology and equipment to equip local primary relaying stations with monitoring equipment.

(4) Make applications for private, local, state, or federal grants to be used to enhance or improve the emergency alert system.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-6

State police department to provide administrative and staff support

Sec. 6. The department shall provide administrative and staff support for the committee.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-7

Payment of committee's expenses; appropriations; money received as grant or gift

Sec. 7. (a) The committee's expenses shall be paid from appropriations made by the general assembly.

(b) Money received by the committee as a grant or a gift is appropriated for purposes of the grant or the gift.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-8

Committee members; reimbursement for travel and other expenses

Sec. 8. (a) Each member of the committee who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's

duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.137-2008, SEC.1.

IC 10-13-7-9

Votes required for action

Sec. 9. The affirmative votes of a majority of the members on the committee are required for the committee to take action on any measure.

As added by P.L.137-2008, SEC.1.

IC 10-13-8

Chapter 8. Blue Alert Program

IC 10-13-8-1

"Blue alert"

Sec. 1. As used in this chapter, "blue alert" means the transmission of information about a law enforcement officer who is killed, seriously injured, or missing in the line of duty under a blue alert program.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-2

"Blue alert program"

Sec. 2. As used in this chapter, "blue alert program" means a program in which the department transmits information about a law enforcement officer who is killed, seriously injured, or missing in the line of duty to broadcasters and electronic billboard operators who:

(1) have agreed to participate in the program; and

(2) immediately and repeatedly broadcast the information to the general public.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-3

"Broadcaster"

Sec. 3. As used in this chapter, "broadcaster" means the operator of a radio or television station.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-4

"Law enforcement agency"

Sec. 4. As used in this chapter, "law enforcement agency" means an agency or department of the state or a political subdivision that:

(1) has jurisdiction over the search for a suspect in a case involving the death or serious injury of a law enforcement officer; or

(2) employs a law enforcement officer who is missing in the line of duty.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-5

"Law enforcement officer"

Sec. 5. As used in this chapter, "law enforcement officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.
(7) A city police officer.
(8) A city police reserve officer.
(9) A conservation enforcement officer.
(10) A town marshal.
(11) A deputy town marshal.
(12) A probation officer.
(13) A state educational institution police officer appointed under IC 21-39-4.
(14) A gaming agent of the Indiana gaming commission.
(15) A person employed by a political subdivision (as defined in IC 36-1-2-13) and appointed as a special deputy under IC 36-8-10-10.6.
(16) A school corporation police officer appointed under IC 20-26-16.
(17) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-6
Operation of blue alert program

Sec. 6. The department shall operate a blue alert program.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-7
Authority to issue blue alert

Sec. 7. A blue alert may be issued by the department if:
(1) requested by a law enforcement agency; and
(2) the department makes the determination required under section 8 of this chapter.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-8
Grounds for issuing blue alert

Sec. 8. (a) The department may issue a blue alert only if the department determines that:
(1) a law enforcement officer:
(A) has been killed or seriously injured while in the line of duty and:
(i) the suspect has not been apprehended; and
(ii) the suspect poses an imminent threat to the public or other law enforcement personnel; or
(B) is missing while in the line of duty under circumstances warranting concern for the officer's safety;
(2) disseminating information to the public may assist in:
(A) identifying and apprehending the suspect; or
(B) locating the missing law enforcement officer; and

(3) there is sufficient information for dissemination to the public regarding:

(A) the missing law enforcement officer's last known location; and

(B) the physical description of any:

(i) suspect; or

(ii) vehicle involved or the vehicle's license plate number.

(b) The department shall determine the geographic boundaries of the area in which the blue alert shall be issued.

(c) Before a blue alert may be issued, the law enforcement agency requesting the alert shall provide information to the department that is required by the guidelines adopted by the department under section 10 of this chapter.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-9

Agreements with program participants

Sec. 9. (a) The department may enter into an agreement with one (1) or more:

(1) broadcasters; or

(2) electronic billboard operators;

to issue blue alerts under a blue alert program established under this chapter.

(b) The superintendent shall designate staff responsible for the operation of the blue alert program.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-10

Program operating guidelines

Sec. 10. The department shall adopt guidelines for the operation and administration of the blue alert program, including the following:

(1) Procedures for a law enforcement agency to notify the department of the circumstances described in section 8(a)(1) of this chapter.

(2) The information that a law enforcement agency must provide to the department before issuing a blue alert.

(3) Procedures for the department to follow in confirming a law enforcement agency's information and reporting the information to each designated broadcaster or electronic billboard operator.

(4) Guidelines governing the voluntary blue alert program agreement between the department and a broadcaster. The agreement may include the following provisions:

(A) Upon receiving a notification as part of the blue alert program, the broadcaster shall broadcast the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the department and the broadcaster.

(B) The broadcaster shall treat the blue alert notification as

an emergency.

(C) The broadcaster shall ensure that the facsimile transmission machine or other communication device used to receive a blue alert notification is:

(i) generally available to receive a blue alert notification; and

(ii) located such that the broadcaster will immediately become aware of an incoming blue alert notification.

(5) Guidelines governing the voluntary blue alert program agreement between the department and an electronic billboard operator. The agreement may include the following provisions:

(A) Upon receiving a notification as part of the blue alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the department and the electronic billboard operator.

(B) The electronic billboard operator shall treat the blue alert notification as an emergency.

(C) The electronic billboard operator shall ensure that the facsimile transmission machine or other communication device used to receive a blue alert notification is:

(i) generally available to receive a blue alert notification; and

(ii) located such that the electronic billboard operator will immediately become aware of an incoming blue alert notification received during days and times when staff is present to receive a blue alert notification.

(D) A limitation on the days and times that the electronic billboard operator is required to have staff present to receive a blue alert notification.

(6) The guidelines may require department staff, upon a determination by the department to issue a blue alert, to immediately send by facsimile transmission or other means of communication the information that the department considers necessary to one (1) or more electronic billboard operators participating in the blue alert program if the blue alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive a blue alert notification.

(7) Guidelines to ensure that releasing victim information is proper, as to avoid improper next of kin notification.

(8) Guidelines to ensure that release of the information will not compromise the investigation.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-11

Program participant duty to broadcast or display blue alert

Sec. 11. A broadcaster or an electronic billboard operator participating in the blue alert program shall immediately display the

information that the department considers necessary to the general public in accordance with the blue alert program agreement between the department and the broadcaster or operator.
As added by P.L.38-2013, SEC.1. Amended by P.L.2-2014, SEC.52.

IC 10-13-8-12
Civil immunity for broadcast or display of blue alert

Sec. 12. (a) A broadcaster or electronic billboard operator that has agreed to participate in the blue alert program and that:

(1) receives a blue alert notification from the department; and

(2) broadcasts or displays information contained in the notification that the department considers necessary;

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

(1) a person enters into an agreement with the department to establish or maintain a blue alert web site; and

(2) the agreement provides that only the department has the ability to place information on the web site;

the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.
As added by P.L.38-2013, SEC.1.

IC 10-13-8-13
Notifying department of apprehension of suspect or location of missing officer

Sec. 13. A law enforcement agency that locates or apprehends the suspect or locates the missing law enforcement officer described in section 8(a)(1) of this chapter shall notify the department as soon as practicable.
As added by P.L.38-2013, SEC.1. Amended by P.L.2-2014, SEC.53.

IC 10-13-8-14
Grounds for terminating a blue alert

Sec. 14. The department shall terminate a blue alert if:

(1) the suspect or missing law enforcement officer is located or the incident is otherwise resolved; or

(2) the department determines that the blue alert system is no longer an effective tool for locating the suspect or the missing law enforcement officer.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-15
Report to National Crime Information Center

Sec. 15. When a blue alert is issued, the law enforcement agency that requests the blue alert shall report information regarding the circumstances described in section 8(a)(1) of this chapter to the

National Crime Information Center (NCIC) data base.
As added by P.L.38-2013, SEC.1.

IC 10-13-8-16
Federal emergency alert system

Sec. 16. This chapter does not authorize the use of the federal emergency alert system unless otherwise authorized by federal law.
As added by P.L.38-2013, SEC.1.

IC 10-14

ARTICLE 14. EMERGENCY MANAGEMENT

IC 10-14-1

Chapter 1. Definitions

IC 10-14-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2003, SEC.5.

IC 10-14-1-2

"Agency"

Sec. 2. "Agency" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.4.

IC 10-14-1-3

"Commission"

Sec. 3. "Commission" refers to the Indiana emergency medical services commission established by IC 16-31-2-1.

As added by P.L.2-2003, SEC.5.

IC 10-14-1-4

"Director"

Sec. 4. "Director" refers to the executive director of the department of homeland security appointed under IC 10-19-3-1.

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.5.

IC 10-14-2

Chapter 2. Emergency Related Duties of Department of Homeland Security

IC 10-14-2-1

Repealed

(As added by P.L.2-2003, SEC.5. Repealed by P.L.22-2005, SEC.53.)

IC 10-14-2-2

Repealed

(As added by P.L.2-2003, SEC.5. Repealed by P.L.22-2005, SEC.53.)

IC 10-14-2-3

Repealed

(As added by P.L.2-2003, SEC.5. Repealed by P.L.22-2005, SEC.53.)

IC 10-14-2-4

Powers and duties

Sec. 4. The agency shall do the following:

(1) Coordinate the state's emergency plans.

(2) Serve as the coordinating agency for all state efforts for preparedness for, response to, mitigation of, and recovery from emergencies and disasters.

(3) Administer this article and IC 16-31.

(4) Perform duties assigned to the agency by the governor.

As added by P.L.2-2003, SEC.5.

IC 10-14-2-5

Presentation of state flag to survivors of member of military or public safety officer who dies in line of duty

Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is any of the following:

(1) A member of a fire department (as defined in IC 36-8-1-8).

(2) An emergency medical service provider (as defined in IC 16-41-10-1).

(3) A member of a police department (as defined in IC 36-8-1-9).

(4) A correctional officer (as defined in IC 5-10-10-1.5).

(5) A state police officer.

(6) A county police officer.

(7) A police reserve officer.

(8) A county sheriff.

(9) A deputy sheriff.

(10) An excise police officer.

(11) A conservation enforcement officer.
(12) A town marshal.
(13) A deputy town marshal.
(14) A postsecondary educational institution police officer appointed under IC 21-17-5 or IC 21-39-4.
(15) A probation officer.
(16) A paramedic.
(17) A volunteer firefighter (as defined in IC 36-8-12-2).
(18) An emergency medical technician or a paramedic working in a volunteer capacity.
(19) A member of the armed forces of the United States.
(20) A member of the Indiana Air National Guard.
(21) A member of the Indiana Army National Guard.
(22) A member of a state or local emergency management agency.
(23) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
(24) A community corrections officer.

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:
(1) the surviving spouse;
(2) the surviving children if there is no surviving spouse; or
(3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The agency shall administer this section.

(e) The director may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.142-2003, SEC.1. Amended by P.L.22-2005, SEC.6; P.L.227-2005, SEC.9; P.L.1-2006, SEC.174; P.L.2-2007, SEC.148; P.L.158-2013, SEC.168.

IC 10-14-3

Chapter 3. Emergency Management and Disaster Law

IC 10-14-3-0.5

"Backfill employee"

Sec. 0.5. As used in this chapter, "backfill employee" means an employee of a political subdivision who performs the duties of a mobile support unit member during the deployment of the mobile support unit member to assist another state under the Emergency Management Assistance Compact.

As added by P.L.71-2013, SEC.1.

IC 10-14-3-0.6

"Broadcaster"

Sec. 0.6. As used in this chapter, "broadcaster" has the meaning set forth in IC 10-13-5-2.

As added by P.L.172-2014, SEC.1.

IC 10-14-3-0.7

Repealed

(As added by P.L.71-2013, SEC.2. Repealed by P.L.172-2014, SEC.2.)

IC 10-14-3-0.8

"Communications service provider"

Sec. 0.8. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.5-4.

As added by P.L.172-2014, SEC.3.

IC 10-14-3-1

"Disaster"

Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act.

(b) The term includes any of the following:

(1) Fire.
(2) Flood.
(3) Earthquake.
(4) Windstorm.
(5) Snowstorm.
(6) Ice storm.
(7) Tornado.
(8) Wave action.
(9) Oil spill.
(10) Other water contamination requiring emergency action to avert danger or damage.
(11) Air contamination.

(12) Drought.
(13) Explosion.
(14) Technological emergency.
(15) Utility failure.
(16) Critical shortages of essential fuels or energy.
(17) Major transportation accident.
(18) Hazardous material or chemical incident.
(19) Radiological incident.
(20) Nuclear incident.
(21) Biological incident.
(22) Epidemic.
(23) Public health emergency.
(24) Animal disease event requiring emergency action.
(25) Blight.
(26) Infestation.
(27) Riot.
(28) Hostile military or paramilitary action.
(29) Act of terrorism.
(30) Any other public calamity requiring emergency action.

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.7.

IC 10-14-3-2
"Emergency management"

Sec. 2. As used in this chapter, "emergency management" means the preparation for and the coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. The functions include the following:

(1) Firefighting services.
(2) Police services.
(3) Medical and health services.
(4) Rescue.
(5) Engineering.
(6) Warning services.
(7) Communications.
(8) Radiological, chemical, and other special weapons defense.
(9) Evacuation of persons from stricken areas.
(10) Emergency welfare services.
(11) Emergency transportation.
(12) Plant protection.
(13) Temporary restoration of public utility services.
(14) Other functions related to civilian protection.
(15) All other activities necessary or incidental to the preparation for and coordination of the functions described in subdivisions (1) through (14).

As added by P.L.2-2003, SEC.5.

IC 10-14-3-2.5
"Emergency Management Assistance Compact"

Sec. 2.5. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5.

As added by P.L.172-2014, SEC.4.

IC 10-14-3-3
"Emergency management worker"

Sec. 3. As used in this chapter, "emergency management worker" includes any full-time or part-time paid, volunteer, or auxiliary employee of:

(1) the state;
(2) other:
  (A) states;
  (B) territories; or
  (C) possessions;
(3) the District of Columbia;
(4) the federal government;
(5) any neighboring country;
(6) any political subdivision of an entity described in subdivisions (1) through (5); or
(7) any agency or organization;

performing emergency management services at any place in Indiana subject to the order or control of, or under a request of, the state government or any political subdivision of the state. The term includes a volunteer health practitioner registered under IC 10-14-3.5.

As added by P.L.2-2003, SEC.5. Amended by P.L.134-2008, SEC.1.

IC 10-14-3-4
"Energy"

Sec. 4. As used in this chapter, "energy" means coal, petroleum or other liquid fuels, natural or synfuel gas, or electricity.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-5
"Energy emergency"

Sec. 5. As used in this chapter, "energy emergency" means an existing or projected shortfall of at least eight percent (8%) of motor fuel or of other energy sources that threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-5.5
"Local travel advisory"

Sec. 5.5. As used in this chapter, "local travel advisory" means the level of emergency declared under section 29 of this chapter by the

principal executive officer of a political subdivision to alert the traveling public of emergency conditions that may require the imposition of travel restrictions.
As added by P.L.40-2011, SEC.1.

IC 10-14-3-6
"Political subdivision"

Sec. 6. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.
As added by P.L.2-2003, SEC.5.

IC 10-14-3-7
Declaration of purposes

Sec. 7. (a) Because of the existing and increasing possibility of disasters or emergencies of unprecedented size and destructiveness that may result from manmade or natural causes, to ensure that Indiana will be adequately prepared to deal with disasters or emergencies or to prevent or mitigate those disasters where possible, generally to provide for the common defense, to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is found and declared to be necessary:

(1) to provide for emergency management under the department of homeland security;

(2) to create local emergency management departments and to authorize and direct disaster and emergency management functions in the political subdivisions of the state;

(3) to confer upon the governor and upon the executive heads or governing bodies of the political subdivisions of the state the emergency powers provided in this chapter;

(4) to provide for the rendering of mutual aid among the political subdivisions of the state, with other states, and with the federal government to carry out emergency, disaster, or emergency management functions; and

(5) to authorize the establishment of organizations and the implementation of steps that are necessary and appropriate to carry out this chapter.

(b) It is also the purpose of this chapter and the policy of the state to:

(1) coordinate all emergency management functions of this state to the maximum extent with the comparable functions of:

(A) the federal government, including the federal government's various departments and agencies;

(B) other states and localities; and

(C) private agencies of every type;

so that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur;

(2) prepare for prompt and efficient rescue, care, and treatment

of persons victimized or threatened by disaster;

(3) provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;

(4) clarify and strengthen the roles of the:

(A) governor;

(B) state agencies; and

(C) local governments;

in the prevention of, preparation for, response to, and recovery from disasters;

(5) authorize and provide cooperation between departments of government in:

(A) disaster prevention;

(B) preparedness;

(C) response; and

(D) recovery;

(6) authorize and provide coordination of activities relating to:

(A) disaster prevention;

(B) preparedness;

(C) response; and

(D) recovery;

by agencies and officers of Indiana, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate; and

(7) provide a disaster management system embodying all aspects of pre-disaster preparedness, disaster operations, and post-disaster response.

As added by P.L.2-2003, SEC.5. Amended by P.L.1-2006, SEC.175.

IC 10-14-3-8

Limitations on applications of chapter

Sec. 8. (a) This chapter may not be construed to do the following:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.

(2) Interfere with the dissemination of news or comment on public affairs. However, a communications facility or organization, including radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency.

(3) Affect the jurisdiction or responsibilities of police forces, firefighting forces, or units or personnel on active duty of the United States' armed forces. However, state, local, and interjurisdictional disaster emergency plans must rely on the forces available for performance of functions related to disaster emergencies.

(4) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of Indiana independent of or in conjunction with any provisions of this chapter.

(b) This chapter does not limit or in any way affect the responsibilities of the American National Red Cross under 36 U.S.C. 300101 et seq. and 42 U.S.C. 5121 et seq.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-9

State emergency operations plan; local and interjurisdictional disaster plans

Sec. 9. (a) The agency shall prepare and maintain a current state emergency operations plan. The plan may provide for the following:

(1) Prevention and minimization of injury and damage caused by disaster.

(2) Prompt and effective response to disaster.

(3) Emergency relief.

(4) Identification of areas particularly vulnerable to disaster.

(5) Recommendations for:

(A) zoning;

(B) building;

(C) other land use controls;

(D) safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and

(E) other preventive and preparedness measures designed to eliminate or reduce disaster or its impact;

that must be disseminated to both the fire prevention and building safety commission and local authorities.

(6) Assistance to local officials in designing local emergency action plans.

(7) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster.

(8) Preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs.

(9) Organization of manpower and chains of command.

(10) Coordination of federal, state, and local disaster activities.

(11) Coordination of the state disaster plan with the disaster plans of the federal government.

(12) Other necessary matters.

(b) The agency shall take an integral part in the development and revision of local and interjurisdictional disaster plans prepared under section 17 of this chapter. The agency shall employ or otherwise secure the services of professional and technical personnel capable

of providing expert assistance to political subdivisions, a political subdivision's disaster agencies, and interjurisdictional planning and disaster agencies. These personnel:

(1) shall consult with subdivisions and government agencies on a regularly scheduled basis;

(2) shall make field examinations of the areas, circumstances, and conditions to which particular local and interjurisdictional disaster plans are intended to apply; and

(3) may suggest revisions.

(c) In preparing and revising the state disaster plan, the agency shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the agency shall encourage local and interjurisdictional agencies to seek advice from the sources specified in this subsection.

(d) The state disaster plan or any part of the plan may be incorporated in rules of the agency or by executive orders.

(e) The agency shall do the following:

(1) Determine requirements of the state and political subdivisions for food, clothing, and other necessities in the event of an emergency.

(2) Procure and pre-position supplies, medicines, materials, and equipment.

(3) Adopt standards and requirements for local and interjurisdictional disaster plans.

(4) Provide for mobile support units.

(5) Assist political subdivisions, political subdivisions' disaster agencies, and interjurisdictional disaster agencies to establish and operate training programs and public information programs.

(6) Make surveys of industries, resources, and facilities in Indiana, both public and private, necessary to carry out this chapter.

(7) Plan and make arrangements for the availability and use of any private facilities, services, and property, and if necessary and if the private facilities, services, or property is used, provide for payment for the use under agreed upon terms and conditions.

(8) Establish a register of persons with types of training and skills important in emergency prevention, preparedness, response, and recovery.

(9) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency.

(10) Prepare, for issuance by the governor, executive orders, proclamations, and regulations necessary or appropriate in coping with disaster.

(11) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter

and in implementing programs for disaster prevention, preparation, response, and recovery.

(12) Do other things necessary, incidental, or appropriate to implement this chapter.

(f) The agency shall ascertain the rapid and efficient communications that exist in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating these resources into a comprehensive intrastate or state-federal telecommunications or other communications system or network. In studying the character and feasibility of any system, the agency shall evaluate the possibility of multipurpose use of the system for general state and local governmental purposes. The agency shall make appropriate recommendations to the governor.

(g) The agency shall assist political subdivisions in implementing the intrastate mutual aid compact created by section 10.8 of this chapter.

As added by P.L.2-2003, SEC.5. Amended by P.L.205-2003, SEC.5; P.L.85-2015, SEC.2.

IC 10-14-3-10
Repealed

(As added by P.L.2-2003, SEC.5. Repealed by P.L.205-2003, SEC.44.)

IC 10-14-3-10.6
Repealed

(As added by P.L.205-2003, SEC.6. Amended by P.L.1-2010, SEC.54; P.L.19-2010, SEC.1; P.L.29-2011, SEC.1; P.L.78-2013, SEC.2. Repealed by P.L.85-2015, SEC.3.)

IC 10-14-3-10.7
Repealed

(As added by P.L.205-2003, SEC.7. Amended by P.L.19-2010, SEC.2; P.L.78-2013, SEC.3. Repealed by P.L.85-2015, SEC.4.)

IC 10-14-3-10.8
Intrastate mutual aid program

Sec. 10.8. (a) The following definitions apply to this section:

(1) "Chief executive" means:

(A) the chief executive of a participant, or the chief executive's designee, for purposes of the intrastate mutual aid compact created under this section; or

(B) if the participant does not have a chief executive, a member of the participant's governing body or the governing body's designee for purposes of the intrastate mutual aid compact created under this section.

(2) "Emergency management agency" means an organization

for emergency management established under this chapter.

(3) "Participant" means any of the following:

(A) A political subdivision.

(B) A volunteer fire department.

(C) A fire department established by the board of trustees of a state educational institution (as defined in IC 21-7-13-32), including a fire department established by the board of trustees of Purdue University under IC 21-39-7.

The term does not include an entity under clause (A), (B), or (C) that chooses to reject participation in the intrastate mutual aid program by adopting an ordinance or resolution declaring that the entity will not participate in the intrastate mutual aid program and provides a copy of the appropriate ordinance or resolution to the agency and to the emergency management agency serving the entity.

(4) "Planned event" means a scheduled nonemergency activity. Planned event includes a sporting event, concert, or parade.

(5) "Provider participant" means a participant that provides assistance or aid to a requesting participant under the intrastate mutual aid compact created under this section.

(6) "Requesting participant"means a participant that receives assistance or aid from a provider participant under the intrastate mutual aid compact created under this section.

(7) "Volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(b) This section creates an intrastate mutual aid program to be known as Indiana's intrastate mutual aid compact to complement existing mutual aid agreements. This program has the following two (2) purposes:

(1) Provide for mutual assistance or aid among participants for purposes of preparing for, responding to, and recovering from any incident, disaster, exercise, training activity, or planned event that requires additional resources.

(2) Establish a method by which a participant may seek assistance or aid that:

(A) resolves many of the common issues facing political subdivisions before, during, and after an incident, disaster, exercise, training activity, or planned event, any of which requires additional resources; and

(B) ensures, to the extent possible, eligibility for available state and federal disaster assistance or other funding.

(c) Each participant shall, to the extent practicable, identify and inventory the current services, equipment, supplies, personnel, and other resources related to the preparedness, response, and recovery activities of the participant. The participant shall perform the identification and inventory in coordination with, to the extent feasible, all departments, divisions, boards, commissions, agencies, and other instrumentalities within the participant.

(d) A participant that is impacted by any incident, disaster, exercise, training activity, or planned event that requires additional resources may request mutual assistance or aid from any other participant. This request shall be made by the chief executive of the requesting participant to the chief executive of a provider participant. If the request is made orally, the requesting participant shall provide the provider participant with written confirmation of the request not later than seventy-two (72) hours after the oral request is made. A request must provide the following information:

(1) A description of the incident, disaster, exercise, training activity, or planned event.

(2) A description of the assistance or aid needed.

(3) An estimate of the length of time the assistance or aid will be needed.

(4) The specific place and time for staging of the assistance or aid and a point of contact at that location.

(5) A statement that the request for assistance is being made through the intrastate mutual aid compact.

(e) A provider participant shall provide assistance or aid to a requestor participant subject to the following:

(1) The provider participant may withhold resources the provider participant determines to be necessary to provide for the provider participant's own protection.

(2) Personnel of the provider participant shall continue under the personnel's local command and control structure, but shall be under the operational control of the appropriate officials within the incident management system of the requesting participant.

(3) Law enforcement officers rendering assistance or aid under this section have the same powers and duties as law enforcement officers of the requesting participant, but only for the period the law enforcement officers are engaged in activities authorized by the requesting participant, and are subject to the law as if the law enforcement officers were providing services within the law enforcement officer's own jurisdiction.

(f) Each provider participant shall provide for the payment of compensation and benefits to:

(1) an injured member; and

(2) a representative of a deceased member;

of the provider participant's emergency forces, if the member is injured or killed while rendering assistance under this section in the same manner and on the same terms as if the injury or death were sustained while the member was rendering assistance for or within the member's own jurisdiction.

(g) Personnel of a provider participant shall be considered, while rendering assistance or aid, or while en route to or from rendering assistance or aid, to a requesting participant, to be agents of the provider participant for purposes of tort liability and immunity from

tort liability under state law.

(h) If a person:

(1) holds a license, certificate, or other permit issued by a participant evidencing qualification in a professional, mechanical, or other skill; and

(2) provides assistance or aid at the request of a provider participant;

the person shall be considered to be licensed or certified in or permitted by the requesting participant to render the assistance or aid.

(i) Subject to subsection (k) and except as provided in subsection (j), a provider participant shall be reimbursed by the requesting participant for the following:

(1) Any loss of or damage to, or expense incurred in the operation of, any equipment used in rendering the assistance or aid. To avoid duplication of payments, insurance proceeds available to cover any loss of or damage to equipment of a provider participant shall be considered in the reimbursement by the requesting participant.

(2) Any expense incurred in the provision of any service used in rendering the assistance or aid.

(3) All other costs incurred in responding to the request for assistance or aid.

(j) A provider participant may not be reimbursed for:

(1) the first twelve (12) hours of mutual assistance or aid provided to the requesting participant; or

(2) expenses the provider participant incurs under subsection (f).

(k) A provider participant may do any of the following:

(1) Assume, in whole or in part, any loss, damage, expense, or cost the provider participant incurs in rendering the assistance or aid.

(2) Loan, without charge, any equipment, or donate any service, to the requesting participant.

(3) Enter into agreements with one (1) or more other participants to establish different allocations of losses, damages, expenses, or costs among the participants.

(l) Nothing in this section does any of the following:

(1) Prohibits a private company from participating in the provision of mutual assistance or aid under the intrastate mutual aid compact created under this section if:

(A) the participant approves the participation; and

(B) the contract with the private company allows for the participation.

(2) Precludes a participant from entering into a mutual aid or other agreement with another political subdivision or participant.

(3) Affects any other agreement to which a participant may be

a party or any request for assistance or aid that may be made, under any other state statute.

As added by P.L.85-2015, SEC.5.

IC 10-14-3-11

Governor; duties

Sec. 11. (a) The governor has general direction and control of the agency and is responsible for carrying out this chapter. In the event of disaster or emergency beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within Indiana.

(b) In performing the governor's duties under this chapter, the governor may do the following:

(1) Make, amend, and rescind the necessary orders, rules, and regulations to carry out this chapter with due consideration of the plans of the federal government.

(2) Cooperate with the President of the United States and the heads of the armed forces, the Federal Emergency Management Agency, and the officers and agencies of other states in matters pertaining to emergency management and disaster preparedness, response, and recovery of the state and nation. In cooperating under this subdivision, the governor may take any measures that the governor considers proper to carry into effect any request of the President of the United States and the appropriate federal officers and agencies for any emergency management action, including the direction or control of disaster preparations, including the following:

(A) Mobilizing emergency management forces and other tests and exercises.

(B) Providing warnings and signals for drills, actual emergencies, or disasters.

(C) Shutting off water mains, gas mains, and electric power connections and suspending any other utility service.

(D) Conducting civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after drills, actual emergencies, or other disasters.

(E) Holding public meetings or gatherings.

(F) Evacuating and receiving the civilian population.

(3) Take any action and give any direction to state and local law enforcement officers and agencies as may be reasonable and necessary for securing compliance with this chapter and with any orders, rules, and regulations made under this chapter.

(4) Employ any measure and give any direction to the state department of health or local boards of health as is reasonably necessary for securing compliance with this chapter or with the findings or recommendations of the state department of health or local boards of health because of conditions arising from

actual or threatened:

(A) national security emergencies; or

(B) manmade or natural disasters or emergencies.

(5) Use the services and facilities of existing officers, agencies of the state, and of political subdivisions. All officers and agencies of the state and of political subdivisions shall cooperate with and extend services and facilities to the governor as the governor may request.

(6) Establish agencies and offices and appoint executive, technical, clerical, and other personnel necessary to carry out this chapter, including the appointment of full-time state and area directors.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-12

Disaster emergency; emergency gubernatorial powers

Sec. 12. (a) The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency continues until the governor:

(1) determines that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist; and

(2) terminates the state of disaster emergency by executive order or proclamation.

A state of disaster emergency may not continue for longer than thirty (30) days unless the state of disaster emergency is renewed by the governor. The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this subsection, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought the disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.

(b) An executive order or proclamation of a state of disaster emergency:

(1) activates the disaster response and recovery aspects of the state, local, and interjurisdictional disaster emergency plans

applicable to the affected political subdivision or area; and

(2) is authority for:

(A) deployment and use of any forces to which the plan or plans apply; and

(B) use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available under this chapter or under any other law relating to disaster emergencies.

(c) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations. This section does not restrict the governor's authority to delegate or assign command authority by orders issued at the time of the disaster emergency.

(d) In addition to the governor's other powers, the governor may do the following while the state of emergency exists:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(2) Use all available resources of the state government and of each political subdivision of the state reasonably necessary to cope with the disaster emergency.

(3) Transfer the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation under section 31 of this chapter, commandeer or use any private property if the governor finds this action necessary to cope with the disaster emergency.

(5) Assist in the evacuation of all or part of the population from any stricken or threatened area in Indiana if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(6) Prescribe routes, modes of transportation, and destinations in connection with evacuation.

(7) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in the area.

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.

(9) Make provision for the availability and use of temporary emergency housing.

(10) Allow persons who:

(A) are registered as volunteer health practitioners by an

approved registration system under IC 10-14-3.5; or
(B) hold a license to practice:
(i) medicine;
(ii) dentistry;
(iii) pharmacy;
(iv) nursing;
(v) engineering;
(vi) veterinary medicine;
(vii) mortuary service; and
(viii) similar other professions as may be specified by the governor;
to practice their respective profession in Indiana during the period of the state of emergency if the state in which a person's license or registration was issued has a mutual aid compact for emergency management with Indiana.
(11) Give specific authority to allocate drugs, foodstuffs, and other essential materials and services.

As added by P.L.2-2003, SEC.5. Amended by P.L.134-2008, SEC.2; P.L.1-2009, SEC.90; P.L.90-2010, SEC.1.

IC 10-14-3-13

Energy emergency proclamation; additional duties and special powers of governor; exemption; effect of cessation

Sec. 13. (a) In addition to the governor's existing powers and duties, the governor has the duties and special energy emergency powers set forth in this section, subject to the limitations in this chapter.

(b) The governor may, upon finding that an energy emergency exists, proclaim a state of energy emergency at which time all the general and specific emergency powers specified in this section and section 14 of this chapter become effective.

(c) A proclamation issued under this section and any order or rule issued as a result of the proclamation continues in effect until sixty (60) days after the date of the proclamation of the energy emergency unless the governor rescinds the proclamation and declares the energy emergency ended before the expiration of the sixty (60) day period.

(d) The governor may not renew or extend a proclamation more than once without approval of the general assembly.

(e) The conditions of an energy emergency cease when the governor declares the end of an energy emergency.

(f) In a declared state of energy emergency, the governor may do the following:

(1) Implement programs, controls, standards, priorities, and quotas for the conservation and consumption of energy, including plans and commission regulations for the curtailment of energy if the governor imposes controls, quotas, or curtailments according to the nature of the end use to be made

of the energy consistent with existing transmission and distribution systems serving the geographic area affected by the energy emergency.

(2) Suspend and modify state pollution control standards and requirements affecting or affected by the use of energy, including standards or requirements relating to air or water quality control.

(3) Establish and implement intrastate regional programs and agreements for the purposes of coordinating the energy program and actions of the state with the federal government and other states, localities, and other persons.

(4) Designate the execution and enforcement of emergency orders to a state agency that regulates the energy form, resource, or suppliers that are the subject of the proclaimed emergency.

(5) Suspend the provisions of any state statute regulating transportation or the orders or rules of any state agency if strict compliance with any of the provisions would prevent, hinder, or delay necessary action in coping with the energy emergency.

(g) Restrictions, curtailments, or adjustments under subsection (f) must:

(1) be ordered and continue only as long as demonstrably necessary for the maintenance of essential services or transportation or for the continued operation of the economy but not longer than the proclamation's duration;

(2) be applied as uniformly as practicable within each class of suppliers and consumers and without discrimination within a class; and

(3) give due consideration to:

(A) the implementation of involuntary measures only after voluntary measures have been determined to be ineffective;

(B) protection of public health and safety;

(C) maintenance of vital activities, including but not limited to food, shelter, fuel, and medical care;

(D) minimization of economic impact on commercial, retail, professional, agricultural, and service establishments;

(E) cooperation with other state, local, and federal governments to avoid duplicating efforts; and

(F) maintenance of public information channels.

(h) This section does not mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this section has any continuing legal effect after the cessation of a declared state of energy emergency.

(i) Except as provided in this section, this chapter does not exempt a person from compliance with the provisions of any other law, rule, or directive unless:

(1) specifically ordered by the governor; or

(2) impossibility of compliance is a direct result of the

governor's order.

(j) A proclamation issued under this section shall be:

(1) disseminated promptly and in a manner calculated to inform the general public of its contents; and

(2) filed promptly with the secretary of state and the clerk of each circuit court of Indiana.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-14

Declaration of energy emergency; procedures

Sec. 14. (a) In determining whether to declare an energy emergency under section 13 of this chapter, the governor shall consider:

(1) the availability of regional and national energy resources;

(2) local, state, regional, and national energy needs and shortages;

(3) the availability of short term alternative supplies on a local, state, regional, and national basis;

(4) the economic effect of the declaration and the implementation of any curtailment or conservation plans; and

(5) any other relevant factors.

(b) To protect the public welfare during conditions of energy emergencies proclaimed under section 13 of this chapter, the governing body of each city, town, or political subdivision of the state and each state agency (including the utility regulatory commission) shall carry out in the body's or agency's jurisdiction energy supply emergency measures ordered by the governor.

(c) To attain uniformity throughout the country in measures taken to aid in energy crisis management, all:

(1) action taken under this section and section 13 of this chapter; and

(2) orders and rules made under this section and section 13 of this chapter;

must be taken or made consistent with federal orders, rules, actions, recommendations, and requests.

(d) A person shall comply with a specific order issued or action taken by the governor under this section or section 13 of this chapter.

(e) During a state of energy emergency proclaimed under section 13 of this chapter, the governor may:

(1) subpoena:

(A) witnesses;

(B) material;

(C) relevant books;

(D) papers;

(E) accounts;

(F) records; and

(G) memoranda;

(2) administer oaths; and

(3) cause the depositions of persons residing within or outside Indiana to be taken in the manner prescribed for depositions in civil actions;

to obtain information relevant to energy resources that are the subject of the proclaimed emergency.

(f) In obtaining information under subsection (e), the governor shall:

(1) avoid eliciting information already furnished by a person or political subdivision in Indiana to a federal, state, or local regulatory authority that is available for the governor's study; and

(2) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities wherever possible.

(g) Information obtained under this section from a person who designates that information as confidential shall be maintained as confidential by the governor and by any person who obtains information that the person knows to be confidential under this chapter. The governor may not make known in any manner any particulars of information to persons other than those specified in subsection (j).

(h) This section does not prohibit the use of confidential information to prepare statistics or other general data for publication if the information is presented in a manner that prevents identification of the particular persons.

(i) A person who is served with a subpoena to:

(1) give testimony orally or in writing; or

(2) produce books, papers, correspondence, memoranda, agreements, or other documents or records;

under this chapter may apply to an Indiana court for protection against abuse or hardship in the manner provided by law.

(j) For purposes of this section, references to the governor in this section include any other individual designated in writing by the governor. A person designated by the governor shall preserve the confidentiality of information in accordance with subsection (g).

(k) The powers vested in the governor under this section and section 13 of this chapter are in addition to and not instead of emergency powers vested in the governor under this chapter or any other state law.

(l) The governor may authorize the incurring of liabilities and expenses to be paid as other claims against the state from the general fund in the amount necessary if:

(1) an energy emergency is declared by the governor; and

(2) the energy emergency justifies the expenditure;

in accordance with section 28 of this chapter for other emergency or disaster expenditures.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-15

Governmental functions; liability; emergency management workers

Sec. 15. (a) Any function under this chapter and any other activity relating to emergency management is a governmental function. The state, any political subdivision, any other agencies of the state or political subdivision of the state, or, except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker complying with or reasonably attempting to comply with this chapter or any order or rule adopted under this chapter, or under any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, is not liable for the death of or injury to persons or for damage to property as a result of any such activity. This section does not affect the right of any person to receive:

(1) benefits to which the person would otherwise be entitled under:

(A) this chapter;

(B) the worker's compensation law (IC 22-3-2 through IC 22-3-6); or

(C) any pension law; or

(2) any benefits or compensation under any federal law.

(b) Any requirement for a license to practice any professional, mechanical, or other skill does not apply to any authorized emergency management worker who, in the course of performing duties as an emergency management worker, practices a professional, mechanical, or other skill during a disaster emergency.

(c) Except as provided in subsection (d), a volunteer working as an authorized emergency management worker may be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7). If compensability of the injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-7 shall be used to determine the issue.

(d) An individual described in section 19(c)(2) of this chapter is considered to be a temporary employee of the state for purposes of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7).

As added by P.L.2-2003, SEC.5. Amended by P.L.71-2013, SEC.3.

IC 10-14-3-16

Director of local organizations; mutual aid arrangements

Sec. 16. (a) The director of a local organization for emergency management may develop or cause to be developed mutual aid arrangements with other public and private agencies within Indiana for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. An arrangement must be consistent with the state emergency management program and

state emergency operations plan. During an emergency, a local organization for emergency management and the agency shall render assistance in accordance with the provisions of the mutual aid arrangement.

(b) The director of a local organization for emergency management and disaster:

(1) may assist in the negotiation of reciprocal mutual aid agreements between the governor and the adjoining state or the state's political subdivisions; and

(2) shall carry out arrangements or any agreement relating to the local and political subdivision.

(c) This subsection applies when the governor finds that two (2) or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services. The governor may, with the concurrence of the affected counties, delineate by executive order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area, and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency operations plan, mutual aid, or an area organization for emergency management planning and services. A finding of the governor under this subsection must be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a unijurisdictional basis, including the following factors:

(1) Small or sparse population.

(2) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome.

(3) Unusual vulnerability to disaster as evidenced by a history of disaster, topographical features, drainage characteristics, disaster potential, and presence of disaster prone facilities or operations.

(4) The interrelated character of the counties in a multicounty area.

(5) Other relevant conditions or circumstances.

(d) If the governor finds that:

(1) a vulnerable area lies partly in Indiana and includes territory in another state or states; and

(2) it would be desirable to establish an interstate relationship, mutual aid, or an area organization for disaster;

the governor shall take steps to establish an interstate relationship. If action under this subsection is taken with jurisdictions that have enacted the emergency management assistance compact, any resulting agreement or agreements may be considered supplemental agreements under article 7 of the compact.

(e) If the other jurisdiction or jurisdictions with which the governor proposes to cooperate under subsection (d) have not

enacted the emergency management assistance compact, the governor may negotiate special agreements with the jurisdiction or jurisdictions. An agreement, if sufficient authority for making the agreement does not otherwise exist, becomes effective only:

(1) after the agreement's text has been communicated to the general assembly; and

(2) if a house of the general assembly does not disapprove of the agreement by the later of:

(A) the date of adjournment of the next ensuing session that is competent to consider the agreement; or

(B) not more than thirty (30) days after the date of the submission of the agreement.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.11.

IC 10-14-3-17

County emergency management advisory council; local emergency management organizations; power of political subdivisions; public work

Sec. 17. (a) A political subdivision is:

(1) within the jurisdiction of; and

(2) served by;

a department of emergency management or by an interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) A county shall:

(1) maintain a county emergency management advisory council and a county emergency management organization; or

(2) participate in an interjurisdictional disaster agency that, except as otherwise provided under this chapter, may have jurisdiction over and serve the entire county.

(c) The county emergency management advisory council consists of the following individuals or their designees:

(1) The president of the county executive or, if the county executive does not have a president, a member of the county executive appointed from the membership of the county executive.

(2) The president of the county fiscal body.

(3) The mayor of each city located in the county.

(4) An individual representing the legislative bodies of all towns located in the county.

(5) Representatives of private and public agencies or organizations that can assist emergency management considered appropriate by the county emergency management advisory council.

(6) One (1) commander of a local civil air patrol unit in the county or the commander's designee.

(d) The county emergency management advisory council shall do the following:

(1) Exercise general supervision and control over the emergency management and disaster program of the county.

(2) Select or cause to be selected, with the approval of the county executive, a county emergency management and disaster director who:

(A) has direct responsibility for the organization, administration, and operation of the emergency management program in the county; and

(B) is responsible to the chairman of the county emergency management advisory council.

(e) Notwithstanding any provision of this chapter or other law to the contrary, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one (1) or more contiguous political subdivisions with the concurrence of the affected political subdivisions if the governor finds that the establishment and maintenance of an agency or participation in one (1) is necessary by circumstances or conditions that make it unusually difficult to provide:

(1) disaster prevention;

(2) preparedness;

(3) response; or

(4) recovery services;

under this chapter.

(f) A political subdivision that does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an emergency management director designated to facilitate the cooperation and protection of that political subdivision in the work of:

(1) disaster prevention;

(2) preparedness;

(3) response; and

(4) recovery.

(g) The county emergency management and disaster director and personnel of the department may be provided with appropriate:

(1) office space;

(2) furniture;

(3) vehicles;

(4) communications;

(5) equipment;

(6) supplies;

(7) stationery; and

(8) printing;

in the same manner as provided for personnel of other county agencies.

(h) Each local or interjurisdictional agency shall:

(1) prepare; and

(2) keep current;

a local or interjurisdictional disaster emergency plan for its area.

(i) The local or interjurisdictional disaster agency shall prepare and distribute to all appropriate officials a clear and complete written statement of:

(1) the emergency responsibilities of all local agencies and officials; and

(2) the disaster chain of command.

(j) Each political subdivision may:

(1) appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management and disaster purposes, provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster resulting from enemy attack, provide for a comprehensive insurance program for its emergency management volunteers, and direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set by the federal emergency management agency and the department of homeland security established by IC 10-19-2-1;

(2) appoint, employ, remove, or provide, with or without compensation:

(A) rescue teams;

(B) auxiliary fire and police personnel; and

(C) other emergency management and disaster workers;

(3) establish:

(A) a primary; and

(B) one (1) or more secondary;

control centers to serve as command posts during an emergency;

(4) subject to the order of the governor or the chief executive of the political subdivision, assign and make available for duty the employees, property, or equipment of the political subdivision relating to:

(A) firefighting;

(B) engineering;

(C) rescue;

(D) health, medical, and related services;

(E) police;

(F) transportation;

(G) construction; and

(H) similar items or services;

for emergency management and disaster purposes within or outside the physical limits of the political subdivision; and

(5) in the event of a national security emergency or disaster emergency as provided in section 12 of this chapter, waive procedures and formalities otherwise required by law pertaining to:

(A) the performance of public work;

(B) the entering into of contracts;

(C) the incurring of obligations;
(D) the employment of permanent and temporary workers;
(E) the use of volunteer workers;
(F) the rental of equipment;
(G) the purchase and distribution of supplies, materials, and facilities; and
(H) the appropriation and expenditure of public funds.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.12; P.L.1-2006, SEC.176; P.L.1-2009, SEC.91.

IC 10-14-3-18
Employees of political subdivisions; liability; claims for loss, damage, or expense

Sec. 18. (a) If the employees of a political subdivision render aid outside the political subdivision under section 17 of this chapter, the employees have the same:
(1) powers;
(2) duties;
(3) rights;
(4) privileges; and
(5) immunities;

as if they were performing their duties in the political subdivisions in which they are normally employed.

(b) The political subdivision in which any equipment is used under this section:
(1) is liable for loss or damage; and
(2) shall pay any expense incurred in the operation and maintenance of the equipment.

A claim for the loss, damage, or expense is not allowed unless an itemized notice of the claim made under oath is served not more than sixty (60) days after the date the claim is sustained or incurred upon the chief fiscal officer of the political subdivision where the equipment was used.

(c) The:
(1) rights;
(2) privileges; and
(3) obligations;

described in this section also apply if aid is rendered outside Indiana and if payment or reimbursement in this case shall or may be made by the state or political subdivision receiving the aid under a reciprocal mutual aid agreement or compact with the other state or by the federal government.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-19
Mobile support units

Sec. 19. (a) The governor, or the executive director at the request of the governor, may establish the number of mobile support units

necessary to respond to a disaster, public health emergency, public safety emergency, or other event that requires emergency action. A mobile support unit may consist of one (1) or more individuals. The executive director shall appoint a commander for each unit who has primary responsibility for the:

(1) organization;
(2) administration; and
(3) operation;

of the unit. Mobile support units shall be called to duty for training, an exercise, or a response upon orders of the governor or the executive director and shall perform the units' functions in any part of Indiana or in other states, upon the conditions specified in this section. The term of this duty shall be for a limited period of not more than sixty (60) days. However, the executive director may renew the duty orders for successive periods of not more than sixty (60) days if necessary for the mobile support unit to participate in or respond to the event. Members serving on the mobile support units are immune from discipline or termination by the members' employers for serving in the units.

(b) An individual selected to serve as a member of a mobile support unit may be unemployed, retired, self-employed, or employed:

(1) in any capacity, including:
    (A) emergency management;
    (B) fire services;
    (C) emergency medical services;
    (D) law enforcement;
    (E) public health;
    (F) medicine;
    (G) public works; or
    (H) mental health; and
(2) by any employer, including:
    (A) the federal government;
    (B) the state;
    (C) a political subdivision; or
    (D) a business or organization.

(c) While on duty for training, an exercise, or a response, an individual serving as a member of a mobile support unit, whether within or outside Indiana:

(1) if the individual is an employee of the state or a political subdivision of the state, whether serving within or outside the political subdivision, has the:
    (A) powers;
    (B) duties;
    (C) rights;
    (D) privileges; and
    (E) immunities;

and shall receive the compensation and benefits incidental to

the individual's employment; and

(2) if the individual is not an employee of the state or a political subdivision of the state, is:

(A) entitled to the same rights and immunities that are provided for an employee of the state; and

(B) notwithstanding section 15(c) of this chapter, considered to be a temporary employee of the state for purposes of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7).

An individual described in this subsection is considered an emergency management worker for purposes of section 15 of this chapter.

(d) If a mobile support unit is deployed outside Indiana under the emergency management assistance compact, an individual serving as a member of the mobile support unit who is not an employee of the state is considered an employee of the state for purposes of the compact.

(e) Personnel of mobile support units, while on duty, are subject to the operational control of the authority in charge of emergency management activities in the area in which the personnel are serving.

(f) The state may reimburse a political subdivision for:

(1) the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of an employee of the political subdivision while the employee is serving as a member of a mobile support unit;

(2) all payments for death, disability, or injury of an employee incurred in the course of duty while the employee was serving as a member of a mobile support unit;

(3) all losses of or damage to supplies and equipment of the political subdivision or the employee incurred while the employee was serving as a member of a mobile support unit; and

(4) the cost of a backfill employee necessary for the political subdivision to fill the position and perform the duties of an employee deployed on a mobile support unit to assist another state under the Emergency Management Assistance Compact, but only if and to the extent the cost of the backfill employee represents an extra cost to the political subdivision.

(g) For an individual of a mobile support unit who is not an employee of the state or a political subdivision, the state may:

(1) compensate the individual:

(A) at a rate of pay approved by the executive director;

(B) by reimbursing the individual for the actual and necessary:

(i) travel;

(ii) subsistence; and

(iii) maintenance;

expenses of the individual of the mobile support unit

incurred while the individual is on duty as a member of a mobile support unit; and

(C) for all losses of or damage to supplies and equipment of the individual incurred while the individual is on duty as a member of a mobile support unit; or

(2) reimburse the individual's employer for:

(A) the compensation paid and the actual and necessary:

(i) travel;

(ii) subsistence; and

(iii) maintenance;

expenses of the employee while the employee is on duty as a member of a mobile support unit; and

(B) all losses of or damage to supplies and equipment of the employer or the employee incurred in the course of duty while the employee was on duty as a member of a mobile support unit.

(h) An officer or employee of the state by virtue of employment is subject to assignment:

(1) on a permanent basis to a mobile support unit in accordance with the state:

(A) emergency management program; and

(B) emergency operations plan; or

(2) on a temporary basis to an emergency management activity to meet a particular need in the event of an emergency.

Refusal to accept and perform the duties of an assignment constitutes grounds for dismissal from state employment.

As added by P.L.2-2003, SEC.5. Amended by P.L.84-2006, SEC.1; P.L.1-2007, SEC.98; P.L.71-2013, SEC.4.

IC 10-14-3-19.5

Agreements with local task forces activated in emergency

Sec. 19.5. (a) The following definitions apply to this section:

(1) "Activates" or "activated" refers to the status of a task force or a task force resource placed at the direction, control, and funding of the agency in accordance with an agreement entered into in accordance with this section.

(2) "Task force" means a United States Department of Homeland Security national urban search and rescue response system task force established under 44 CFR 208.

(b) The agency may enter into an agreement with a political subdivision that is a sponsoring agency of a task force to establish the terms and conditions that would be applicable if the agency activates the task force as a state resource in anticipation of or in response to an emergency or disaster. Under this agreement, the agency may reimburse the political subdivision for allowable costs and at the rates established under 44 CFR 208 and may reimburse the political subdivision for all payments for death, disability, or injury of an individual incurred in the course of duty while the individual

is serving as an activated member of an activated task force.

(c) While an individual is serving as an activated member of an activated task force:

(1) if the individual is an employee of the state or a political subdivision of the state, whether serving within or outside the political subdivision, the individual:

(A) has the:

(i) powers;

(ii) duties;

(iii) rights;

(iv) privileges; and

(v) immunities;

that are provided for an employee of the state or a political subdivision of the state and are incidental to the individual's employment; and

(B) shall receive the compensation and benefits incidental to the individual's employment; and

(2) if the individual is not an employee of the state or a political subdivision of the state, the individual is:

(A) entitled to the same rights and immunities that are provided for an employee of the state; and

(B) notwithstanding section 15(c) of this chapter, considered to be a temporary employee of the state for purposes of:

(i) the worker's compensation law (IC 22-3-2 through IC 22-3-6); and

(ii) the worker's occupational diseases law (IC 22-3-7).

As added by P.L.85-2015, SEC.6.

IC 10-14-3-20

Evacuation plans; traffic rules

Sec. 20. The governor may:

(1) formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of:

(A) people;

(B) troops; or

(C) vehicles and materials;

for national defense or for use in any defense industry; and

(2) coordinate the activities of the departments or agencies of the state and political subdivisions of the state concerned directly or indirectly with public highways and streets in a manner that will best effectuate the plans.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-21

Public property; leases and contracts; employment of personnel

Sec. 21. (a) If the governor considers it to be in the public interest, on terms and conditions as the governor considers necessary to

promote the public welfare and protect the interests of the state, the governor may:

(1) authorize a department or an agency of the state to lease or lend real or personal property of the state to the President of the United States, the heads of the armed forces, or the Federal Emergency Management Agency; and

(2) enter into a contract on behalf of the state for the:

(A) lease or loan to a political subdivision of the state of real or personal property of the state; or

(B) temporary transfer or employment of personnel of the state to or by a political subdivision of the state.

(b) The president of the county fiscal body and the president of the county executive, if the county does not contain a consolidated city, or the county executive, if the county contains a consolidated city, of each county of the state and the executive of each city and town in the state may, in accordance with the emergency management program and emergency operations plan of the county in which the city or town is located, do the following:

(1) Enter into a contract or lease with the state, accept any loan, or employ personnel. A political subdivision may equip, maintain, use, and operate any property and employ necessary personnel in accordance with the purposes for which the contract is executed.

(2) Do all things and perform acts that the governor considers necessary to effectuate the purpose of the contract.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-22

Orders, rules, and regulations; amendment and rescission

Sec. 22. (a) The political subdivisions and agencies designated or appointed by the governor may make, amend, and rescind orders, rules, and regulations as necessary for emergency management purposes and to supplement the carrying out of this chapter that are not inconsistent with:

(1) orders, rules, or regulations adopted by the governor or by a state agency exercising a power delegated to it by the governor; and

(2) the:

(A) emergency management program; and

(B) emergency operations plan;

of the county in which the political subdivision is located.

(b) Orders, rules, and regulations have the full force and effect of law when:

(1) adopted by the governor or any state agency and a copy is filed in the office of the secretary of state and mailed to all members of the county emergency management advisory council at their last known addresses; or

(2) filed in the office of the clerk of the adopting or

promulgating political subdivision or agency of the state if adopted by a political subdivision or agency authorized by this chapter to make orders, rules, and regulations.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-22.5

Program for training and certifying broadcast engineers and technical personnel as first response broadcasters

Sec. 22.5. (a) Broadcasters in Indiana, in cooperation with the agency, the Indiana Public Broadcasting Stations, Inc., and the Indiana Broadcasters Association or a successor association, shall develop comprehensive and coordinated plans for:

(1) preparation for; and

(2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide organization that represents broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. A program established under this subsection must:

(1) be consistent with federal law and guidelines;

(2) provide training and education concerning:

(A) restoration of;

(B) repairing;

(C) resupplying; or

(D) any combination of the activities under clauses (A) through (C) related to;

any facilities or equipment of a broadcaster in an area affected by an emergency or disaster; and

(3) provide training and education concerning the personal safety of a first response broadcaster in an area affected by an emergency or disaster.

(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response broadcaster access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit essential emergency or disaster-related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.

As added by P.L.172-2014, SEC.5.

IC 10-14-3-22.6

Program for training and certifying communications service engineers and technical personnel as first response communications service providers

Sec. 22.6. (a) Communications service providers in Indiana, in

cooperation with the agency, the Indiana Cable Telecommunications Association, and the Indiana Telecommunications Association or a successor association, shall develop comprehensive and coordinated plans for:

(1) preparation for; and

(2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide organization that represents communications service providers may establish a program for training and certifying communications service engineers and technical personnel as first response communications service providers. A program established under this subsection must:

(1) be consistent with federal law and guidelines;

(2) provide training and education concerning:

(A) restoration of;

(B) repairing;

(C) resupplying; or

(D) any combination of the activities under clauses (A) through (C) related to;

any facilities or equipment of a communications service provider in an area affected by an emergency or disaster; and

(3) provide training and education concerning the personal safety of a first response communications service provider in an area affected by an emergency or disaster.

(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response communications service provider access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a communications service provider to acquire, produce, or transmit essential emergency or disaster related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.

As added by P.L.172-2014, SEC.6.

IC 10-14-3-23

Compulsory medical treatment; faith healing

Sec. 23. This chapter may not be construed to compel a person, either on behalf of:

(1) the person;

(2) the person's child less than eighteen (18) years of age; or

(3) a protected person for whom the person acts as a guardian;

to submit to any physical examination, medical treatment, or immunization if the person, parent, or guardian relies in good faith on spiritual means or prayer to prevent or cure disease or suffering and objects to the treatment in writing.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-24
Enforcement

Sec. 24. The law enforcement authorities of the state and of the political subdivisions shall enforce the:

(1) orders;
(2) rules; and
(3) regulations;

issued under this chapter.
As added by P.L.2-2003, SEC.5.

IC 10-14-3-25
Gifts, grants, and loans; places of shelter; liability for death; damages

Sec. 25. (a) If the federal government or an agency or officer of the federal government offers the state or through the state a political subdivision, services, equipment, supplies, materials, or funds under a gift, grant, or loan for purposes of emergency management:

(1) the state, acting through the governor; or
(2) the political subdivision, acting with the consent of the governor and through its executive;

may accept the offer.

(b) Upon the acceptance in subsection (a), the governor or the executive of the political subdivision may authorize an officer of the state or of the political subdivision to receive the services, equipment, supplies, materials, or funds:

(1) on behalf of the state or the political subdivision; and
(2) subject to the terms of the offer and the rules of the agency making the offer.

(c) If a person, firm, limited liability company, or corporation offers to the state or a political subdivision services, equipment, supplies, materials, or funds under gift, grant, or loan for purposes of emergency management:

(1) the state, acting through the governor; or
(2) the political subdivision, acting through its executive;

may accept the offer.

(d) Upon the acceptance in subsection (c), the governor or the executive of the political subdivision may authorize an officer of the state or of the political subdivision to receive the services, equipment, supplies, materials, or funds:

(1) on behalf of the state or the political subdivision; and
(2) subject to the terms of the offer.

(e) A person, firm, limited liability company, or corporation owning or controlling real estate or other premises that voluntarily and without compensation grants a license or privilege or otherwise permits the designation or use of the whole or any part of the real estate or premises to shelter persons during an actual or impending

national security, natural, or manmade emergency or disaster or a drill for any of those situations, together with successors in interest, is not civilly liable by reason of:

(1) the condition of the real estate or premises; or

(2) the conduct of persons engaged in directing or seeking shelter;

for negligently causing the death of or injury to any person on or about the real estate or premises or for loss of or damage to the property of any person during the emergency or disaster or during a drill.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-26

Political affiliation or activity of organizations and personnel

Sec. 26. (a) An organization for emergency management established under this chapter may not:

(1) participate in any form of political activity; or

(2) be employed directly or indirectly for political purposes.

(b) Political qualifications may not be:

(1) a consideration for appointment to the agency; or

(2) a cause for dismissal;

except as provided in section 27 of this chapter. Full-time employees of the agency may not participate in political activities.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-27

Employees; subversive activities; oaths

Sec. 27. (a) A person who:

(1) advocates a change by force or violence in the constitutional form of the government of the United States or the overthrow of any government in the United States by force or violence; or

(2) has been convicted of or is under indictment or information charging a subversive act against the United States;

may not be employed or associated in any capacity in any emergency management organization established under this chapter.

(b) An individual who is appointed to serve in an organization for emergency management shall, before entering upon the individual's duties, take a written oath before a person authorized to administer oaths in Indiana. The oath must be substantially as follows:

"I, _____, solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. I further swear (or affirm) that I do not advocate, nor am I a member of a political party or organization that advocates,

the overthrow of the government of the United States or of Indiana by force or violence; and that during the time I am a member of the (name of emergency management organization), I will neither advocate nor become a member of a political party or organization that advocates the overthrow of the government of the United States or of Indiana by force or violence.".

(c) For purposes of this section, the director and the county emergency management directors:

(1) may administer the oath provided in subsection (b) to emergency management and disaster personnel; and

(2) may delegate that authority to designated deputies and assistants approved by the director.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-28

Appropriations; emergency management contingency fund

Sec. 28. (a) The general assembly may appropriate the sums necessary to administer this chapter.

(b) The emergency management contingency fund is established. The fund consists of money appropriated by the general assembly. Money in the fund must be held in reserve and allocated for emergency management purposes as follows:

(1) For an allocation of not more than one hundred thousand dollars ($100,000), upon the approval of the director and the budget director.

(2) For an allocation of more than one hundred thousand dollars ($100,000), upon the recommendation of the director and the approval of the governor.

(c) For an allocation described in subsection (b)(2), the agency shall submit a written report to the following individuals identifying the use of the funds not more than thirty (30) days after the allocation is approved:

(1) Each member of the budget committee.

(2) The speaker of the house of representatives.

(3) The president pro tempore of the senate.

(4) The chairperson of the house committee on ways and means.

(5) The ranking minority member of the house committee on ways and means.

(6) The chairperson of the senate committee on appropriations.

(7) The ranking minority member of the senate committee on appropriations.

As added by P.L.2-2003, SEC.5. Amended by P.L.110-2009, SEC.2.

IC 10-14-3-29

Local disaster emergency

Sec. 29. (a) A local disaster emergency:

(1) may be declared only by the principal executive officer of a political subdivision; and

(2) may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision.

Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk of the political subdivision.

(b) The effect of a declaration of a local disaster emergency is to:

(1) activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans; and

(2) authorize the furnishing of aid and assistance under the plans.

(c) An interjurisdictional agency or official may not declare a local disaster emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services according to the agreement.

(d) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals engaged in employment necessary to:

(1) maintain a safe rail system;

(2) restore utility service; or

(3) provide any other emergency public service;

from traveling on the highways within the political subdivision during the local disaster emergency.

(e) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response broadcasters, as set forth in section 22.5 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.

(f) If a local emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response communications service providers, as set forth in section 22.6 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.

As added by P.L.2-2003, SEC.5. Amended by P.L.172-2014, SEC.7.

IC 10-14-3-29.5

Designation of a local travel advisory

Sec. 29.5. (a) If the principal executive officer of a political subdivision issues a local travel advisory as part of an emergency declaration under section 29 of this chapter, the principal executive officer shall designate the travel advisory as falling into one (1) of the following categories:

(1) "Advisory", the lowest level of local travel advisory, means that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.

(2) "Watch" means that conditions are threatening to the safety of the public. During a "watch" local travel advisory, only essential travel, such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations.

(3) "Warning", the highest level of local travel advisory, means that travel may be restricted to emergency management workers only. During a "warning" local travel advisory, individuals are directed to:

(A) refrain from all travel;

(B) comply with necessary emergency measures;

(C) cooperate with public officials and disaster services forces in executing emergency operations plans; and

(D) obey and comply with the lawful directions of properly identified officers.

Further and more specific restrictions, including parking restrictions, may be included in a "warning" local travel advisory.

(b) If the emergency management agency director or the principal executive officer of a political subdivision determines that conditions within the political subdivision have created the need for travel advisory restrictions without a local disaster emergency declaration under section 29 of this chapter, the emergency management agency director or the principal executive officer may issue an "advisory" or a "watch" level travel advisory.

(c) A "warning" level travel advisory may be issued only after a local disaster emergency is declared under section 29 of this chapter.
As added by P.L.40-2011, SEC.2.

IC 10-14-3-30
Additional measures, studies, recommendations

Sec. 30. (a) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster plans, the governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters. At the governor's direction, and under any other authority state agencies have, state agencies, including those charged with responsibilities in connection with:

(1) flood plain management;

(2) stream encroachment and flow regulation;

(3) fire prevention and control;

(4) air quality;

(5) public works; and

(6) use and land use planning and construction standards;

shall make studies of disaster prevention related matters. The governor shall make recommendations to the general assembly, local governments, and other appropriate public and private entities to

facilitate measures for prevention or reduction of the harmful consequences of disasters.

(b) In conjunction with the agency, an appropriate state agency shall keep land uses and construction of structures and other facilities under continuing study and identify areas that are particularly susceptible to:

(1) severe land shifting;

(2) subsidence;

(3) flood; or

(4) other catastrophic occurrence.

The studies under this subsection must concentrate on means of reducing or avoiding the dangers caused by this occurrence or its consequences.

(c) If the agency believes on the basis of the studies or other competent evidence:

(1) that an area is susceptible to a disaster of catastrophic proportions without adequate warning;

(2) that existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster; and

(3) that changes in zoning regulations, other land use regulations, or building requirements are essential in order to further the purposes of this section;

the agency shall specify the essential changes to the governor. The governor shall recommend changes to the agencies or local governments with jurisdiction over the area and subject matter that the governor finds to be essential upon review of the specified changes and a public hearing. If no action or insufficient action under the governor's recommendations is taken within the time specified by the governor, the governor shall inform the general assembly and request legislative action appropriate to mitigate the effect of disaster.

(d) The governor, at the same time that the governor makes recommendations under subsection (c), may:

(1) suspend the standard or control that the governor finds to be inadequate to protect the public safety; and

(2) by rule place a new standard or control in effect.

The new standard or control remains in effect until rejected by concurrent resolution of both houses of the general assembly or amended by the governor. When it is in effect, the standard or control contained in the governor's regulation is administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. Any action taken by the governor under this section is subject to judicial review, but no court has jurisdiction to stay or restrain that action before a hearing on the merits.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-31

Individual management obligations; compensation for property

Sec. 31. (a) A person in Indiana shall conduct himself or herself and keep and manage his or her affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public to successfully meet disaster emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster emergency. Compensation for services or for the taking or use of property may be made only to the extent:

(1) that obligations recognized in this chapter are exceeded in a particular case; and

(2) that the claimant has not volunteered the claimant's services or property without compensation.

(b) Personal services may not be compensated by the state or any subdivision or agency of the state except under statute, local law, or ordinance.

(c) Compensation for property may be paid only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the governor or a member of the disaster emergency forces of Indiana.

(d) Any person claiming compensation for the use, damage, loss, or destruction of property under this chapter must make a claim for it. The claim must be filed and shall be adjudicated as provided in IC 32-24.

(e) This section does not apply to or authorize compensation for the destruction or damaging of standing timber or other property in order to provide a fire break or to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-32

Disaster funds; availability; contributions to political subdivisions

Sec. 32. (a) The general assembly intends and declares to be the policy of the state that funds to meet disaster emergencies always be available.

(b) The general assembly intends that the first recourse shall be to funds regularly appropriated to state and local agencies. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may make funds available from money in the budget agency from emergency or contingency appropriations available for emergency expenditures as provided in IC 4-12-1-15.

(c) Within the limits of the funds appropriated under this section, the governor may contribute to a political subdivision not more than twenty-five percent (25%) of the cost of emergency management agency personnel and administrative expenses that meet standards

established by the governor.
As added by P.L.2-2003, SEC.5.

IC 10-14-3-33
Reimbursement of civil air patrol for missions not authorized by Air Force

Sec. 33. The department may reimburse the civil air patrol for fuel, lubricants, and maintenance for any missions not authorized by the United States Air Force using the same formula for reimbursement used by the:

(1) United States Department of Defense; and
(2) American Red Cross.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-33.5
Regulation of firearms

Sec. 33.5. (a) Except as provided in subsection (b), the state, a political subdivision, or any other person may not prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during:

(1) a disaster emergency;
(2) an energy emergency; or
(3) a local disaster emergency;

declared under this chapter.

(b) Subsection (a) does not authorize the possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency described in subsection (a):

(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;
(2) on the property of:
  (A) a child caring institution;
  (B) an emergency shelter care child caring institution;
  (C) a private secure facility;
  (D) a group home; or
  (E) an emergency shelter care group home;
in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;
(3) on the property of a penal facility (as defined in IC 35-31.5-2-232);
(4) in violation of federal law;
(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));
(6) on the property of a domestic violence shelter; or
(7) on property owned, operated, controlled, or used by an entity that:
  (A) is required to:
    (i) conduct a vulnerability assessment; and

(ii) develop and implement a site security plan;

under the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; or

(B) is required to have a security plan under the Maritime Transportation Security Act of 2002, Public Law 107-295.

As added by P.L.90-2010, SEC.2. Amended by P.L.17-2011, SEC.1; P.L.114-2012, SEC.22.

IC 10-14-3-34

Offenses

Sec. 34. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.13.

IC 10-14-3.5

Chapter 3.5. Uniform Emergency Volunteer Health Practitioners Act

IC 10-14-3.5-0.5

"Department of homeland security"

Sec. 0.5. As used in this chapter, "department of homeland security" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.1-2009, SEC.92.

IC 10-14-3.5-1

"Disaster relief organization"

Sec. 1. As used in this chapter, "disaster relief organization" means an entity that provides emergency or disaster relief services that include health or veterinary services provided by volunteer health practitioners and:

(1) is designated or recognized as a provider of the services under a disaster response and recovery plan adopted by an agency of the federal government or the department of homeland security; or

(2) regularly plans and conducts the entity's activities in coordination with an agency of the federal government or the department of homeland security.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.93.

IC 10-14-3.5-2

"Emergency"

Sec. 2. As used in this chapter, "emergency" means an event or condition that is an emergency, a disaster, or a public health emergency under this article.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-3

"Emergency declaration"

Sec. 3. As used in this chapter, "emergency declaration" means a declaration of emergency issued by a person authorized to do so under state or local laws of Indiana.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-4

"Emergency Management Assistance Compact"

Sec. 4. As used in this chapter, "Emergency Management Assistance Compact" means the federal interstate compact under P.L.104-321, 110 Stat. 3877.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-5

"Entity"

Sec. 5. As used in this chapter, "entity" means a person other than an individual.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-6

"Health facility"

Sec. 6. As used in this chapter, "health facility" means an entity licensed under the laws of Indiana or another state to provide health or veterinary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-7

"Health practitioner"

Sec. 7. As used in this chapter, "health practitioner" means an individual licensed under the laws of Indiana or another state to provide health or veterinary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-8

"Health services"

Sec. 8. As used in this chapter, "health services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of individuals or human populations to the extent necessary to respond to an emergency, including:

(1) with respect to the physical or mental condition or functional status of an individual or the structure or function of the body:

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and

(B) counseling, assessment, procedures, or other services;

(2) the sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription; and

(3) funeral, cremation, cemetery, or other mortuary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-9

"Host entity"

Sec. 9. As used in this chapter, "host entity" means an entity operating in Indiana that uses volunteer health practitioners to respond to an emergency.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-10

"License"

Sec. 10. (a) As used in this chapter, "license" means authorization

by a state to engage in health or veterinary services that are unlawful without the authorization.

(b) The term includes authorization under Indiana law to an individual to provide health or veterinary services based upon a national certification issued by a public or private entity.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-11
"Person"

Sec. 11. As used in this chapter, "person" means an individual, a corporation, a business trust, a trust, a partnership, a limited liability company, an association, a joint venture, a public corporation, a government or governmental subdivision, an agency, an instrumentality, or another legal or commercial entity.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-12
"Scope of practice"

Sec. 12. As used in this chapter, "scope of practice" means the extent of the authorization to provide health or veterinary services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including conditions imposed by the licensing authority.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-13
"State"

Sec. 13. As used in this chapter, "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory or an insular possession subject to the jurisdiction of the United States.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-14
"Veterinary services"

Sec. 14. As used in this chapter, "veterinary services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of an animal or to animal populations to the extent necessary to respond to an emergency, including:

(1) diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy;

(2) use of a procedure for reproductive management; and

(3) monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to

humans.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-15

"Volunteer health practitioner"

Sec. 15. (a) As used in this chapter, "volunteer health practitioner" means a health practitioner who provides health or veterinary services, whether or not the practitioner receives compensation for those services.

(b) The term does not include a practitioner who receives compensation under a preexisting employment relationship with a host entity or affiliate that requires the practitioner to provide health services in Indiana, unless the practitioner is not a resident of Indiana and is employed by a disaster relief organization providing services in Indiana while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-16

Applicability

Sec. 16. This chapter applies to volunteer health practitioners who:

(1) are registered with a registration system that complies with section 18 of this chapter; and

(2) provide health or veterinary services in Indiana for a host entity while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-17

Limit, restrict, or regulate volunteer health practitioners by the state emergency management agency

Sec. 17. (a) While an emergency declaration is in effect, the department of homeland security may limit, restrict, or otherwise regulate:

(1) the duration of practice by volunteer health practitioners;

(2) the geographical areas in which volunteer health practitioners may practice;

(3) the types of volunteer health practitioners who may practice; and

(4) any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

(b) An order issued under subsection (a) may take effect immediately, without prior notice or comment, and is not a rule within the meaning of IC 4-22-2.

(c) A host entity that uses volunteer health practitioners to provide health or veterinary services in Indiana shall:

(1) consult and coordinate the host entity's activities with the department of homeland security to the extent practicable to provide for the efficient and effective use of volunteer health

practitioners; and

(2) comply with any laws other than this chapter relating to the management of emergency health or veterinary services, including this article.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.94.

IC 10-14-3.5-18

Qualifications of a volunteer health practitioner registration system; confirmation of volunteer health practitioners used in Indiana; notification; host entity not required to use services

Sec. 18. (a) To qualify as a volunteer health practitioner registration system, a system must:

(1) accept applications for the registration of volunteer health practitioners before or during an emergency;

(2) include information about the licensure and good standing of health practitioners that is accessible by authorized persons;

(3) be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services or veterinary services are provided under this chapter; and

(4) meet one (1) of the following conditions:

(A) Be an emergency system for advance registration of volunteer health practitioners established by a state and funded through the Health Resources Services Administration under section 319I of the federal Public Health Services Act, 42 U.S.C. 247d-7b.

(B) Be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed under section 2801 of the federal Public Health Services Act, 42 U.S.C. 300hh.

(C) Be operated by a:

(i) disaster relief organization;

(ii) licensing board;

(iii) national or regional association of licensing boards or health practitioners;

(iv) health facility that provides comprehensive inpatient and outpatient health care services, including a tertiary care and teaching hospital; or

(v) governmental entity.

(D) Be designated by the department of homeland security as a registration system for purposes of this chapter.

(b) While an emergency declaration is in effect, the department of homeland security, a person authorized to act on behalf of the department of homeland security, or a host entity may confirm whether volunteer health practitioners used in Indiana are registered with a registration system that complies with subsection (a). Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that

the practitioners are licensed and in good standing.

(c) Upon request of a person in Indiana authorized under subsection (b), or a similarly authorized person in another state, a registration system located in Indiana shall notify the person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

(d) A host entity is not required to use the services of a volunteer health practitioner even if the practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.95.

IC 10-14-3.5-19

Practice by a volunteer health practitioner during a declared emergency; no protection for practitioners with suspended, revoked, or restricted practice privileges

Sec. 19. (a) While an emergency declaration is in effect, a volunteer health practitioner, registered with a registration system that complies with section 18 of this chapter and licensed and in good standing in the state upon which the practitioner's registration is based, may practice in Indiana to the extent authorized by this chapter as if the practitioner were licensed in Indiana.

(b) A volunteer health practitioner qualified under subsection (a) is not entitled to the protections of this chapter if the practitioner is licensed in more than one (1) state and any license of the practitioner is suspended, revoked, or subject to an agency order limiting or restricting practice privileges or has been voluntarily terminated under threat of sanction.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-20

Health facility credentialing and privileging not affected

Sec. 20. (a) As used in this section:

(1) "credentialing" means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care, or services in or for a health facility; and

(2) "privileging" means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized skill.

(b) This chapter does not affect credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-21

Adherence to the scope of practice established by Indiana law; modification or restriction of health or veterinary services; unauthorized practice; administrative sanctions

Sec. 21. (a) Subject to subsections (b) and (c), a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of Indiana.

(b) Except as provided in subsection (c), this chapter does not authorize a volunteer health practitioner to provide services that are outside the practitioner's scope of practice, even if a similarly licensed practitioner in Indiana would be permitted to provide the services.

(c) The department of homeland security may modify or restrict the health or veterinary services that volunteer health practitioners may provide under this chapter. An order under this subsection may take effect immediately, without prior notice or comment, and is not a rule within the meaning of IC 4-22-2.

(d) A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide under this chapter.

(e) A volunteer health practitioner does not engage in unauthorized practice unless the practitioner has reason to know of a limitation, modification, or restriction under this section or that a similarly licensed practitioner in Indiana would not be permitted to provide the services. A volunteer health practitioner has reason to know of a limitation, modification, or restriction or that a similarly licensed practitioner in Indiana would not be permitted to provide a service if:

(1) the practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in Indiana would not be permitted to provide the service; or

(2) from all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification, or restriction exists or that a similarly licensed practitioner in Indiana would not be permitted to provide the service.

(f) In addition to the authority granted by laws of Indiana other than this chapter to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in Indiana:

(1) may impose administrative sanctions upon a health practitioner licensed in Indiana for conduct outside of Indiana in response to an out-of-state emergency;

(2) may impose administrative sanctions upon a practitioner not licensed in Indiana for conduct in Indiana in response to an in-state emergency; and

(3) shall report any administrative sanctions imposed upon a practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which

the practitioner is known to be licensed.

(g) In determining whether to impose administrative sanctions under subsection (f), a licensing board or other disciplinary authority shall consider the circumstances in which the conduct took place, including any exigent circumstances, and the practitioner's scope of practice, education, training, experience, and specialized skill.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.96.

IC 10-14-3.5-22

No limitation on rights, privileges, or immunities; emergency forces

Sec. 22. (a) This chapter does not limit the rights, privileges, or immunities provided to volunteer health practitioners by laws other than this chapter. Except as provided in subsection (b), this chapter does not affect requirements for the use of health practitioners under the Emergency Management Assistance Compact.

(b) The department of homeland security, under the Emergency Management Assistance Compact or the Interstate Emergency Management and Disaster Compact, may incorporate into the emergency forces of Indiana volunteer health practitioners who are not officers or employees of Indiana, a political subdivision of Indiana, or a municipality or other local government within Indiana.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.97.

IC 10-14-3.5-23

Adoption of rules for implementation; reasonably compatible with other states

Sec. 23. The department of homeland security may adopt rules under IC 4-22-2 to implement this chapter. In doing so, the department of homeland security shall consult with and consider the recommendations of the entity established to coordinate the implementation of the Emergency Management Assistance Compact or the Interstate Emergency Management and Disaster Compact and shall also consult with and consider rules adopted by similarly empowered agencies in other states to promote uniformity of application of this chapter and make the emergency response systems in the various states reasonably compatible.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.98.

IC 10-14-3.5-24

Consideration of uniformity in application and construction

Sec. 24. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

As added by P.L.134-2008, SEC.3.

IC 10-14-4

Chapter 4. State Disaster Relief Fund

IC 10-14-4-0.3

"Backfill employee"

Sec. 0.3. As used in this chapter, "backfill employee" has the meaning set forth in IC 10-14-3-0.5.

As added by P.L.71-2013, SEC.5.

IC 10-14-4-1

"Disaster"

Sec. 1. As used in this chapter, "disaster" has the meaning set forth in IC 10-14-3-1.

As added by P.L.2-2003, SEC.5.

IC 10-14-4-2

"Eligible entity"

Sec. 2. As used in this chapter, "eligible entity" means a county, a city, a town, a township, or an individual who has incurred loss or cost because of a disaster.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.1; P.L.71-2013, SEC.6.

IC 10-14-4-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to the state disaster relief fund established by this chapter.

As added by P.L.2-2003, SEC.5.

IC 10-14-4-4

"Public facility"

Sec. 4. As used in this chapter, "public facility" means any:

(1) building or structure;
(2) bridge, road, highway, or public way;
(3) park or recreational facility;
(4) sanitary sewer system or wastewater treatment facility;
(5) drainage or flood control facility;
(6) water treatment, water storage, or water distribution facility; or
(7) other improvement or infrastructure;

owned by, maintained by, or operated by or on behalf of an eligible entity.

As added by P.L.2-2003, SEC.5.

IC 10-14-4-5

State disaster relief fund

Sec. 5. (a) The state disaster relief fund is established to provide financial assistance to:

(1) assist eligible entities in paying for:

(A) the costs of repairing, replacing, or restoring public facilities or individual residential real or personal property damaged or destroyed by a disaster; or

(B) response costs incurred by an eligible entity during a disaster; and

(2) allow the agency to pay for response costs incurred by the state or a local unit of government at the direction of the agency.

The agency may provide financial assistance in response to a disaster only from the balance in the fund that is unobligated on the date the disaster occurs.

(b) The fund consists of the following:

(1) Money appropriated by the general assembly.

(2) Money deposited under IC 22-11-14-12(c)(2).

(c) The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.2; P.L.57-2008, SEC.2.

IC 10-14-4-6

Grants; eligible entities

Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to provide financial assistance as follows:

(1) To an eligible entity that:

(A) is not an individual;

(B) contains territory for which a disaster emergency has been declared by the governor;

(C) has suffered damage to the entity's public facilities because of the disaster for which the disaster emergency was declared;

(D) has applied to the department for financial assistance in the form of a grant; and

(E) complies with all other requirements established by the agency.

(2) To an eligible entity that:

(A) is not an individual;

(B) contributes personnel to a mobile support unit deployed to assist another political subdivision in responding to a disaster emergency that has been declared by the governor;

(C) incurs the cost of one (1) or more backfill employees that are necessary to fill the position and perform the duties of an employee deployed on a mobile support unit;

(D) has applied to the department for financial assistance in the form of a grant; and

(E) complies with all other requirements established by the agency.

(3) To an eligible entity:

(A) who is an individual;

(B) whose primary residence is located in territory for which:

(i) the United States Small Business Administration declares a disaster; and

(ii) there has been no disaster declaration issued by the President of the United States;

(C) who has suffered damage to the entity's primary residence or individual property because of a disaster described in clause (B); and

(D) who complies with all other requirements established by the agency.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.3; P.L.57-2008, SEC.3; P.L.110-2009, SEC.3; P.L.71-2013, SEC.7.

IC 10-14-4-7

Grants; limitations

Sec. 7. This section does not apply to an eligible entity that is an individual. Except as provided in section 8 of this chapter, the agency may not make a grant to an eligible entity under this section unless the damage to the entity's public facilities caused by the disaster exceeds an amount equal to one dollar ($1) multiplied by the population of the entity. A grant to an eligible entity under this subsection may not exceed an amount equal to:

(1) fifty percent (50%); multiplied by

(2) the result of:

(A) the total cost of the damage to the entity's public facilities caused by the disaster; minus

(B) an amount equal to one dollar ($1) multiplied by the population of the entity.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.4.

IC 10-14-4-8

Grants; limitations for entity suffering multiple disaster emergencies

Sec. 8. This section does not apply to an eligible entity that is an individual. If the governor declares more than one (1) disaster emergency in the same year for territory in an eligible entity, the agency may, in addition to a grant under section 7 of this chapter, make a grant to the entity under this section if the total cumulative cost of the damage to the entity's public facilities caused by the disasters exceeds two dollars ($2) multiplied by the population of the entity. A grant to an eligible entity under this section may not

exceed:

(1) the product of:

(A) fifty percent (50%); multiplied by

(B) the total cumulative cost of the damage to the entity's public facilities caused by all disasters in the year; minus

(2) any grants previously made under section 7 of this chapter to the entity during the year.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.5.

IC 10-14-4-8.5

Grants; backfill employees

Sec. 8.5. The agency may make a grant to an eligible entity under section 6(2) of this chapter for the cost of a backfill employee, but only if and to the extent the cost of the backfill employee represents extra cost to the political subdivision.

As added by P.L.71-2013, SEC.8.

IC 10-14-4-9

Grant application for eligible entity other than individual

Sec. 9. This section does not apply to an eligible entity that is an individual. To qualify for a grant under this chapter, the executive of an eligible entity must apply to the agency on forms provided by the agency. The application must include the following:

(1) A description and estimated cost of the damage caused by the disaster to the entity's public facilities.

(2) The manner in which the entity intends to use the grant money.

(3) Any other information required by the agency.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.6.

IC 10-14-4-10

Grants; administration by receiving entity; effects on property tax levy

Sec. 10. This section does not apply to an eligible entity that is an individual. The fiscal officer of an entity receiving a grant under this chapter shall:

(1) establish a separate account within the entity's general fund; and

(2) deposit any grant proceeds received under this chapter in the account.

The department of local government finance may not reduce an entity's maximum or actual property tax levy under IC 6-1.1-18.5 on account of grant money deposited in the account.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.7.

IC 10-14-4-11

Rules; emergency rules

Sec. 11. (a) The director shall adopt rules under IC 4-22-2 to carry

out this chapter.

(b) The director may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to carry out the provisions of this chapter.

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.8; P.L.71-2013, SEC.9.

IC 10-14-4-12

Offenses

Sec. 12. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.14.

IC 10-14-4-13

Financial assistance for individual eligible entity

Sec. 13. (a) This section applies only to an eligible entity that is an individual.

(b) To qualify for financial assistance under this chapter, including a grant, an eligible entity must apply to the agency on forms provided by the agency. The application must include the following:

(1) A description and estimated cost of the damage caused by the disaster to the individual's property.

(2) The manner in which the individual intends to use the financial assistance.

(3) Any other information required by the agency.

As added by P.L.107-2007, SEC.8. Amended by P.L.57-2008, SEC.4.

IC 10-14-5
Chapter 5. Emergency Management Assistance Compact

IC 10-14-5-1
Purpose and authorities

Sec. 1. ARTICLE I—Purpose and authorities.

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, "states" means the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance among the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-2
General implementation

Sec. 2. ARTICLE II—General implementation.

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.
As added by P.L.2-2003, SEC.5.

IC 10-14-5-3
Party state responsibilities

Sec. 3. ARTICLE III—Party state responsibilities.

(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(1) review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster, emergency aspects of resources shortages, civil disorders, insurgency, or enemy attack;

(2) review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;

(3) develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

(4) assist in warning communities adjacent to or crossing the state boundaries;

(5) protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material;

(6) inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

(b) The authorized representative of a party state may request assistance to another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty (30) days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which

assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(2) The amount and type of personnel, equipment, materials and supplies needed and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-4
Limitations

Sec. 4. ARTICLE IV—Limitations.

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms of this compact. However, it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-5

Licenses and permits

Sec. 5. ARTICLE V—Licenses and permits.

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be considered licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-6

Liability

Sec. 6. ARTICLE VI—Liability.

Officers or employees of a party state rendering aid in another state under this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state under this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-7

Supplementary agreements

Sec. 7. ARTICLE VII—Supplementary agreements.

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two (2) or more states may differ from that among the states that are party to this compact, this compact contains elements of a broad base common to all states, and nothing in this compact precludes any state entering into supplementary agreements with another state or affects any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-8

Compensation

Sec. 8. ARTICLE VIII—Compensation.

Each party state shall provide for the payment of compensation

and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid under this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.
As added by P.L.2-2003, SEC.5.

IC 10-14-5-9
Reimbursement

Sec. 9. ARTICLE IX—Reimbursement.

Any party state rendering aid in another state under this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests. However, any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost, and any two (2) or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.
As added by P.L.2-2003, SEC.5.

IC 10-14-5-10
Evacuation

Sec. 10. ARTICLE X—Evacuation.

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant shall be worked out and maintained between the party states and the emergency management services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees; the number of evacuees to be received in different areas; the manner in which food, clothing, housing, and medical care will be provided; the registration of the evacuees; the providing of facilities for the notification of relatives or friends; and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party

state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.
As added by P.L.2-2003, SEC.5.

IC 10-14-5-11
Implementation

Sec. 11. ARTICLE XI—Implementation.

(a) This compact shall become effective immediately upon its enactment into law by any two (2) states. Thereafter, this compact shall become effective as to any other state upon enactment by such state.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty (30) days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed under this compact before the effective date of withdrawal.

(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.
As added by P.L.2-2003, SEC.5.

IC 10-14-5-12
Validity

Sec. 12. ARTICLE XII—Validity.

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional, or if the applicability of this compact to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability of this compact to other persons and circumstances shall not be affected.
As added by P.L.2-2003, SEC.5.

IC 10-14-5-13
Additional provisions

Sec. 13. ARTICLE XIII—Additional provisions.

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would, in the absence of express statutory authorization, be prohibited under 18 U.S.C. 1385.
As added by P.L.2-2003, SEC.5.

IC 10-14-5-14

Right to alter, amend, or repeal

Sec. 14. Right To Alter, Amend, or Repeal.

The right to alter, amend, or repeal this chapter is hereby expressly reserved. The consent granted by this chapter shall:

(1) not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the subject of the compact;

(2) not be construed as consent to the National Guard Mutual Assistance Compact;

(3) be construed as understanding that the first paragraph of Article II of the compact provides that emergencies will require procedures to provide immediate access to existing resources to make a prompt and effective response;

(4) not be construed as providing authority under Article III (a)(7) that does not otherwise exist for the suspension of statutes or ordinances;

(5) be construed as understanding that Article III (c) does not impose any affirmative obligation to exchange information, plans, and resource records on the United States or any party which has not entered into the compact; and

(6) be construed as understanding that Article XIII does not affect the authority of the President over the National Guard provided by Article I of the Constitution of the United States and 10 U.S.C.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-15

Construction and severability

Sec. 15. Construction and Severability.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

As added by P.L.2-2003, SEC.5.

IC 10-14-5-16

Inconsistency of language

Sec. 16. Inconsistency of Language.

The validity of this compact shall not be affected by any insubstantial difference in its form or language as adopted by the states.

As added by P.L.2-2003, SEC.5.

IC 10-14-6
Repealed

(Repealed by P.L.85-2015, SEC.7.)

IC 10-14-6.5

Chapter 6.5. Interstate Mutual Aid Agreements

IC 10-14-6.5-1

"Emergency"

Sec. 1. As used in this chapter, "emergency" means an occurrence or condition in a jurisdiction that results in a situation:

(1) that poses an immediate risk to health, life, property, or the environment;

(2) that is not initially at the level of a disaster or emergency that requires a local or state declaration of disaster or emergency (even if such a local or state declaration of disaster or emergency is made after the initial request is made for mutual aid); and

(3) for which the governing jurisdiction determines:

(A) that the situation exceeds its ability to render appropriate aid; and

(B) that it is in the public's best interest to request mutual aid from a governmental jurisdiction or private entity in another state with which the governing jurisdiction has entered into a mutual aid agreement under this chapter.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-2

"Emergency responder"

Sec. 2. (a) As used in this chapter "emergency responder" means a person:

(1) who is required to possess a license, certificate, permit, or other official recognition for the person's expertise in a particular field or area of knowledge; and

(2) whose assistance is desirable during an emergency.

(b) The term includes, but is not limited to, the following:

(1) Firefighters, including hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel, and other specialized personnel.

(2) Emergency medical services personnel.

(3) Law enforcement officers.

(4) Physicians.

(5) Nurses.

(6) Mental health practitioners, veterinary practitioners, and other public health practitioners.

(7) Emergency management personnel.

(8) Public works personnel.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-3

"Political subdivision"

Sec. 3. As used in this chapter, "political subdivision" has the

meaning set forth in IC 36-1-2-13.
As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-4
Written mutual aid agreements; participation of private entity not prohibited

Sec. 4. (a) In order to more adequately address emergencies that extend or exceed a jurisdiction's emergency response capabilities, either without rising to the level of a state or local declaration of a state of disaster or emergency, or in the initial stages of an event that may later become a declared state of disaster or emergency, the state (and any of its departments or agencies) or any political subdivision may enter into written mutual aid agreements with units of government from another state that provide for:

(1) coordination of communications for;
(2) training for;
(3) response to; and
(4) standby for;

planned events and emergency responses between the units of government.

(b) When an emergency responder from outside Indiana is engaged in training, standby, and emergency response in accordance with a mutual aid agreement under this chapter, the emergency responder from outside Indiana is permitted to provide services within Indiana in accordance with this chapter and the terms of the mutual aid agreement under this chapter.

(c) This chapter may not be construed to prohibit a private entity or its employees from participating in the provision of mutual aid if:

(1) the participating political subdivision approves the participation of the private entity; and
(2) a contract between the political subdivision and the participating private entity permits the participation.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-5
Emergency responder licensed or certified outside Indiana; scope of authorized activities performed in Indiana

Sec. 5. If an emergency responder from a jurisdiction outside Indiana holds a license, certificate, or other permit recognized or issued by another state, that emergency responder is considered to be licensed, certified, and permitted in Indiana to render aid involving such skill to meet the request for assistance under a mutual aid agreement under this chapter, so long as the emergency responder acts within the scope of:

(1) the emergency responder's license, certificate, or permit; and
(2) what would be authorized by an equivalent license, certificate, or permit from or recognized by the state in which the requesting jurisdiction is located.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-6
Emergency responder from outside Indiana; immunity from liability

Sec. 6. (a) Any function performed under this chapter, and a mutual aid agreement under this chapter, is considered to have been performed for public and governmental purposes.

(b) All immunities from liability available to Indiana political subdivisions, other units of local government in Indiana, and their officers, agents, and employees within Indiana are extended to an emergency responder from another state who is:

(1) providing mutual aid; or

(2) engaged in training and exercises;

under a mutual aid agreement authorized by this chapter.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-7
Emergency responders remain employees of jurisdiction rendering aid

Sec. 7. (a) Emergency responders from outside Indiana rendering mutual aid within Indiana under a mutual aid agreement authorized by this chapter remain employees and agents of their respective employers and jurisdictions.

(b) This chapter or a mutual aid agreement entered into under this chapter does not create an employment relationship between the jurisdiction requesting aid and the employees and agents of the jurisdiction rendering aid.

(c) All pension, relief, disability, death benefits, worker's compensation benefits, and other benefits enjoyed by emergency responders rendering mutual aid under a mutual aid agreement authorized by this chapter extend to the services the emergency responders perform outside their respective jurisdictions, as if those services had been rendered in their own jurisdiction.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-8
Mutual aid agreements; approval process

Sec. 8. A mutual aid agreement under this chapter must be approved in the same manner as interlocal cooperation agreements are approved under IC 36-1-7.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-9
No effect on other statutes

Sec. 9. This chapter may not be construed to limit, modify, or abridge:

(1) Indiana's emergency management agency statutes; or

(2) the emergency management assistance compact under IC 10-14-5.

As added by P.L.94-2011, SEC.1.

IC 10-14-7
Repealed
(Repealed by P.L.115-2003, SEC.20.)

IC 10-14-8
Chapter 8. Transportation of High Level Radioactive Waste

IC 10-14-8-1
Application of chapter

Sec. 1. (a) This chapter applies to the following:

(1) High level radioactive waste transported to a site authorized by a government agency to receive, store, reprocess, or dispose of high level radioactive waste or spent nuclear fuel.

(2) Low level radioactive waste that is:

(A) transported to a site authorized by a government agency to receive low level radioactive waste; or

(B) shipped to a storage or treatment site before disposal.

(b) This chapter does not apply to:

(1) radioactive waste shipped by the United States Department of Defense; or

(2) the transport of low level radioactive waste between premises owned by or operated under the license of a licensee by a motor vehicle owned by or under contract to the licensee and a facility owned by or operated under the license of a licensee in Indiana.

As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.2.

IC 10-14-8-2
"High level radioactive waste"

Sec. 2. As used in this chapter, "high level radioactive waste" means:

(1) irradiated reactor fuel;

(2) liquid wastes resulting from the operation of a first cycle solvent extraction system or its equivalent and the concentrated wastes from a subsequent extraction cycle or its equivalent in a facility for reprocessing irradiated reactor fuel;

(3) solids into which liquid wastes described in subdivision (2) have been converted; and

(4) materials produced as a byproduct of the reactions that occur inside a nuclear reactor in either of the following forms:

(A) Spent nuclear fuel that is accepted for disposal.

(B) Waste materials remaining after spent nuclear fuel is reprocessed.

As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.3.

IC 10-14-8-2.3
"Licensee"

Sec. 2.3. As used in this chapter, "licensee" refers to an entity that is licensed by the United States Nuclear Regulatory Commission to own or use radioactive materials.

As added by P.L.26-2010, SEC.4.

IC 10-14-8-2.5
"Low level radioactive waste"

Sec. 2.5. As used in this chapter, "low level radioactive waste" means radioactive material from a facility licensed by the United States Nuclear Regulatory Commission under 10 CFR 50 other than the following:

(1) High level radioactive waste.
(2) Spent nuclear fuel.
(3) Transuranic waste.
(4) Byproduct material (as defined in 42 U.S.C. 2014(e)).

As added by P.L.26-2010, SEC.5.

IC 10-14-8-2.7
"Spent nuclear fuel"

Sec. 2.7. As used in this chapter, "spent nuclear fuel" means fuel:

(1) that has been withdrawn from a nuclear reactor following irradiation; and
(2) whose constituent elements have not been separated by reprocessing.

As added by P.L.26-2010, SEC.6.

IC 10-14-8-2.9
Permit for shipper of high or low level radioactive waste

Sec. 2.9. (a) A shipper of high or low level radioactive waste in Indiana must submit an application to the department of homeland security in the form and manner prescribed by the department of homeland security.

(b) The department of homeland security may issue a permit to a person that:

(1) submits a completed application; and
(2) pays a fee set by the department of homeland security.

(c) The permit must:

(1) specify the purpose for which the permit is issued; and
(2) contain an expiration date.

As added by P.L.26-2010, SEC.7.

IC 10-14-8-3
Notice to director before transport of high level radioactive waste; fee for transport

Sec. 3. (a) Before a person may transport high level radioactive waste in Indiana, the shipper must submit the following to the director:

(1) An appropriate permit issued under section 2.9 of this chapter.
(2) The following fees:
(A) For each truck shipment, two thousand five hundred dollars ($2,500) per truck.
(B) For each rail shipment:

(i) four thousand five hundred dollars ($4,500) for the first cask; and

(ii) three thousand dollars ($3,000) for each additional cask.

(b) The director shall deposit fees collected under this section in the nuclear response fund established by section 6 of this chapter.

(c) As used in this section, "cask" means a heavily shielded container:

(1) used for the shipment of radioactive materials, including high level radioactive waste and spent nuclear fuel; and

(2) whose design is approved by the United States Nuclear Regulatory Commission.

As added by P.L.2-2003, SEC.5. Amended by P.L.148-2003, SEC.2; P.L.26-2010, SEC.8; P.L.78-2013, SEC.4.

IC 10-14-8-3.1

Permit and fee for transport of low level radioactive waste

Sec. 3.1. (a) Before a person may transport low level radioactive waste in Indiana, the shipper must submit:

(1) an appropriate permit issued under section 2.9 of this chapter; and

(2) a transportation fee of one hundred dollars ($100) for each shipment of low level radioactive waste;

to the director.

(b) The director shall deposit fees collected under this section in the nuclear response fund established by section 6 of this chapter.

As added by P.L.148-2003, SEC.3. Amended by P.L.26-2010, SEC.9.

IC 10-14-8-4

Duties of director

Sec. 4. (a) The director shall consult with:

(1) the state health commissioner of the state department of health;

(2) the commissioner of the Indiana department of transportation;

(3) the commissioner of the department of environmental management;

(4) the director of the department of natural resources;

(5) the superintendent of the state police department;

(6) representatives of the:

(A) United States Nuclear Regulatory Commission;

(B) Federal Emergency Management Agency;

(C) United States Department of Energy; and

(D) United States Department of Transportation; and

(7) a representative of a local emergency management agency designated by the director;

to prepare a plan for emergency response to a radioactive waste transportation accident in Indiana. The plan must include provisions

for evacuation, containment, and cleanup and must designate the role of each state or local government agency involved in the emergency response plan.

(b) The director shall report to the general assembly each year on the:

(1) status of the plan prepared under subsection (a); and

(2) ability of the state to respond adequately to a radioactive waste transportation accident in Indiana.

A report under this subsection to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.2-2003, SEC.5. Amended by P.L.28-2004, SEC.80; P.L.26-2010, SEC.10.

IC 10-14-8-5

Designated routes; required alternative routes

Sec. 5. (a) Under 49 CFR Part 177, the director may require preferred highway routes for transporting high level radioactive waste in Indiana if the director determines under United States Department of Transportation "Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials" that alternative routes are safer than proposed routes.

(b) The director shall:

(1) annually review federally approved highway and railway routes for transporting high level radioactive waste in Indiana; and

(2) select new state designated routes in accordance with 49 CFR Part 172.80 if safety considerations indicate the alternate routes would be preferable.

(c) Before the director may require alternative routes under subsection (a) or select new state designated routes under subsection (b), the director must do the following:

(1) Consult with all of the persons described in section 4(a) of this chapter.

(2) Conduct or engage in substantial consultation with the affected local county authorities.

(3) Notify the:

(A) state health commissioner of the state department of health;

(B) commissioner of the department of environmental management;

(C) superintendent of the state police department; and

(D) local emergency management agency and applicable local fire and law enforcement agencies in each affected county;

of the director's final decision concerning an alternative route or a new state designated route before the date upon which the alternative route or new state designated route takes effect.

(d) The state is not liable by requiring alternate routes to be used as provided under this section.
As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.11.

IC 10-14-8-6
Nuclear response trust fund; purpose; sources of revenue; administration; investment

Sec. 6. (a) The nuclear response fund is established to:

(1) provide appropriate education, training, and equipment to state and local emergency responders:

(A) that respond to a release of radioactive waste or materials caused by or during the transportation of radioactive waste or materials under this chapter; and

(B) to prevent, prepare for, and respond to acts of terrorism; and

(2) otherwise enforce this chapter and IC 10-14-9.

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) or 3.1(b) of this chapter, fees received under IC 10-14-9-7(b), and civil penalties deposited under IC 10-14-9-8(c).

(c) The department of homeland security shall administer the fund. Money in the fund is annually appropriated to the department of homeland security to be used for purposes described in subsection (a).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.
As added by P.L.2-2003, SEC.5. Amended by P.L.148-2003, SEC.4; P.L.1-2006, SEC.177; P.L.26-2010, SEC.12; P.L.78-2013, SEC.5.

IC 10-14-8-7
Defense information and restricted data

Sec. 7. This chapter does not require the disclosure of defense information or restricted data (as defined in the federal Atomic Energy Act of 1954 (42 U.S.C. 2014)).
As added by P.L.2-2003, SEC.5.

IC 10-14-8-8
Rules

Sec. 8. The director may adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.9.

IC 10-14-8-9

Reimbursement of government security expenses by shipper of radioactive waste

Sec. 9. A shipper of:

(1) low level radioactive waste; or

(2) high level radioactive waste;

in Indiana shall reimburse each governmental entity that provides security for a shipment for reasonable and necessary expenses incurred by the governmental entity in providing the security.

As added by P.L.148-2003, SEC.5. Amended by P.L.26-2010, SEC.13.

IC 10-14-8-10

Seizure of certain motor vehicles and cargo by state police department; correction of violations

Sec. 10. (a) The state police department may detain, seize, or impound a motor vehicle and its cargo if the state police department determines that the motor vehicle is involved in a violation of this chapter. The state police department shall observe established state police department guidelines in seizing or impounding the motor vehicle and cargo.

(b) To obtain possession of a seized or impounded motor vehicle or its cargo, the motor carrier that operates the motor vehicle must correct any violations of this chapter, including without limitation the failure to obtain a permit required under this chapter that resulted in the detention, seizure, or impounding of the motor vehicle or cargo.

As added by P.L.26-2010, SEC.14.

IC 10-14-8-11

Inspections of motor vehicles and cargo

Sec. 11. (a) The following may conduct inspections of motor vehicles and cargo to determine violations of and enforce this chapter:

(1) The state police department.

(2) Agents of the state police department.

(3) Motor carrier inspectors of the state police department.

(4) Other eligible law enforcement officers.

(b) With respect to any rail shipment, the following may request from a shipper or carrier a copy of the appropriate permit issued under section 2.9 of this chapter to the shipper:

(1) The state police department.

(2) Agents of the state police department.

(3) Motor carrier inspectors of the state police department.

(4) Rail safety inspectors.

(5) Other eligible law enforcement officers.

As added by P.L.26-2010, SEC.15.

IC 10-14-8-12

Violation; Class B infraction

Sec. 12. A person who violates this chapter commits a Class B infraction.

As added by P.L.26-2010, SEC.16.

IC 10-14-9

Chapter 9. Transportation of Highway Route Controlled Quantity Radioactive Material

IC 10-14-9-1

"Cask"

Sec. 1. As used in this chapter, "cask" has the meaning set forth in IC 10-14-8-3(c).

As added by P.L.78-2013, SEC.6.

IC 10-14-9-2

"Highway route controlled quantity (HRCQ) radioactive material"

Sec. 2. As used in this chapter, "highway route controlled quantity (HRCQ) radioactive material" or "HRCQ materials" means a quantity within a single package that exceeds the least of the following:

(1) For special form Class 7 (radioactive) material, three thousand (3,000) times the A_1 value of the radionuclides listed in 49 CFR 173.435.

(2) For normal form Class 7 (radioactive) material, three thousand (3,000) times the A_2 value of the radionuclides listed in 49 CFR 173.435.

(3) One thousand (1,000) TBq (27,000 Ci).

As added by P.L.78-2013, SEC.6. Amended by P.L.2-2014, SEC.54.

IC 10-14-9-3

"Licensee"

Sec. 3. As used in this chapter, "licensee" has the meaning set forth in IC 10-14-8-2.3.

As added by P.L.78-2013, SEC.6.

IC 10-14-9-4

"Nuclear response fund"

Sec. 4. As used in this chapter, "nuclear response fund" refers to the nuclear response fund established by IC 10-14-8-6.

As added by P.L.78-2013, SEC.6.

IC 10-14-9-5

"Package"

Sec. 5. As used in this chapter, "package" has the meaning set forth in 49 CFR 173.403.

As added by P.L.78-2013, SEC.6.

IC 10-14-9-6

"Radionuclide"

Sec. 6. As used in this chapter, "radionuclide" means an unstable isotope of an element that emits radiation when it decays or disintegrates.

As added by P.L.78-2013, SEC.6.

IC 10-14-9-7
Shipping permit; application; fees

Sec. 7. (a) A shipper who intends to ship HRCQ materials must submit an application for a permit to the department of homeland security in the form and manner prescribed by the department of homeland security.

(b) The department of homeland security may issue a permit to a shipper that:

(1) submits a completed application under subsection (a); and

(2) pays a minimum fee as follows:

(A) For each truck shipment, one thousand eight hundred dollars ($1,800) per truck.

(B) For each rail shipment:

(i) one thousand three hundred dollars ($1,300) for the first cask; and

(ii) one hundred twenty-five dollars ($125) for each additional cask.

(c) The director:

(1) shall deposit fees received under subsection (b) in the nuclear response fund; and

(2) may increase a minimum fee under subsection (b)(2) if the increase:

(A) applies uniformly across all fees; and

(B) is limited to an amount necessary to cover the costs of administering this section.

(d) A permit issued under subsection (b) must:

(1) specify the purpose for which the permit is issued; and

(2) contain an expiration date.

(e) A shipper of HRCQ materials shall notify the state emergency operations center at least seven (7) business days before shipping the HRCQ materials.

As added by P.L.78-2013, SEC.6.

IC 10-14-9-8
Civil penalties

Sec. 8. (a) A shipper that:

(1) is required to obtain a permit and pay a fee under section 7 of this chapter; and

(2) fails to obtain the permit or pay the fee;

is subject to a civil penalty for each violation in an amount equal to two (2) times the applicable fee.

(b) A shipper that fails to notify the state emergency operations center of a shipment of HRCQ materials under section 7(e) of this chapter is subject to a civil penalty in an amount equal to two (2) times the applicable fee for the shipment.

(c) The director shall deposit a civil penalty received under this

section in the nuclear response fund.
As added by P.L.78-2013, SEC.6.

IC 10-15

ARTICLE 15. INDIANA HOMELAND SECURITY FOUNDATION

IC 10-15-1

Chapter 1. Definitions

IC 10-15-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2003, SEC.6.

IC 10-15-1-2

Repealed

(As added by P.L.2-2003, SEC.6. Repealed by P.L.22-2005, SEC.54.)

IC 10-15-1-3

"Department"

Sec. 3. "Department" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.10.

IC 10-15-1-4

"Executive director"

Sec. 4. "Executive director" refers to the executive director of the department of homeland security appointed under IC 10-19-3-1.

As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.11.

IC 10-15-1-5

"Foundation"

Sec. 5. "Foundation" refers to the Indiana homeland security foundation established by IC 10-15-2-1.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.5.

IC 10-15-1-6

"Fund"

Sec. 6. "Fund" means the Indiana homeland security fund established by IC 10-15-3-1.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.6.

IC 10-15-1-7

Repealed

(As added by P.L.2-2003, SEC.6. Repealed by P.L.22-2005, SEC.54.)

IC 10-15-1-8

"Unit of local government"

Sec. 8. "Unit of local government" means a:

(1) county;

(2) city;

(3) town; or

(4) township;

in Indiana.

As added by P.L.2-2003, SEC.6.

IC 10-15-2

Chapter 2. Indiana Homeland Security Foundation

IC 10-15-2-1

Establishment

Sec. 1. The Indiana homeland security foundation is established as a public body corporate and politic.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.7.

IC 10-15-2-2

Membership; proxy voting; appointment of designee

Sec. 2. (a) The foundation consists of nine (9) voting members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. Each Indiana congressional district must be represented by at least one (1) member who is a resident of that congressional district. Not more than five (5) of the members appointed under this subsection may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

(1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(d) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

(e) A voting member may appoint a designee of the same political party as the voting member to act on the voting member's behalf under this chapter. The designee must reside in the same congressional district as the voting member. An appointment under this section must:

(1) be for one (1) specified meeting;

(2) be made in writing or electronic mail submitted to the foundation at least two (2) calendar days before the meeting that the designee attends on behalf of the member; and

(3) be maintained in the permanent records of the foundation.

As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.12; P.L.110-2009, SEC.4.

IC 10-15-2-3

Quorum; requirements to take action

Sec. 3. (a) A quorum consists of five (5) of the voting members of the foundation.

(b) The affirmative vote of at least five (5) voting members of the foundation or the members' designees is necessary for the foundation to take action.

As added by P.L.2-2003, SEC.6. Amended by P.L.115-2003, SEC.15; P.L.22-2005, SEC.13; P.L.110-2009, SEC.5.

IC 10-15-2-4
Members do not hold public office

Sec. 4. Membership on the foundation does not constitute the holding of a public office. A member may not be disqualified from holding a public office or position because of appointment to or service on the foundation. A member may not be required to forfeit an office, a position, or employment because of appointment to or service on the foundation.
As added by P.L.2-2003, SEC.6.

IC 10-15-2-5
Terms; expiration

Sec. 5. (a) The term of each voting member is four (4) years.

(b) A member appointed to fill the unexpired term of a member serves until the end of the unexpired term.

(c) At the expiration of a member's term, the member may be reappointed if the member continues to reside in the represented congressional district. A person is no longer a member when the individual ceases to be a resident of the represented congressional district.
As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.14.

IC 10-15-2-6
Start of terms

Sec. 6. The terms of the voting members begin on July 1.
As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.15.

IC 10-15-2-7
Chairperson; vice chairperson

Sec. 7. (a) At the foundation's first meeting after June 30 of each year, the voting members shall select:

(1) one (1) of the voting members to serve as chairperson; and

(2) one (1) of the voting members to serve as vice chairperson.

(b) The vice chairperson shall exercise all the duties and powers of the chairperson in the chairperson's absence or disability.
As added by P.L.2-2003, SEC.6. Amended by P.L.22-2005, SEC.16.

IC 10-15-2-8
Advisers; participation

Sec. 8. (a) The executive director and department staff designated by the director shall act as advisers to the foundation.

(b) An adviser to the foundation may do the following:

(1) Attend all meetings of the foundation.

(2) Participate in all proceedings at foundation meetings other than voting.

(c) The department shall provide staff support to the foundation.
As added by P.L.2-2003, SEC.6. Amended by P.L.107-2007, SEC.9.

IC 10-15-2-9
Property of foundation

Sec. 9. (a) The foundation may acquire personal property to be donated under subsection (b). The foundation may receive donations of real property to be disposed of under subsection (c).

(b) As used in this subsection, "person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, a trust, or a governmental entity. Subject to subsection (d), the foundation may donate personal property to the following:

(1) The department.
(2) The institute.
(3) The agency.
(4) A unit of local government.
(5) A person.

(c) The foundation shall dispose of real property donations in the following manner:

(1) Real property may be accepted by the foundation for purpose of resale, either on the open market or to the state or a unit of local government at a price set by the foundation.
(2) The proceeds from the sale of real property shall be donated to a fund that the donor has chosen or, if the donor has not chosen a fund, to a fund to be chosen by the foundation.

(d) The foundation must have the approval of the executive director to donate property to the state.
As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.8.

IC 10-15-2-10
Powers

Sec. 10. The foundation may do the following:

(1) Adopt bylaws for the regulation of the foundation's affairs and the conduct of the foundation's business.
(2) Adopt an official seal, which may not be the seal of the state.
(3) Maintain a principal office and other offices the foundation designates.
(4) Sue and be sued in the name and style of "Indiana Homeland Security Foundation", with service of process being made to the chairperson of the foundation by leaving a copy at the principal office of the foundation or at the residence of the chairperson if the foundation has no principal office.
(5) Exercise the powers or perform the following duties of the foundation:
(A) Acquire by any means a right or an interest in or upon personal property of any kind or nature. The foundation shall

hold the legal title to property acquired in the name of the foundation.

(B) Dispose of a right or an interest in personal property.

(6) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the duties and the execution of the powers of the foundation under this chapter.

(7) Assist the department to develop projects.

(8) Receive and accept from any person grants for or in aid of the acquisition, construction, improvement, or development of any part of the projects of the foundation and receive and accept aid or contributions from any source of money, personal property, labor, or other things of value to be held, used, applied, or disposed of only for the purposes consistent with the purposes of this chapter for which the grants and contributions may be made.

(9) Hold, use, administer, and expend money that may be acquired by the foundation.

(10) Do all acts and things necessary or proper to carry out the powers expressly granted in this chapter.

As added by P.L.2-2003, SEC.6. Amended by P.L.1-2006, SEC.178; P.L.1-2010, SEC.55.

IC 10-15-2-11
Repealed

(As added by P.L.2-2003, SEC.6. Repealed by P.L.177-2011, SEC.5.)

IC 10-15-3
Chapter 3. Funds

IC 10-15-3-1
Establishment

Sec. 1. (a) The Indiana homeland security fund is established to fund projects of the department of homeland security.

(b) The fund established by subsection (a) consists of:

(1) gifts and proceeds received under section 5 of this chapter; and

(2) fees from license plates as set forth in section 6 of this chapter.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.9.

IC 10-15-3-2
Repealed

(As added by P.L.2-2003, SEC.6. Repealed by P.L.101-2006, SEC.39.)

IC 10-15-3-3
Repealed

(As added by P.L.2-2003, SEC.6. Repealed by P.L.101-2006, SEC.39.)

IC 10-15-3-4
Duties of foundation

Sec. 4. The foundation shall do the following:

(1) Hold the fund in the name of the foundation.

(2) Administer the fund.

(3) Make all expenditures from the fund.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.10.

IC 10-15-3-5
Gifts of money

Sec. 5. Gifts of money to the fund or the foundation or the proceeds from the sale of gifts donated to the fund or the foundation shall be deposited in the fund.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.11.

IC 10-15-3-6
Fees from license plates

Sec. 6. Fees from license plates issued under IC 9-18-45 (before its expiration) or IC 9-18.5-23 shall be deposited in the fund.

As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.12; P.L.198-2016, SEC.634.

IC 10-15-3-7
Administration expenses

Sec. 7. The expenses of administering this chapter shall be paid from money in the fund.
As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.13.

IC 10-15-3-8
Money remains in fund

Sec. 8. The money in the fund at the end of a state fiscal year remains in the fund and does not revert to any other fund. If the foundation is terminated, the money in the fund reverts to the fire and building services fund established by IC 22-12-6-1.
As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.14.

IC 10-15-3-9
Audit

Sec. 9. The fund is subject to audit by the state board of accounts.
As added by P.L.2-2003, SEC.6. Amended by P.L.101-2006, SEC.15.

IC 10-15-3-10
Tax exemptions

Sec. 10. The foundation is exempt from taxes on real and personal property that the foundation acquires or disposes of or as a consequence of the foundation's transactions.
As added by P.L.2-2003, SEC.6.

IC 10-15-3-11
Annual report

Sec. 11. Before October 1 of each year, the foundation shall prepare an annual report concerning the foundation's activities for the prior year for the public and the general assembly. A report prepared under this section for the general assembly must be in an electronic format under IC 5-14-6.
As added by P.L.2-2003, SEC.6. Amended by P.L.28-2004, SEC.81.

IC 10-15-3-12
Regional public safety training fund

Sec. 12. (a) The regional public safety training fund is established for the purpose of providing regional and advanced training for public safety service providers, including fire investigation training. The department shall administer the fund. The fund consists of the following:

(1) Public safety fees deposited under IC 22-11-14-12(c)(1).
(2) Money transferred from the statewide arson investigation financial assistance fund under IC 22-12-6-2(e) (before its expiration).
(3) Money appropriated to the fund by the general assembly.
(4) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

Money described in subdivision (2) must be used for fire

investigation training.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. Any amount remaining in the fund at the end of a state fiscal year that has not been encumbered shall be transferred to the fire training infrastructure fund established by IC 22-14-6-2.

As added by P.L.107-2007, SEC.10. Amended by P.L.57-2008, SEC.5; P.L.78-2013, SEC.7.

IC 10-16

ARTICLE 16. INDIANA MILITARY CODE

IC 10-16-1

Chapter 1. Definitions

IC 10-16-1-1

Application of definitions

Sec. 1. The definitions in this chapter:

(1) apply throughout this article, unless otherwise apparent from the context; and

(2) are subject to organization modification as adopted by regular army and regular air force troop structures that are incorporated in this article by reference.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-2

"Air group"

Sec. 2. "Air group" has the same meaning as comparably used in the national military establishment.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-2.5

"Armory"

Sec. 2.5. "Armory" means real property and facilities located on the real property that are used by the military or naval forces of the state for drill, meeting, training, and rendezvous purposes.

As added by P.L.115-2003, SEC.16.

IC 10-16-1-3

"Battalion"

Sec. 3. "Battalion" has the same meaning as comparably used in the national military establishment.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-4

"Battery"

Sec. 4. "Battery" has the same meaning as comparably used in the national military establishment.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-5

"Battle group"

Sec. 5. "Battle group" has the same meaning as comparably used in the national military establishment.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-5.5

"Civil air patrol"

Sec. 5.5. "Civil air patrol" refers to the Indiana wing of the civil air patrol.

As added by P.L.10-2007, SEC.2.

IC 10-16-1-6

"Commanding officer"

Sec. 6. "Commanding officer" means the commander of a company, a troop, a battery, a squadron, a battalion, an air group, a regiment, a brigade, a battle group, a wing, a division, a post, an installation, or a joint forces headquarters.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.1.

IC 10-16-1-7

"Company"

Sec. 7. "Company" has the same meaning as comparably used in the national military establishment.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-8

"Court martial"

Sec. 8. "Court martial" means a military or naval court of justice for the trial of cases within the jurisdiction of the armed forces of the state.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-9

"Division"

Sec. 9. "Division" has the same meaning as comparably used in the national military establishment.

As added by P.L.2-2003, SEC.7.

IC 10-16-1-9.5

"Emergency service operation"

Sec. 9.5. "Emergency service operation" includes the following operations of the civil air patrol:

(1) Search and rescue missions designated by the Air Force Rescue Coordination Center.

(2) Disaster relief, when requested by the federal emergency management agency or the department of homeland security established by IC 10-19-2-1.

(3) Humanitarian services, when requested by the federal emergency management agency or the department of homeland security established by IC 10-19-2-1.

(4) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command.

As added by P.L.10-2007, SEC.3. Amended by P.L.1-2009, SEC.99.

IC 10-16-1-10
"Federally recognized national guard"

Sec. 10. "Federally recognized national guard" means that part of the Indiana national guard that has met all the requirements for and has been recognized by the national military establishment as a part of the reserve components of the armed forces of the United States.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-11
"General orders"

Sec. 11. "General orders" means the official instructions issued by the military department of Indiana.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-12
"Headquarters"

Sec. 12. "Headquarters" means the office of the appropriate commander.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-13
"National guard"

Sec. 13. (a) "National guard" means the Indiana army national guard and the Indiana air national guard.

(b) The term may apply to the national guard of Indiana or the national guard of the United States according to the tenor of the appropriate section.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-14
"Officer"

Sec. 14. "Officer" means a commissioned officer, including a warrant officer, in the armed forces of the state.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-15
"Organization"

Sec. 15. "Organization" means unit or command.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-15.5
"Political subdivision"

Sec. 15.5. "Political subdivision" has the meaning set forth in IC 36-1-2-13.
As added by P.L.10-2007, SEC.4.

IC 10-16-1-16
"Regiment"

Sec. 16. "Regiment" has the same meaning as comparably used in the national military establishment.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-17
"Regulations"
Sec. 17. "Regulations" means the official rules of the appropriate department.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-18
"Squadron"
Sec. 18. "Squadron" has the same meaning as comparably used in the national military establishment.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-19
"State and federal property"
Sec. 19. "State and federal property" means:
(1) state property, real or personal, owned by the state; or
(2) federal property owned by the federal government and consigned to the state for use in its armed forces.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-20
"Troop"
Sec. 20. "Troop" has the same meaning as comparably used in the national military establishment.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-21
"Unit"
Sec. 21. "Unit" means military complements of a company, detachment, troop, battery, or any larger command organization.
As added by P.L.2-2003, SEC.7.

IC 10-16-1-22
"Wing"
Sec. 22. "Wing" has the same meaning as comparably used in the national military establishment.
As added by P.L.2-2003, SEC.7.

IC 10-16-2
Chapter 2. Military Department

IC 10-16-2-1
Military department established

Sec. 1. (a) The military department of the state:
(1) is established; and
(2) shall be administered and controlled by the governor as commander in chief.
(b) The military department consists of the following:
(1) An adjutant general, who shall be the executive and administrative head of the department.
(2) Other officers, enlisted individuals, and employees considered necessary and authorized.

As added by P.L.2-2003, SEC.7.

IC 10-16-2-2
Duties

Sec. 2. The military department shall administer all matters concerning or relating to the following:
(1) The militia.
(2) The national guard.
(3) Other military organizations under the jurisdiction of the state.
(4) Other duties as the governor may assign.

As added by P.L.2-2003, SEC.7.

IC 10-16-2-3
Commander in chief; duties; permission to bear arms

Sec. 3. (a) The governor shall:
(1) be the commander in chief of the military forces of the state;
(2) have supreme command of the military forces of the state while in the service of the state or until they are ordered and accepted into the service of the United States; and
(3) have power to:
(A) muster out any organization of the state;
(B) discharge enlisted men as provided; and
(C) perform other acts in keeping with the laws of the state, subject to the laws of the United States and regulations prescribed by the President of the United States.
(b) An armed military force from another state or territory may not enter Indiana without permission of the governor, unless the military force is:
(1) a part of the armed forces of the United States; or
(2) acting under the authority of the United States.
(c) An independent military organization under the jurisdiction of the state, except as a corps of cadets in the educational institutions, may not bear arms without first securing permission of the

commander in chief.
As added by P.L.2-2003, SEC.7.

IC 10-16-2-4
Interpretation of article

Sec. 4. This article shall be interpreted liberally in favor of the exercise of all the constitutional powers of the governor as commander in chief.
As added by P.L.2-2003, SEC.7.

IC 10-16-2-5
Governor's honorary staff; chief of staff

Sec. 5. (a) The governor may appoint an honorary staff of aides with the brevet title of colonel, lieutenant colonel or major, or comparable naval rank.

(b) The staff officers hold office at the will of the governor. Their commissions expire with the term of office of the governor making the appointment.

(c) The adjutant general shall be ex officio chief of staff.
As added by P.L.2-2003, SEC.7.

IC 10-16-2-6
Adjutant general

Sec. 6. (a) The governor shall appoint the adjutant general.

(b) The adjutant general must hold the rank of not less than brigadier general.

(c) The governor may increase the rank of the adjutant general not to exceed the rank of major general as a reward for efficient and loyal service to the state.
As added by P.L.2-2003, SEC.7.

IC 10-16-2-7
Assistant adjutants general

Sec. 7. The adjutant general shall appoint four (4) assistant adjutants general to serve at the will and pleasure of the adjutant general as follows:

(1) One (1) assistant adjutant general from the Indiana Army National Guard to be commander of the Indiana Army National Guard forces, except the forces described in subdivision (3). A person is not eligible for appointment as assistant adjutant general unless the person is a member of the Indiana Army National Guard and has attained the rank of major or above. The person must be a federally recognized officer and may hold the rank of major general or other rank authorized by the table of organization for the Army National Guard.

(2) One (1) assistant adjutant general from the Indiana Army National Guard to be chief of staff to the adjutant general for all the Indiana Army National Guard forces, except those forces

described in subdivision (4). This assistant adjutant general shall perform duties assigned by the adjutant general and is responsible for all administrative and operational functions of the Indiana Army National Guard, except those related to forces described in subdivision (4). A person is not eligible for appointment as assistant adjutant general unless the person is a member of the Indiana Army National Guard with at least six (6) years service in the Indiana Army National Guard and has attained the rank of major or above. The person must be a federally recognized officer and may hold the rank of brigadier general or other rank authorized by the table of organization for the Army National Guard.

(3) One (1) assistant adjutant general from the Indiana Air National Guard to be chief of staff to the adjutant general for all the Indiana Air National Guard forces. This assistant adjutant general shall perform duties assigned by the adjutant general and is responsible for administrative and operational functions of the Indiana Air National Guard. A person is not eligible for appointment as air forces chief of staff unless the person is a member of the Indiana Air National Guard with at least six (6) years service as a commissioned officer and has attained the rank of major or above. The person must be a federally recognized officer and may hold the rank of brigadier general or other rank authorized by the tables of organization for the Air National Guard.

(4) One (1) assistant adjutant general from the Indiana Army National Guard to be chief of staff to the adjutant general for all Indiana Army National Guard forces assigned to the Camp Atterbury Muscatatuck Urban Training Center. This assistant adjutant general shall perform duties assigned by the adjutant general and is responsible for all administrative and operational functions of Indiana Army National Guard forces assigned to the Camp Atterbury Muscatatuck Urban Training Center. A person is not eligible for appointment as assistant adjutant general unless the person is a member of the Indiana Army National Guard with at least six (6) years service in the Indiana Army National Guard and has attained the rank of major or above. The person must be a federally recognized officer and may hold the rank of brigadier general or other rank authorized by the table of organization for the Army National Guard.

As added by P.L.2-2003, SEC.7. Amended by P.L.71-2007, SEC.1; P.L.15-2010, SEC.1.

IC 10-16-2-8

Executing orders of commander in chief; bond

Sec. 8. The adjutant general shall do the following:

(1) Execute all orders given by the commander in chief.

(2) Give bond with surety to the state, to the approval of the

governor, in the sum of ten thousand dollars ($10,000) for the faithful discharge of the duties of the office of adjutant general.

As added by P.L.2-2003, SEC.7.

IC 10-16-2-9

Duties; audits

Sec. 9. (a) The adjutant general shall perform duties required by law, in rules adopted under this chapter, and in the statutes of the United States and required by the governor. If the adjutant general:

(1) fails or refuses to properly and efficiently perform the duties of the office; or

(2) is guilty of misconduct or conduct prejudicial to good order and military discipline;

written charges setting forth the acts involved shall be filed with the governor. The governor shall take action on the charges for the best interests of the service.

(b) The adjutant general shall superintend the preparation of all returns and reports required by the United States from the state.

(c) The adjutant general shall:

(1) keep a register of all the officers of the armed forces of the state; and

(2) keep in the adjutant general's office all records and papers required to be kept and filed.

(d) If necessary, the adjutant general shall, at the expense of the state, cause:

(1) the armed forces law;

(2) the general regulations of the state; and

(3) the uniform code of military justice of the United States;

to be printed, indexed, and bound in proper and compact form. One (1) copy of each publication shall be distributed to the commissioned officers, sheriffs, clerks of boards of county commissioners, and county treasurers of Indiana. The adjutant general shall issue to each commissioned officer and headquarters one (1) copy of the necessary textbooks and of such annual reports concerning the militia as the governor directs.

(e) The adjutant general shall cause to be prepared and issued all blank books, blank forms, and blank notices required to implement this chapter. The books and blanks are property of the state.

(f) The adjutant general shall attend to the safekeeping and repairing of the ordnance, arms, accouterments, equipment, and all other military and naval property belonging to the state or issued to it by the United States. The governor shall order the adjutant general to dispose of all military and naval property of the state that after a proper inspection is found unsuitable for the use of the state. The adjutant general shall dispose of the property:

(1) by public auction after advertisement of the sale weekly for three (3) weeks in at least one (1) newspaper published in the English language in the city or county where the sale is to take

place;

(2) by private sale when ordered by the governor; or

(3) with the approval of the governor, by turning over the property to any other department, board, or commission of state government that can use the property.

If the adjutant general believes that better prices may or should be obtained, the adjutant general shall bid in the property or suspend the sale. All parts of uniforms before being offered for sale shall be mutilated so they cannot be again used as uniforms. The adjutant general shall periodically account to the governor of the sales made. The adjutant general shall expend the proceeds of the sales for the use and benefit of the military or naval forces of the state as the governor directs.

(g) The adjutant general shall keep an accurate account of all expenses necessarily incurred, including the following:

(1) Pay of officers and enlisted persons.

(2) Allowances to officers and organizations.

(3) Pensions.

(4) Any other money required to be disbursed by the adjutant general, including the following:

(A) Subsistence of the national guard.

(B) Transportation of the national guard.

(C) Transportation of all military and naval property of the state or of the United States.

These expenses shall be audited and paid in the same manner as other military and naval accounts.

(h) The adjutant general shall:

(1) issue military and naval property; and

(2) make purchases of military and naval property;

as the governor directs. Military or naval property may not be issued to persons or organizations other than those belonging to the state armed forces, except to those parts of the sedentary militia as the governor may call out.

(i) The seal used in the office of the adjutant general on January 1, 1954, shall be:

(1) the seal of that office; and

(2) delivered by the adjutant general to the successor in office.

(j) Except as provided in subsection (k), the adjutant general shall be the auditor of all military accounts payable by the state.

(k) The auditor of state shall audit expenditures made by the adjutant general or through the adjutant general's office. Copies of all orders and contracts relating to expenditures described in this subsection shall be filed in the auditor's office.

As added by P.L.2-2003, SEC.7.

IC 10-16-2-10

Compensation

Sec. 10. (a) The adjutant general may be paid a sum equal to the

pay received by an officer of the same grade in federal services, excluding allowances.

(b) The governor, with the approval of the budget committee, may periodically adjust the salary of the adjutant general to meet the pay adjustments of an officer of the same grade in federal service.

As added by P.L.2-2003, SEC.7.

IC 10-16-3
Chapter 3. State Armory Board

IC 10-16-3-1
State armory board established

Sec. 1. (a) The state armory board is established to provide, manage, and care for armories for the use of the military and naval forces of Indiana.

(b) The board consists of the following members:

(1) The following ex officio members:

(A) The governor.

(B) The adjutant general.

(2) Five (5) members appointed by the governor. At least three (3) of the members must be or must have been officers of the military or naval forces of the United States or of the state of Indiana.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.2.

IC 10-16-3-2
Contribution of funds in support of duties and responsibilities of adjutant general

Sec. 2. The state armory board established by section 1 of this chapter may contribute funds in support of the following authorized duties and responsibilities of the adjutant general:

(1) The military department of the Indiana ceremonial unit.

(2) The Indiana guard reserve.

(3) The annual report of the adjutant general's department.

(4) The medical treatment, pensions, and funeral expenses of officers and soldiers wounded, disabled, or killed while in the active service of the state.

(5) Expenditures for public relations and the promotion of morale within the adjutant general's department that are not paid by the United States Department of Defense.

(6) Recruitment and retention expenditures of the adjutant general's department that are not paid by the United States Department of Defense.

(7) The publication of the armed forces law of Indiana in accordance with IC 10-16-2-9(d).

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.3.

IC 10-16-3-3
Term of office; vacancy in office

Sec. 3. (a) The term of each member of the state armory board expires four (4) years from the date of the member's appointment.

(b) If there is a vacancy in the state armory board, the governor may fill the vacancy for the unexpired term.

As added by P.L.2-2003, SEC.7.

IC 10-16-3-4
Compensation

Sec. 4. The members of the state armory board shall perform the duties imposed upon them by this chapter without compensation. However, the state shall pay the actual necessary expenses of the members that are incident to the performance of their duties from the appropriation made for armory purposes.

As added by P.L.2-2003, SEC.7.

IC 10-16-3-5
Erection of armories

Sec. 5. (a) The state armory board shall erect or provide within Indiana armories for the use of the military and naval forces of the state for drill, meeting, and rendezvous purposes by the organization of the military or naval forces occupying the armories.

(b) All property of the United States or of the state issued to the occupying organization for military or naval purposes shall be stored and safely kept in the armories.

As added by P.L.2-2003, SEC.7.

IC 10-16-3-6
Lease or purchase of real estate; erection; occupancy and use

Sec. 6. (a) The state armory board may:

(1) lease real estate from:

(A) the federal, the state, or a local government; or

(B) a federal, state, or local agency; or

(2) purchase real estate throughout the state;

where necessary to provide armories or other military purposes.

(b) The state armory board shall lease or purchase real estate in the name and for the use of the state. The state armory board may erect on the real estate an armory or another appropriate structure to be used for meetings, rendezvous, and drill purposes by the following organizations:

(1) A company.

(2) A battery.

(3) A troop.

(4) A battalion.

(5) A regiment.

(6) A division organization.

(7) An air squadron.

(8) A related group.

(9) An organization authorized by the state board.

The ordnance stores, quartermaster stores, and other property issued to an organization described in this subsection and occupying the armory shall be stored in the armory or other appropriate structure.

(c) The state armory board shall arrange for the occupancy and use of the armories under the direction and responsibility of the senior officer in command of an organization described in subsection

(b).

(d) An armory may not be erected on land that is leased for less than fifty (50) years.

(e) The Indiana wing of the civil air patrol and its subordinate units may use armory facilities without charge when the officer responsible for the armory determines the use would not interfere with operational training requirements of the military forces concerned.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.4.

IC 10-16-3-7

Board for general management; care and custody of armories

Sec. 7. The state armory board shall constitute a board for the general management, care, and custody of the armories. The state armory board may adopt rules for:

(1) the management and government of the armories;

(2) the guidance of the organizations occupying the armories; and

(3) any other purpose consistent with this chapter.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.5.

IC 10-16-3-8

Procurement of property by state or local armory board; trust bid, proposal, or quotation

Sec. 8. (a) This section applies if a contract for the procurement of property by the state armory board or a local armory board is awarded under this chapter by acceptance of bids, proposals, or quotations.

(b) A bid, proposal, or quotation submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

As added by P.L.2-2003, SEC.7.

IC 10-16-3-9

Donations and contributions; reconveyance of property to donor or another entity

Sec. 9. (a) The state armory board may receive from any source donations of real or personal property or contributions of money to aid in the support and assistance of:

(1) the armed forces of Indiana; and

(2) the armed forces of Indiana called or inducted into federal service.

Property received under this subsection shall be held as other property for the use of the state.

(b) Counties, cities, and municipalities may make donations and contributions under subsection (a).

(c) This subsection applies to real or personal property:

(1) donated under subsection (a); and

(2) upon which the state of Indiana has not erected structures.

The state armory board may determine that real property donated under subsection (a) is no longer usable or cannot be used by the military department. The state armory board may certify its determination to the adjutant general. The adjutant general may reconvey the real property to the donor or to another entity or individual that the adjutant general considers appropriate.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.6.

IC 10-16-3-10

Payment of expenses

Sec. 10. All expenses incurred in the operation of state armories shall be paid out of:

(1) the rentals;

(2) the income;

(3) the earnings;

(4) any other receipts; and

(5) any other appropriation provided by law;

to pay the expenses incurred in the operation of the armories.

As added by P.L.2-2003, SEC.7.

IC 10-16-3-11

Financial resources used to promote armed forces or veterans

Sec. 11. The state armory board may use its financial resources to make contributions to organizations that promote the public image of the national guard, the United States armed forces, or veterans of the United States armed forces. These contributions may be made for the following purposes:

(1) Public events.

(2) Activities on Veterans' Day, Memorial Day, the Fourth of July, and other holidays.

(3) Monuments, plaques, or inscriptions that memorialize veterans of United States wars or military actions.

(4) Other appropriate activities that the state armory board approves.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.7.

IC 10-16-3-12

Armories; sale

Sec. 12. (a) If the state armory board receives from the governor information of the disbandment of the organization of the armed forces of Indiana occupying and using an armory, the state armory board shall take charge of the armory.

(b) The state armory board shall sell the armory for the highest price at public or private sale after publication of the sale for a period of ten (10) days and return the proceeds into the state treasury.

As added by P.L.2-2003, SEC.7.

IC 10-16-3-13
Sale or conveyance of real property

Sec. 13. (a) The state armory board may sell, lease, convey, or otherwise dispose of any real property belonging to the state and being under the charge and in the custody and possession of the state armory board if, in the judgment of the state armory board:

(1) the real property can no longer be used for the purpose for which it was acquired; and

(2) the conveyance provides a substantial public or military benefit.

(b) The sale shall be made at public or private sale, after appropriate publication, for the highest price to be obtained for the same. If the state armory board takes bids in the sale of real property, the board shall require a bid submitted by a trust (as defined in IC 30-4-1-1(a)) to identify all of the following:

(1) Each beneficiary of the trust.

(2) Each settlor empowered to revoke or modify the trust.

(c) All money derived from the sale, conveyance, or other disposition of any real property shall be paid into the state treasury, but may be used for the purchase of other real property for armory purposes.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.8.

IC 10-16-3-14
Sale of real property; appraisement

Sec. 14. (a) If the state armory board sells any real property, the value of the property shall be determined by three (3) disinterested appraisers appointed by the state armory board with the approval of the governor.

(b) Real property may not be sold for less than the appraised value of the real property. If the real property cannot be sold at its appraised value, it may be reappraised.

(c) Real property may not be sold unless:

(1) the governor approves the sale; and

(2) the attorney general states in writing that all the conditions necessary to the legal and valid sale of the property have been fully complied with.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.9.

IC 10-16-3-15
Sale of real estate; execution of deed

Sec. 15. (a) The purchaser of real property sold under this chapter or to whom real property is conveyed or otherwise disposed of under this chapter shall pay the purchase money as agreed upon and certified by the state armory board to the treasurer of state for the use and benefit of the state armory board. The purchaser shall take the receipt of the treasurer of state.

(b) The auditor of state shall execute a deed of conveyance to the

purchaser after the purchaser presents the following documents to the auditor of state:

(1) The receipt of the treasurer of state.

(2) A certified resolution approved by the state armory board setting forth the terms and conditions of the sale, conveyance, or other disposition.

The deed of conveyance shall be signed by the governor and officially attested by the auditor of state with the seal of the state.
As added by P.L.2-2003, SEC.7.

IC 10-16-3-16
Accounts and reports

Sec. 16. (a) The state armory board shall report annually of the proceedings incident to the location and management of the armories and a detailed account of disbursements.

(b) The report shall be filed in the office of auditor of state and a copy furnished to the adjutant general for publication in the annual report of the adjutant general's department.
As added by P.L.2-2003, SEC.7.

IC 10-16-3-17
State examiner; examination of transactions

Sec. 17. The state examiner, personally or through the deputy examiners, field examiners, or private examiners, shall make a full and complete examination and report of all transactions of all individuals, persons, trustees, boards, banks, firms, corporations, and others engaged in the acquisition of sites for and the construction of state armories, including examination of the following:

(1) The plans and specifications of armories.

(2) Construction work performed or being performed.

(3) The records of bonds issued and redeemed or proposed to be issued.

(4) The records of all lease contracts for building or maintaining armories.

(5) The records of receipts and earnings of all armories, except those earnings and receipts arising from shows, benefits, and other similar activities engaged in by members of the armories and other volunteers for the use and benefit of the members.

(6) All money handled by the board or boards, by trustees of state armories, by the state armory board or local armory boards, or by the adjutant general, including all appropriations made for armories by the general assembly.

All powers conferred upon the state examiner, deputy examiner, field examiner, private examiner, and the attorney general under IC 5-11-6 by petition are conferred upon these officers, examiners, and the department without any petition. All the powers given these officers, examiners, and the department under any other statute may be used for the purpose of carrying out this chapter.

As added by P.L.2-2003, SEC.7.

IC 10-16-3-18

Engineering and architectural services; compensation of field examiners

Sec. 18. (a) The state examiner, with the approval of the governor, may employ expert engineering and architectural services when necessary to assist the state examiner, deputy examiner, field examiners, or private examiners in making inspections and examinations under this chapter.

(b) The state examiner, with the approval of the governor, shall fix and determine the amount to be paid for the expert service. Field examiners of the state board of accounts, when employed in performing the services provided for in this chapter, are entitled to receive the per diem provided by IC 4-10-11-2 and IC 4-10-11-2.1 for field examiners and all necessary expenses incurred in carrying out their duties as provided for in this chapter.

As added by P.L.2-2003, SEC.7.

IC 10-16-4

Chapter 4. Local Armory Boards

IC 10-16-4-1

Establishment

Sec. 1. (a) There shall be a local armory board at each armory in Indiana.

(b) This subsection applies to an armory that is used and occupied by one (1) military unit. The local armory board consists of the following three (3) members:

(1) One (1) member appointed by the state armory board.

(2) The ranking two (2) officers of the local military unit.

(c) This subsection applies to an armory that is used and occupied by more than one (1) military unit. The local armory board consists of the following members:

(1) One (1) member appointed by the state armory board.

(2) The ranking officer of each major unit using and occupying the armory.

As added by P.L.2-2003, SEC.7.

IC 10-16-4-2

Powers

Sec. 2. (a) The local armory boards shall do the following:

(1) Carry into effect all rules and regulations adopted by the state armory board.

(2) Recommend rules and regulations concerning local matters to the state armory board.

(3) Prescribe their own rules and regulations concerning local matters.

(4) In the absence of any directive or rule from the state armory board, take local actions necessary to maintain and administer the needs of the local armory.

(b) A local armory board shall report any initial action described in subsection (a) to the state armory board for final ratification. An action described in subsection (a) is considered ratified by the state armory board if:

(1) the state armory board does not take any action; and

(2) the local armory board receives notification of any action;

not more than twenty (20) days after the date the local armory board files a report under this subsection.

As added by P.L.2-2003, SEC.7.

IC 10-16-4-3

President

Sec. 3. (a) The senior member of a local armory board shall serve as president of the local armory board.

(b) The president of a local armory board shall do the following:

(1) Report all actions taken by the local board to the state

armory board.

(2) Keep a record of all expenditures, income, and actions authorized by the local board.

(3) Submit an annual report to the state armory board of the information described in subdivisions (1) and (2) by January 15 of each year.

(c) A president of a local armory board is an ex officio member of the state armory board and may attend all meetings concerning the president's armory called by the president of the state armory board. A president of a local armory board may be a voting member of the state armory board only on matters of local concern and of specific nature involving the particular local armory of which the person is president.

As added by P.L.2-2003, SEC.7.

IC 10-16-4-4

Donations and contributions

Sec. 4. (a) A local armory board may receive from counties, cities, and municipalities donations of land or contributions of money to aid in providing or erecting improvements on the armories.

(b) A donation or contribution received under this section shall be held as other property for the use of the state.

As added by P.L.2-2003, SEC.7.

IC 10-16-4-5

Examination of records by state examiner

Sec. 5. The state examiner of the state board of accounts personally, or through the deputy examiners or field examiners, shall make a full and complete examination and report upon the records and receipts of the local armory boards to the extent of and as provided for in the examination of the state armory board under IC 10-16-3-17.

As added by P.L.2-2003, SEC.7.

IC 10-16-4-6

Compensation

Sec. 6. The members of the local armory boards shall perform the duties imposed upon them by this chapter without any compensation for their services. However, the actual expenses incurred by the members of the local armory boards incident to the management and care of the armories are payable from the local armory board funds.

As added by P.L.2-2003, SEC.7.

IC 10-16-4-7

Record of receipts and disbursements; funds; reports

Sec. 7. (a) A local armory board may retain all rental, income, earnings, and any and all other receipts accrued through its operation of the local armory.

(b) The local armory board shall keep a full and complete record of funds the board receives and disburses. The report is subject to audit and submitted to the adjutant general not later than July 1 of each year and at other times as the adjutant general requires.

(c) A local armory board, subject to approval of the state armory board, may expend revenue received for the improvement, including street improvement, alterations, repair, and maintenance of the armory and facilities under its control. The local armory board may expend the funds for the benefit of state military organizations assigned to the local armory. If the funds are not needed for the operation, repair, and maintenance of the armory, or if a military organization is not assigned to the armory, the state armory board may order the funds turned over to the state armory board. The transferred funds may be used for the benefit of other armories of the state or of the national guard of the state or expended as a whole.

As added by P.L.2-2003, SEC.7.

IC 10-16-5

Chapter 5. Military Department of Indiana Ceremonial Unit

IC 10-16-5-1

Organization, maintenance, and purpose of unit

Sec. 1. The adjutant general may organize and maintain a military department of Indiana ceremonial unit. The unit shall be operated for the following purposes:

(1) Rendering appropriate military honors at state functions and at funeral services for those who have served in the military forces of the United States or the state of Indiana.

(2) Preserving the history of the Indiana military through the demonstration of close order marching, drill, and ceremonies.

As added by P.L.2-2003, SEC.7.

IC 10-16-5-2

Members

Sec. 2. The membership of the ceremonial unit must be composed of officers, commissioned or warranted, and other members of the Indiana national guard who volunteer for service in the ceremonial unit and are appointed by the adjutant general or the adjutant general's designee.

As added by P.L.2-2003, SEC.7.

IC 10-16-5-3

Duties of members

Sec. 3. The members of the ceremonial unit shall perform the duties imposed upon them by this chapter in a volunteer status. However, the state armory board shall pay the actual expenses of the members incident to the performance of their duties from donations made to the board for the management and maintenance of the ceremonial unit.

As added by P.L.2-2003, SEC.7.

IC 10-16-5-4

Acceptance of gifts

Sec. 4. The state armory board may receive gifts of money or property from individuals, associations, institutions, or organizations to carry out the purposes of the ceremonial unit.

As added by P.L.2-2003, SEC.7.

IC 10-16-6
Chapter 6. Organization and Personnel

IC 10-16-6-1
Age of personnel

Sec. 1. Under Article 12, Section 1 of the Constitution of the State of Indiana, the militia consists of all persons who are at least eighteen (18) years of age except those persons who are exempted by the laws of the United States or of Indiana.

As added by P.L.2-2003, SEC.7. Amended by P.L.115-2003, SEC.17.

IC 10-16-6-2
Classes of militia

Sec. 2. The militia shall be divided into two (2) classes, the sedentary militia and the national guard, as follows:

(1) The sedentary militia consists of all persons subject to bear arms under the Constitution of the State of Indiana who do not belong to the national guard.

(2) The national guard consists of those able-bodied citizens between the proper ages as established by this article who may be enrolled, organized, and mustered into the service of the state as provided in this article. The organized militia of the state constitutes and shall be known as the Indiana national guard.

As added by P.L.2-2003, SEC.7.

IC 10-16-6-3
National guard

Sec. 3. (a) The Indiana national guard consists of those units:

(1) specified by:

(A) the Secretary of the Army; and

(B) the Secretary of the Air Force; and

(2) approved by the governor.

(b) The composition of authorized units shall be the same as those prescribed for the regular army and the regular air force. The forces of the Indiana national guard shall be fully armed, uniformed, organized, and equipped in accordance with the provisions of the national military establishment regulations governing the regular army and regular air force.

As added by P.L.2-2003, SEC.7.

IC 10-16-6-4
National guard; officers; eligibility

Sec. 4. (a) Officers shall be commissioned by the governor. The governor is, ex officio, the commander in chief.

(b) A commission may not be issued to any officer of the Indiana national guard except to general officers until the officer has passed a satisfactory examination before a board demonstrating:

(1) the officer's knowledge of military affairs proportionate to the office to be held; and

(2) the officer's general knowledge and fitness for the service.

(c) A person is not eligible for appointment:

(1) to the office of adjutant general;

(2) as a major general; or

(3) as a brigadier general;

unless the person has served at least ten (10) years as a commissioned officer of the national guard, army, or air force of the United States.

(d) A person is not eligible for appointment to any staff (other than the governor's honorary staff), corps, or department unless the person has the technical training requisite to qualify for the appointment, to be determined by an examining board appointed for the purpose.

As added by P.L.2-2003, SEC.7.

IC 10-16-6-5

Officers eligibility; preference in appointment

Sec. 5. (a) A person may not be commissioned as an officer of the Indiana national guard unless the person:

(1) is temperate and of good moral character; and

(2) has successfully passed tests as to physical, mental, and professional fitness as may be prescribed by the laws and regulations applicable to the federally recognized national guard.

(b) In the selection and appointment of commissioned officers, preference shall be given to:

(1) a person with prior active military service;

(2) an enlisted person;

(3) a member of the air national guard; and

(4) a graduate of a school teaching military science.

As added by P.L.2-2003, SEC.7.

IC 10-16-6-6

Officers discharge; inactive national guard

Sec. 6. (a) At any time, the moral character, capacity, and general fitness for the service of any Indiana national guard officer may be determined by an efficiency board of three (3) commissioned officers, senior in rank to the officer whose fitness for service is under investigation.

(b) The governor may convene the efficiency board. If the findings of the board are:

(1) unfavorable to the officer; and

(2) approved by the governor;

the officer shall be discharged.

(c) The commission of an officer in the Indiana national guard may be vacated:

(1) upon the officer's resignation;
(2) upon the officer's absence without leave for three (3) months;
(3) upon the recommendation of an efficiency board; or
(4) under a sentence of a court-martial.

However, an officer who has not returned or accounted for all the public property or funds for which the officer is responsible may not receive an honorable discharge or separation.

(d) Officers rendered surplus by the disbandment of their organization or other causes shall be separated from the Indiana national guard or placed in the inactive national guard at the discretion of the governor.

As added by P.L.2-2003, SEC.7.

IC 10-16-6-7
Officers oath

Sec. 7. A commissioned officer of the Indiana national guard, before entering upon the duties of the officer's office, shall take and subscribe to the following oath, or other oath as may be required by national guard regulations:

"I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and the governor of the state of Indiana, that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of _____, in the national guard of the state of Indiana upon which I am about to enter, so help me God.".

As added by P.L.2-2003, SEC.7.

IC 10-16-6-8
Period of enlistment; oath

Sec. 8. (a) The period of enlistment in the Indiana national guard is for the time prescribed by national guard regulations. The qualifications for enlistment must be the same as those prescribed by regulations for admission to the regular army or regular air force or national guard regulations. However, the privilege of continuing the active service during the whole of an enlistment period and of reenlisting in the service may not be denied except as otherwise provided.

(b) An enlisted person of the Indiana national guard shall sign an enlistment contract and take and subscribe to the oath required by national guard regulations.

(c) A federally recognized officer of the Indiana national guard may administer the enlistment oath.

(d) The adjutant general may authorize officers of the services on

duty at armed forces entrance stations to administer the oath of enlistment to an applicant presented to them by an authorized representative of the Indiana national guard for enlistment in the Indiana national guard. The state adjutant general's authorization must be in writing.
As added by P.L.2-2003, SEC.7.

IC 10-16-6-9
Discharge from service

Sec. 9. An enlisted person who is discharged from service in the Indiana national guard shall receive a discharge in writing in the form and with the classification prescribed by national guard regulations. In time of peace, a discharge may be given before the expiration of an enlistment term in the following cases:

(1) By sentence of a general court-martial.
(2) By direction of the governor on account of disability.
(3) On account of sentence of imprisonment by a civil court, whether suspended or not.
(4) On account of a bona fide permanent change of residence to another state.
(5) For the purpose of enlisting in the United States Army, Air Force, Navy, or Marine Corps.
(6) For other causes prescribed by national guard regulations or the commander in chief.

However, an enlisted person who has not returned or accounted for all of the public property for which the enlisted person is responsible may not receive an honorable discharge.
As added by P.L.2-2003, SEC.7.

IC 10-16-6-10
Uniform code of military justice; customs and usage of armed forces of the United States

Sec. 10. All matters relating to:

(1) organization, commissioning, and separation of officers;
(2) enlisting and discharge of enlisted persons; and
(3) discipline and government of the Indiana national guard;

that are not otherwise provided in this article shall be decided by the uniform code of military justice governing the armed forces of the United States, the regulations, customs, and usage of the armed forces of the United States, or national guard regulations.
As added by P.L.2-2003, SEC.7.

IC 10-16-6-11
Inactive national guard

Sec. 11. (a) The inactive national guard of Indiana consists of those federally recognized officers and persons placed in the inactive national guard under the provisions of national guard regulations.

(b) The administration of the inactive national guard shall be in

accordance with applicable national guard regulations.
As added by P.L.2-2003, SEC.7.

IC 10-16-6-12
Retirement

Sec. 12. (a) A commissioned officer:

(1) who serves in the Indiana national guard for at least five (5) years; or

(2) who becomes permanently disabled from performing the officer's duties, irrespective of length of service;

may, upon honorable retirement from the service, whether by resignation or otherwise, and upon application to the adjutant general, be carried upon a roll to be established and maintained in the office of the adjutant general. The roll shall be designated the Indiana national guard retired list.

(b) The commissioned officer may wear, on occasion of ceremony, the uniform of the highest rank held by the officer.

(c) An officer carried on the Indiana national guard retired list, if qualified, is eligible for detail or appointment on the general staff or the staff of any commander when not physically disqualified for military duty. However, if an officer carried on the Indiana national guard retired list is appointed to a staff position as described in this section, the officer shall be recommissioned in the rank to which the officer has been appointed. The officer shall hold this rank during the time of the staff appointment unless the officer is promoted to a higher rank.

(d) If the officer retires for a second time from active service, the officer shall be entered on the Indiana national guard retired list with the officer's highest rank.

(e) An officer whose name appears on the national guard retired list is not entitled to receive any military pay or emolument from the state during the time the officer remains on the national guard retired list unless the officer is specifically assigned to duty on orders from the governor. If the officer is assigned to duty on orders from the governor, the officer is entitled only to the military pay and allowance provided by law for officers of the rank to which appointed.
As added by P.L.2-2003, SEC.7.

IC 10-16-6-13
Rights under state and federal servicemembers civil relief acts

Sec. 13. The Indiana National Guard shall provide to members and reserve members of the Indiana National Guard a list of the rights a servicemember or a servicemember's dependent has under the state and federal servicemembers civil relief acts.
As added by P.L.156-2015, SEC.2.

IC 10-16-7

Chapter 7. Training and Active Duty of National Guard; Benefits of Members

IC 10-16-7-1

"Employer"

Sec. 1. As used in section 6 of this chapter, "employer" refers to an employer:

(1) other than the state or a county, township, municipality, or school corporation in Indiana; and

(2) that employs any employee other than an employee in a temporary position.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-2

"Member"

Sec. 2. As used in section 5 of this chapter, "member" refers to the following:

(1) A member of the Indiana national guard.

(2) A member of a reserve component.

(3) A member of the retired personnel of the naval, air, or ground forces of the United States.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-3

Drills; instruction; encampments; maneuvers; other exercises

Sec. 3. (a) Each detachment and unit in the national guard shall assemble for drill and instruction, including indoor target practice, in accordance with national guard regulations.

(b) In addition, each detachment and unit shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, in accordance with national guard regulations, unless the unit or detachment is excused from participation by the governor.

(c) A commissioned officer and an enlisted person or a member of the Indiana air national guard shall be present and perform all the duties required of the officer, person, or member at each assembly for drill and instruction, encampment, maneuvers, or other exercises, unless regularly excused by competent authority.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-4

Refusal to permit employees to attend drill or other duty

Sec. 4. An employer who knowingly or intentionally refuses to allow a member of the Indiana national guard to attend any assembly at which the member has a duty to perform under this chapter commits a Class B misdemeanor.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-5
Government officers and employees; leave of absence for training or active duty

Sec. 5. (a) This section applies to all officers and employees of the state or any county, township, municipality, or school corporation in Indiana who are members.

(b) A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to regular vacation period without loss of time or pay for the time that the member is:

(1) on training duties of the state under the order of the governor as commander in chief; or

(2) a member of any reserve component under the order of the reserve component authority;

for any consecutive or nonconsecutive period that does not exceed a total of fifteen (15) days in any calendar year. The entitlement to a leave of absence without loss of time or pay provided in this subsection is not at the discretion of the member's employer.

(c) A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to the member's regular vacation period for the total number of days that the member is on state active duty under section 7 of this chapter. A leave of absence provided under this subsection may be with or without loss of time or pay at the discretion of the member's employer.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-6
Leave of absence while on active duty; effect on time or pay

Sec. 6. A member of the Indiana national guard is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to the member's regular vacation period for the total number of days that the member is on state active duty under section 7 of this chapter. The leave of absence may be with or without loss of time or pay at the discretion of the member's employer.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-7
Governor; ordering on state duty; immunity from civil prosecution; order or requisition by President of the United States

Sec. 7. (a) The governor shall order on state duty all or part of the national guard in the following cases:

(1) War.

(2) Invasion.

(3) Insurrection.

(4) Public disaster.

(5) Breach of the peace or imminent danger of breach of the

peace.

(6) Forcible obstruction of the execution of the laws, or reasonable belief that the execution of the laws will be obstructed.

(7) At any other time the governor considers necessary.

(b) A member of the Indiana national guard who is ordered out on duty may not be held civilly liable for any act done by the person in the discharge of the person's military duty. The member may not be subject to criminal prosecution if an alleged criminal act occurred while the member was carrying out the orders of a superior officer that the member reasonably believed to be legal orders under all of the attendant facts and circumstances.

(c) If the President of the United States calls, orders, or requisitions troops, the governor shall first order into the service of the United States the organization and arms of the service specified in the president's requisition.

(d) If a civil suit or proceeding is commenced in any court by any person against any member of the Indiana national guard acting under the authority of an order described in subsection (b), the attorney general shall defend the member. If the action or proceeding is criminal, the governor shall designate counsel to represent the accused and the state will be financially responsible for the expense of the defense of any civil or criminal action incurred. The expenses for the defense shall be paid by the adjutant general out of appropriated funds.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-8

Arrest on civil process while on active duty

Sec. 8. (a) On days of military duty, the Indiana national guard, called out by proper authority and performing military duty, is considered to be under military discipline. An officer or enlisted person is not subject to arrest on any civil process during this time.

(b) For purposes of this section:

(1) an attachment for contempt for failure to obey the command of a subpoena to testify is a civil process; and

(2) a citation for a traffic violation is not a civil process.

As added by P.L.2-2003, SEC.7. Amended by P.L.115-2003, SEC.18.

IC 10-16-7-9

Sheriffs; requesting national guard be called to active duty

Sec. 9. (a) If:

(1) insurrection, rebellion, invasion, tumult, riot, resistance to law or process, breach of the peace, or public disaster, occurs in the vicinity of a station of the Indiana national guard;

(2) the exigencies of a situation make it impossible for the senior commanding officer of the Indiana national guard station to communicate with the governor or the adjutant general; and

(3) the sheriff of the county involved or an officer acting on behalf of the sheriff provides the senior commanding officer of the Indiana national guard station with a written request signed by the sheriff of the county involved or officer stating the facts and the nature of the service desired;

the senior commanding officer may order out the Indiana national guard units at that station and cause them to perform whatever duty is required by the circumstances.

(b) A commanding officer who has called out Indiana national guard units as described in subsection (a) shall immediately report what that officer has done and all the circumstances of the case to the governor. The actions performed shall be considered to have been taken by order of the governor.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-10

Written orders calling to active duty; discretion in carrying out orders

Sec. 10. An officer whose command is called out under section 9 of this chapter and who is reporting to any civil officer may require the civil officer to make the order in writing and prescribe the outline of the duties required of the officer and the officer's command. The officer may decline to obey the orders until the orders are put in writing. Although the commanding officer must obey all lawful written orders of the civil officer, the military officer may use the officer's discretion as to the manner of carrying out the orders if the officer complies with their spirit.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-11

Unlawful assembly; command to disperse

Sec. 11. (a) Except as provided in subsection (b), before using any military force to disperse an unlawful assembly (as defined in IC 35-45-1-1):

(1) the civil officer calling out the military force or a law enforcement officer; or

(2) if a civil officer or law enforcement officer is not present, the officer in command of the troops or the officer's designee;

shall command the persons comprising the unlawful assembly to disperse and retire peaceably to their homes or businesses. A particular form of words is not required in ordering the dispersion of any unlawful assembly.

(b) A person is not required to order an unlawful assembly to disperse if:

(1) giving the order to disperse would put the person in imminent danger of loss of life or great bodily harm; or

(2) the unlawful assembly is engaged in the commission of any felony or is causing violence to a person or property.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-12
Riots and mobs; death, personal injuries, and property damage

Sec. 12. (a) If a person taking part in an unlawful assembly described in this chapter refuses to disperse after having been ordered to disperse in accordance with this chapter or if a command to disperse is not required under this chapter and a civil officer to whom military force is ordered to report, or if a civil officer is not present, then the military officer (or if the command is acting under the direct order of the governor, then the officer within the limits provided in the officer's instructions) shall:

(1) arrest persons taking part in the unlawful assembly; or
(2) disperse the unlawful assembly.

(b) If, in arresting a person or dispersing an unlawful assembly:

(1) a person is killed, wounded, or otherwise injured; or
(2) property is injured or destroyed;

by the civil officer or officer or member of the Indiana national guard, or other persons lawfully aiding them, the officer, member, or person shall be held blameless.
As added by P.L.2-2003, SEC.7.

IC 10-16-7-13
Assault on members; quelling attack

Sec. 13. If a part of the Indiana national guard or a person lawfully aiding the Indiana national guard in the performance of its duty as described in this chapter is attacked or in imminent danger of attack, the commanding officer:

(1) is not required to await orders from a civil authority; and
(2) may quell the attack, disperse the attacking party, and take any other necessary step for the safety of the officer's command.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-14
Right-of-way on streets and highways

Sec. 14. (a) Except as provided in subsection (b), any part of the Indiana national guard parading or performing a lawful duty has the right-of-way in any street or highway through which the Indiana national guard passes.

(b) The Indiana national guard may not interfere with the following:

(1) The carriage of United States mail.
(2) The operations of any fire engine or fire department.
(3) A police vehicle.
(4) Any other emergency vehicle.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-15

Assembly regulating passage and occupancy of streets; offense

Sec. 15. (a) If an unlawful assembly has occurred or is so imminent that the Indiana national guard has been called out under this chapter, the civil officer under whose orders the Indiana national guard is acting or the commanding officer of the Indiana national guard, if it is advisable in subduing or preventing the unlawful assembly, may:

(1) prohibit a person from occupying or making use of a street or place where the Indiana national guard is located; and

(2) otherwise regulate the passage and occupancy of streets and places.

(b) A person who knowingly or intentionally enters a street or remains on a street after being informed that the Indiana national guard has prohibited this conduct commits a Class B misdemeanor.

(c) The officer in command of the Indiana national guard may immediately arrest or order the arrest of a person who violates subsection (b).

(d) If the officer in command of the Indiana national guard has arrested a person in accordance with this section, the officer shall deliver the person to a civil magistrate.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-16

Election day; muster, assembly, review, or parade

Sec. 16. (a) A muster or an assembly for instruction, review, or parade may not be held or called in any county on any day during which a general election, primary election, municipal election, or special election is held in the county, except in case of or imminent danger of riot, invasion, insurrection, or public disaster.

(b) An officer who orders a muster or an assembly on an election day shall forfeit an amount as a court-martial adjudges.

As added by P.L.2-2003, SEC.7. Amended by P.L.219-2013, SEC.74.

IC 10-16-7-17

Pay and allowance

Sec. 17. An officer or enlisted person in active service of the state shall be paid the greater of:

(1) the sum equivalent to the pay and allowances received by officers and enlisted men of the same rank or grade in the service of the armed forces of the United States; or

(2) the sum per day equal to twelve (12) times the hourly federal minimum wage in effect at the time of active service.

However, with the approval of the budget committee, the adjutant general may adjust the pay of an officer or enlisted person to meet the pay and allowance adjustments of officers and enlisted persons of the same rank or grade for service in the armed forces of the United States.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-18

Injury, disability, or disease in line of duty; medical treatment; medical examiner or board; claims

Sec. 18. (a) A member of the Indiana national guard who:

(1) when on duty or assembled for duty, in case of riot, tumult, breach of peace, insurrection, invasion, public disaster or whenever ordered by the governor, the commanding general of the national guard, or called to the aid of civil authorities, is injured, is disabled, or contracts a disease because of the member's duty or assembly; or

(2) without fault or neglect on that member's part, is wounded or disabled while performing any lawfully ordered duty that temporarily incapacitates the member from pursuing the member's usual business or occupation;

shall, during the period of incapacity, receive the pay to which the member was entitled while on or assembled for duty, plus any actual necessary expenses for care and medical attention.

(b) If a claim is made under this section, the adjutant general may cause examinations of the claimant to be made from time to time by a medical officer designated for that purpose by the adjutant general. The adjutant general may direct the removal of a claimant to and treatment in a hospital designated by the adjutant general. If the claimant refuses:

(1) to allow an examination; or

(2) to go to a designated hospital or to otherwise follow the advice or treatment prescribed;

the claimant forfeits and is barred from all right to any claim or allowance under this section.

(c) Under this chapter:

(1) a disability may not be considered temporary if the disability continues for more than one (1) year from the date of receiving the injury or of incurring or contracting the disease or disability; and

(2) pay and expenses for care and medical attendance for more than one (1) year is not allowed.

(d) The adjutant general may appoint a medical examiner or a board of three (3) officers, at least one (1) being a medical officer, to inquire into the merits of any claim arising under this section. However, the adjutant general may determine any claim without appointing a medical examiner and fix the amount to be allowed under this section. A medical examiner or board appointed under this section has the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers and punish their failures to do so as is possessed by a general court-martial. The findings of the medical examiner or board are subject to the approval of the adjutant general, who may return the proceedings of the medical examiner or board for revision and for taking further testimony. The amount found due a member by

the medical examiner or board and approved by the adjutant general of the state shall be paid by the state in the same manner as other military accounts are paid.
As added by P.L.2-2003, SEC.7.

IC 10-16-7-19
Pensions; funeral expenses

Sec. 19. (a) A member of the Indiana national guard who is wounded or disabled or was disabled in the service of the state including service related to:

(1) a riot;
(2) a tumult;
(3) a breach of the peace;
(4) a resistance to process;
(5) an invasion;
(6) a public disaster;
(7) the aid of civil authority; or
(8) a lawfully ordered parade, drill, encampment, or inspection;

within ten (10) years preceding the member's application for a pension under this chapter shall, upon proof of the disability, be placed on the roll of invalid pensioners of the state and shall receive out of money in the state treasury not otherwise appropriated, upon the audit of the adjutant general and approval of the governor, the same pension or reward that a person under similar circumstances would receive from the United States. In case of a wound, an injury, or a disease that results in death, the surviving spouse, dependent children, or dependent parent of the member of the Indiana national guard shall receive the pension and reward dating from the time of receiving the injuries on account of which the pension or reward is allowed. An officer or enlisted person is not entitled while in active service to apply for or receive a pension.

(b) If a member of the Indiana national guard dies in the active service of the state, the member's reasonable funeral expenses, not exceeding eight thousand eight hundred dollars ($8,800), shall be paid by the state in the manner as the governor directs.

(c) This section does not make applicable any provision of the national service life insurance law of the United States, and the pension or reward granted under this section shall be that provided for by the pension laws of the United States in substance, without regard to form.
As added by P.L.2-2003, SEC.7. Amended by P.L.92-2016, SEC.1.

IC 10-16-7-20
False or fraudulent representations; increasing, reducing, or withdrawing

Sec. 20. (a) Before the name of a person is placed upon the pension roll under this chapter, proof must be made under regulations as the adjutant general may prescribe that the applicant is entitled to

a pension.

(b) The adjutant general, with the approval of the governor, shall strike from the pension roll the name of a person if it appears by satisfactory proof that the person was placed on the pension roll through a false or fraudulent representation.

(c) The adjutant general, with the approval of the governor, may increase, reduce, or withdraw any pension according to the right, justice, and practice in the United States Department of Veterans Affairs pension office.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-21

Pension examiners and boards; lump sum payments

Sec. 21. (a) The adjutant general may appoint a pension examiner who shall inquire into the merits of any claim for pay and care and pension, whether pending or adjudicated. The pension examiner may administer oaths, orally examine witnesses, issue subpoenas, and take affidavits and depositions in the course of an examination.

(b) The adjutant general shall appoint examining boards consisting of not more than three (3) medical officers of the Indiana national guard, who shall, under the adjutant general's direction, make an examination of a claimant as directed by the adjutant general. The examining board shall certify the result of its examination in the form prescribed by the adjutant general.

(c) A person who is adversely affected by the report of one (1) medical officer is entitled, upon request, to an examination before a board consisting of three (3) medical officers. The adjutant general, with the approval of the governor and with the consent of the applicant, may commute any pension by payment of a lump sum to be accepted by the applicant in full satisfaction of all claims.

As added by P.L.2-2003, SEC.7.

IC 10-16-7-22

Parenting time; making up lost parenting time

Sec. 22. If a member of the Indiana National Guard or a member of a reserve component of the armed forces of the United States:

(1) is a noncustodial parent (as defined in IC 31-9-2-83);

(2) misses parenting time as provided in an order issued under IC 31-14-14 or IC 31-17-4 due to participating in an activity required under this chapter; and

(3) notifies the custodial parent at least seven (7) days before the member misses the anticipated parenting time described in subdivision (2), unless the member is unable to provide notice due to a government emergency;

the member shall be allowed to make up the lost parenting time at the member's earliest convenience but not later than one (1) month after the member misses the parenting time under this section, if exercising the lost parenting time does not conflict with the child's

school schedule.
As added by P.L.2-2003, SEC.7. Amended by P.L.68-2005, SEC.4.

IC 10-16-7-23
Extension of federal benefits

Sec. 23. (a) As used in this section, "active duty" means:

(1) training or duty under federal law;

(2) state active duty under an order of a governor of another state as provided by law; or

(3) state active duty under section 7 of this chapter;

performed under an order of the governor.

(b) The rights, benefits, and protections of the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to a member of:

(1) the Indiana National Guard; or

(2) the National Guard of another state;

ordered to active duty for at least thirty (30) consecutive days.

(c) With respect to a member or reserve member of:

(1) the Indiana National Guard; or

(2) the National Guard of another state;

ordered to state active duty, a person is not subject to remedies and penalties under this section or IC 10-16-20 for failure to comply with the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., unless the member or member's dependent provides documentation to the person that the person is a member or reserve member of the Indiana National Guard or the National Guard of another state, ordered to state active duty for at least thirty (30) consecutive days.

(d) The rights, benefits, and protections of the federal Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., as amended and in effect on January 1, 2003, apply to a member of:

(1) the Indiana National Guard; or

(2) the National Guard of another state;

ordered to active duty.

(e) Nothing in this section shall be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

(1) the Indiana National Guard; or

(2) the National Guard of another state;

under federal law.
As added by P.L.113-2003, SEC.1. Amended by P.L.156-2015, SEC.3; P.L.103-2016, SEC.1; P.L.116-2016, SEC.1; P.L.99-2016, SEC.2.

IC 10-16-7-24
Administration of "PDHRA"

Sec. 24. (a) As used in this section, "PDHRA" refers to the United

States Department of Defense form "Post-Deployment Health Reassessment" (DD Form 2900) or a successor form adopted by the United States Department of Defense.

(b) As used in this section, "trained health care provider" has the meaning set forth in the United States Department of Defense Instruction 6490.03 or a successor instruction adopted by the United States Department of Defense.

(c) The adjutant general shall require a member of the Indiana National Guard who completes a PDHRA to participate in a face-to-face clinical interview with a trained health care provider concerning the Indiana National Guard member's PDHRA.

(d) The adjutant general may contract with a trained health care provider to provide the clinical interview described in subsection (c).
As added by P.L.54-2010, SEC.1.

IC 10-16-7-25
Transfers of property forfeited to the United States

Sec. 25. For purposes of transfers of property forfeited to the United States under the Controlled Substance Act (21 U.S.C. 881), the Indiana National Guard is designated as a law enforcement agency.
As added by P.L.38-2011, SEC.10.

IC 10-16-8
Chapter 8. Guard Reserve

IC 10-16-8-1
Organization

Sec. 1. (a) To supplement the Indiana national guard, the governor may organize and maintain within Indiana military forces the governor considers necessary to defend Indiana if any part of the Indiana national guard is in active federal service.

(b) The Indiana guard reserve shall be composed of officers, commissioned or assigned, and able bodied citizens who volunteer for service, supplemented, if necessary, by members of the militia enrolled by draft or otherwise as provided by law.

(c) These forces:

(1) are additional to and distinct from the Indiana national guard; and

(2) shall be known as the Indiana guard reserve.

The members of the Indiana guard reserve may be uniformed.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-2
Rules and regulations

Sec. 2. (a) The governor may adopt rules and regulations not inconsistent with this chapter governing the enlistment, organization, administration, equipment, maintenance, training, and discipline of members of the Indiana guard reserve. However, the rules and regulations must conform to applicable law governing and pertaining to the Indiana national guard and the rules and regulations adopted under those laws and under regulations as the Secretary of Defense of the United States may prescribe for the organization, standard of training, instruction, and discipline.

(b) The adjutant general is designated as the commanding officer of the Indiana guard reserve. The administration of the Indiana guard reserve shall be in the state military department.

(c) The governor may disband the Indiana guard reserve at any time the governor considers necessary and safe.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-3
Payment of expenses

Sec. 3. The adjutant general shall determine and pay for administration, operation, training, and all expenses incidental to administration, operation, and training that are incurred in carrying out this chapter.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-4
Requisitions; use of public buildings and property

Sec. 4. (a) For the use of members of the Indiana guard reserve, the governor may requisition from the secretary of defense arms, ammunition, clothing, and equipment that the secretary of defense may issue.

(b) The governor shall make available the facilities of state armories and their equipment and other state premises and property as may be available.

(c) School authorities may allow the use of school buildings and school grounds by the Indiana guard reserve, on the terms and conditions set out by the adjutant general.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-5

Service outside state; insurrectionists; saboteurs; enemies; pursuit beyond state; extradiction

Sec. 5. The Indiana guard reserve may not be required to serve outside Indiana except as follows:

(1) Upon the request of the governor of another state, the governor of Indiana may order any part of or all the Indiana guard reserve to assist the military or police forces of another state who are engaged in defending the other state. The governor may recall these forces.

(2) An organization, a unit, or a detachment of the Indiana guard reserve, upon order of the officer in immediate command of the guard reserve, may continue in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces beyond the borders of Indiana into another state until the insurrectionists, saboteurs, enemies, or enemy forces are apprehended or captured by the organization, unit, or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons. The pursuit is not authorized unless the other state gives authority by law for the pursuit by forces of Indiana. Any persons who are apprehended or captured in another state by an organization, unit, or detachment of the forces of Indiana shall without unnecessary delay be surrendered to the military or police forces of the state in which they are taken or to the United States. The surrender of insurrectionists or saboteurs to the military or police forces of the other state does not constitute a waiver by Indiana of its right to extradite or prosecute the insurrectionists or saboteurs for any crime committed in Indiana.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-6

Military forces of foreign states; pursuit into state

Sec. 6. (a) Military forces, organizations, units, or detachments of

another state that are in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces may continue the pursuit into Indiana until the military or police forces of Indiana or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the insurrectionists, saboteurs, enemies, or enemy forces.

(b) Military forces, organizations, units, or detachments of another state may arrest or capture insurrectionists, saboteurs, enemies, or enemy forces within Indiana while in fresh pursuit. A person who is captured or arrested by the military forces of the other state while in Indiana shall without unnecessary delay be surrendered to the military or police forces of Indiana to be dealt with according to law.

(c) This section may not be construed to make unlawful any arrest in Indiana that would otherwise be lawful. This section does not repeal any provision of IC 35-33-3.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-7

Drafts for military service of United States; exemptions

Sec. 7. This chapter may not be construed to authorize the Indiana guard reserve or any part of the Indiana guard reserve to be called, ordered, or in any manner drafted into the military services of the United States. However, a person may not, by reason of the person's enlistment or commission in the Indiana guard reserve, be exempted from United States military service required under any law of the United States.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-8

Civil organizations; enlistment as unit

Sec. 8. A civil organization, a society, a club, a post, an order, a fraternity, an association, a brotherhood, a body, a union, a league, or any other combination of persons or civil groups may not be enlisted in the Indiana guard reserve as an organization or unit.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-9

Qualifications; citizenship; dishonorable discharge from military organizations

Sec. 9. A person may not be commissioned or enlisted in the Indiana guard reserve if the person is not a citizen of the United States or if the person has been expelled or dishonorably discharged from any military or naval organization of this state, of another state, or of the United States.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-10

Oath of officers

Sec. 10. The oath to be taken by officers commissioned in the Indiana guard reserve shall be substantially in the form prescribed for officers of the national guard, substituting the words "Indiana guard reserve" where necessary.
As added by P.L.2-2003, SEC.7.

IC 10-16-8-11
Term of enlistment; oath of enlisted persons

Sec. 11. A person may not be enlisted for more than three (3) years. However, an enlistment may be renewed. The oath to be taken upon enlistment in the Indiana guard reserve shall be substantially in the form prescribed for enlisted persons of the national guard, substituting the words "Indiana guard reserve" where necessary.
As added by P.L.2-2003, SEC.7.

IC 10-16-8-12
Uniform code of military justice; arrest of members

Sec. 12. (a) If the Indiana guard reserve or any part of the Indiana guard reserve is ordered out for active service or armory drill:

(1) the uniform code of military justice governing the Indiana national guard relating to courts-martial, their jurisdiction, and the limits of punishment; and

(2) the rules and regulations prescribed under the uniform code of military justice;

are in full force and effect as provided for in IC 10-16-9-1.

(b) An officer or enlisted person of the Indiana guard reserve may not be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where ordered to attend for military duty. An officer and enlisted person of the Indiana guard reserve is, during the service in the Indiana guard reserve, exempt from service upon any posse comitatus.
As added by P.L.2-2003, SEC.7.

IC 10-16-8-13
Group insurance

Sec. 13. The adjutant general of Indiana, with the approval of the governor, may procure a policy of group insurance for and covering members of the military forces of Indiana covering and insuring against any injury received or had by members from any accident while on drill or active duty.
As added by P.L.2-2003, SEC.7.

IC 10-16-8-14
Drill and instruction; pay; payrolls

Sec. 14. (a) The members of the Indiana guard reserve provided for in this chapter shall receive pay quarterly for time spent in authorized drill and instruction to be paid from any appropriation enacted for that purpose.

(b) The adjutant general shall:

(1) cause quarterly payrolls to be prepared and submitted; and

(2) provide regulations for the processing of payrolls.

(c) This section applies only to drill and instruction pay and does not apply to payroll for active duty.

As added by P.L.2-2003, SEC.7.

IC 10-16-8-15

Racial group; proportional representation; segregation prohibited

Sec. 15. (a) Adequate provisions shall be made to allow the enlistment and induction of able bodied citizens of each and all racial groups in Indiana into all branches and departments of the Indiana guard reserve organized to defend and enforce the laws of Indiana. To that end, all racial groups in Indiana are entitled to that representation in each branch or department of the Indiana guard reserve in approximate proportion to the group or groups to the population of Indiana. However, this section or any other statute may not be construed so as to allow racial segregation.

(b) Race or color may not be a cause for excluding the application to serve or the service of any person in any branch of service provided for in this chapter.

As added by P.L.2-2003, SEC.7.

IC 10-16-9

Chapter 9. Court-Martial Procedures

IC 10-16-9-1

Uniform code of military justice; trial by civil authorities; killing and injuring during riots; governor's duties

Sec. 1. (a) Except as otherwise provided, if the Indiana national guard is in active service on behalf of the state:

(1) in case of:

(A) public disaster;

(B) riot;

(C) tumult;

(D) breach of the peace; or

(E) resistance of process;

(2) whenever called upon in aid of civil authorities;

(3) under martial law;

(4) at encampments or any scheduled training periods or drills for which a member is entitled to pay, within or outside Indiana; or

(5) upon any other duty requiring the entire time of the Indiana national guard, or any part of the Indiana national guard;

the uniform code of military justice governing the armed forces of the United States with any subsequent change approved by the adjutant general as applicable to Indiana military law is in force and regarded as a part of this article for the Indiana national guard until the Indiana national guard is relieved from duty.

(b) Confinement in a penitentiary under this article must be in a penitentiary in Indiana. An offense committed by the member of the national guard while in active service may be tried and punished by a court-martial lawfully appointed.

(c) Except as provided in subsections (d) and (e), if the accused member of the Indiana national guard is found guilty, the convicted member shall be punished according to the uniform code of military justice and the rules and regulations governing the United States armed forces but within the limits prescribed by federal law for court-martial in the national guard.

(d) If the offense charged is also an offense by the civil law of Indiana, the officer whose duty it is to approve the charge may order the person charged to be turned over to the civil authorities for trial.

(e) Punishment under the rules and articles of the uniform code of military justice that extend to the taking of life may not be inflicted, except in time of actual war, invasion, or insurrection, declared by proclamation of the governor to exist, or to be threatened or anticipated.

(f) If a:

(1) person resisting the laws of the state or unlawfully or riotously assembled for that purpose; or

(2) bystander or other person in the vicinity;

is killed or injured by state forces called into active service under this article and acting in obedience to the orders of its commanding officer, the officer or member of the Indiana national guard is not subject to indictment, trial, or any civil process other than by a court-martial, to be convened for that purpose by the governor.

(g) The finding of the court-martial, when submitted to and approved by the governor, in accordance with the uniform code of military justice, is final and conclusive on all persons.

(h) If an indictment is found or information filed against the person, a writ or other process may not be issued by the clerk of the court where the indictment was returned or information filed against the defendant. The clerk shall immediately transmit to the governor a certified copy, and, upon the receipt of the certified copy, the governor shall cause to be convened a court-martial to determine the truth of the charges and the punishment, if any, to be inflicted.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-2

Military courts

Sec. 2. (a) The military courts of Indiana shall be organized as follows:

(1) General court-martial.

(2) Special court-martial.

(3) Summary court-martial.

(b) The courts shall be constituted, have cognizance of the same subject, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the armed forces of the United States. The proceedings of the courts-martial must follow the forms and modes of procedure prescribed for the courts governing the armed forces of the United States and as approved by the adjutant general.

(c) A general court-martial may be convened by orders of the governor and may try a person subject to military law. The general court-martial may impose fines of not more than two hundred dollars ($200) and sentence a person to:

(1) a forfeit of pay and allowances;

(2) a reprimand;

(3) dismissal or dishonorable discharge from the services;

(4) reduction of noncommissioned officers to the ranks; or

(5) any combination of two (2) or more of the punishments described in subdivisions (1) through (4).

(d) The adjutant general or the commanding officer of each camp or other place, division, regiment, separate battalion, air squadron, group, or other detached command may appoint a special court-martial for that command. However, a special court-martial may be appointed by superior authority if the superior authority considers it desirable. The special court-martial:

(1) may try any person subject to military law, except a

commissioned officer, for any crime or offense made punishable by the military laws of the United States or the state; and

(2) has the same powers of punishment as does a general court-martial, except that fines imposed by the courts may not exceed one hundred dollars ($100).

(e) The adjutant general or the commanding officer of each camp or other place, division, regiment, battalion, company, air squadron, group, or other detachment of the national guard may appoint for the place or command a summary court to consist of one (1) officer, who may administer oaths and try the enlisted persons of the place or command for breaches of discipline and violations of laws when governing the organizations. The court, when satisfied of the guilt of the soldier, may:

(1) impose fines of not more than twenty-five dollars ($25) for any offense;

(2) sentence noncommissioned officers to reduction in rank; and

(3) sentence to forfeiture of pay and allowances.

The proceedings of the court must be informal and the minutes must be the same as prescribed for summary courts of the armed forces of the United States.

(f) All courts-martial of the Indiana national guard, including summary courts, may sentence to confinement instead of imposing an authorized fine if the sentence of confinement does not exceed one (1) day for each one dollar ($1) of fine authorized.

(g) A sentence of dismissal from the service or dishonorable discharge imposed by a national guard court-martial may not be executed until approved by the governor.

(h) A conviction by court-martial that has been approved by the convening authority under this article may be appealed to a military court of appellate review. The military court of appellate review must consist of three (3) Indiana national guard judge advocates appointed to the military court of appellate review by the adjutant general.

(i) Presidents of courts-martial and summary courts officers may do the following:

(1) Issue warrants to arrest an accused person and to bring the person before the court for trial if the person has disobeyed an order in writing from the convening authority to appear before the court. A copy of the charge must be delivered to the accused with the order.

(2) Issue subpoenas duces tecum.

(3) Enforce by attachment attendance of witnesses and the production of books and papers.

(4) Sentence for a refusal to be sworn or to answer as provided in action before civil courts.

(j) All processes of a court-martial, when it is impracticable to be executed by the military forces of the state, shall be:

(1) brought in the name of the state; and

(2) executed by the civil officers designated by the president of the court-martial or summary court officer issuing the process.

The designated civil officer shall execute all processes and return the processes to the officer who issued the processes. The civil officer shall be paid the fees and allowances provided for like processes in civil actions of the state. The fees shall be charged in case of conviction of the accused as a part of the penalty of the offense of which the accused may be convicted whether the punishment for the offense is imprisonment or a fine, or both. The payment of the costs in addition to the payment of the fine imposed shall be enforced by imprisonment until the payment is satisfied, at a rate of one dollar ($1) per day of the costs or fine, or both.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-3

Collection of fines

Sec. 3. (a) Fines may be collected in the following manner:

(1) By the retention of any pay or allowances due or to become due from the state.

(2) By commitment to a jail designated by the reviewing authority until the fine is paid or until one (1) day is served for each one dollar ($1) of the fine imposed.

(3) By payment to the local armory board assigned to the convicted soldier's unit. The local armory board shall immediately transmit the payment to the state armory board, and the sums are appropriated continuously for the purposes of IC 10-16-3-11. It is sufficient to record upon the payroll opposite the name of the person fined a notation of the sentence of the court-martial and the date of approval of the sentence, together with the name and rank of the reviewing authority.

(b) A sentence of imprisonment imposed by a court-martial during active service or at camps of instruction shall be carried out by confinement in a guardhouse, tent, or other places designated by the reviewing authority. A sentence of imprisonment imposed by court-martial upon persons not in active service or at camps of instruction shall be carried out by confinement in a jail to be designated by the reviewing authority.

As added by P.L.2-2003, SEC.7. Amended by P.L.115-2003, SEC.19; P.L.38-2011, SEC.11.

IC 10-16-9-4

Fines; confinement until paid

Sec. 4. If a fine is assessed by a court-martial against a member of the Indiana national guard to whom pay is not due or about to become due, the member of the Indiana national guard fails or refuses to make payment to the treasurer of the state and the proceedings of the court have been approved by the reviewing

authority, the reviewing authority in the case of a general or special court-martial, or the summary court officer in the case of a summary court-martial, shall issue a writ in a form approved by the adjutant general for the confinement of the member of the Indiana national guard until the:

(1) fine has been paid; or

(2) member has served one (1) day for each one dollar ($1) of the fine imposed and costs of the action accrued.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-5

Sheriffs; order of confinement

Sec. 5. If a sentence of imprisonment is to be served in a place other than in a guardhouse or tent, the reviewing authority in the case of a general or special court-martial and the summary court officer in the case of a summary court-martial shall issue to the sheriff of the county where the confinement has been ordered by the reviewing authority an order of confinement in a form approved by the adjutant general.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-6

Disciplinary punishment

Sec. 6. (a) The commanding officer of any detachment, company, or other unit or organization may impose disciplinary punishment upon any enlisted member of the officer's command.

(b) An officer exercising command normally exercised by a general officer may impose disciplinary punishment upon any warrant or commissioned officer of the exercising officer's command.

(c) A punishment imposed by authority of this section may include the following:

(1) Admonition.

(2) Reprimand.

(3) Withholding privileges for up to seven (7) twenty-four (24) hour duty days.

(4) Restriction to specific area limits for up to seven (7) twenty-four (24) hour duty days.

(5) Imposition of a fine of not more than two-thirds (2/3) of one (1) month's pay to which the member would have been entitled during the month of the offense.

(d) A commanding officer may also:

(1) order a member of the officer's command to be confined under correctional custody for not more than eight (8) days;

(2) reduce the member's rank to the next inferior grade; or

(3) order a member confined and reduce the member's rank as provided in subdivisions (1) and (2).

However, only the commanding officer who holds promotion

authority over the member charged with an offense may prescribe the punishment of correctional custody, fine, or reduction in rank.

(e) Fines shall be collected as directed under section 3 of this chapter.

(f) Confinement shall be carried out in compliance with sections 5 and 11 of this chapter.

(g) This section may not be construed to be a waiver of the right to trial by court-martial.

(h) A sentence may not be executed until the right of appeal has been exhausted or waived as prescribed in the uniform code of military justice.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-7

Arrest of members

Sec. 7. (a) Officers, warrant officers, and enlisted persons of the Indiana national guard may be placed in arrest by their military superiors for violations of military offenses committed during periods of authorized military duty.

(b) If any member of the Indiana national guard fails or refuses to report to the member's appointed place of duty, the commanding officer may:

(1) arrest or cause to be arrested the member; and

(2) have the member brought before the commanding officer at the member's unit or organization headquarters.

(c) If military personnel are not available to make the arrest or if the commanding officer considers it advisable, the commanding officer may issue a warrant to any sheriff, constable, or other law enforcement officer authorized to serve warrants of arrest under civil law. The law enforcement officer shall serve the warrant in the same manner as other warrants of arrest and make return of the warrant to the commanding officer issuing the warrant.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-8

Marshals

Sec. 8. (a) The president or military judge of a general and a special court-martial and a summary court officer may each appoint by warrant and at any time remove one (1) or more marshals. A marshal shall do the following:

(1) If ordered by the president of a general or special court-martial or summary court officer, execute any process, mandate, or order issued by the president or court or officer.

(2) Perform all acts and duties authorized to be performed by any sheriff, marshal, or constable under this article.

(b) A commanding officer imposing disciplinary punishment under section 6 of this chapter may request the summary court officer having jurisdiction over the unit to appoint a marshal to carry out the

process, mandate, or order issued by the commanding officer.
As added by P.L.2-2003, SEC.7.

IC 10-16-9-9
Civil proceedings against military members preferring charges; sentences or executing process and writs

Sec. 9. An action on civil proceeding may not be presented against:

(1) any member of the armed forces of Indiana who prefers charges against any person subject to military discipline; or

(2) any member of a military court or officer or person acting under the court's authority or reviewing its proceedings on account of the:

(A) approval, imposition, or execution of any sentence;

(B) imposition or collection of a fine or penalty; or

(C) execution of any warrant, writ, execution, process, or mandate of a military court.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-10
Jurisdiction; presumptions and burden of proof

Sec. 10. The jurisdiction of the courts and boards established by this chapter is presumed, and the burden of proof rests on any person seeking to oust the courts or boards of jurisdiction in any action or proceedings.
As added by P.L.2-2003, SEC.7.

IC 10-16-9-11
Jails; designating place of confinement; sentence served on consecutive day basis

Sec. 11. (a) The reviewing authority shall designate:

(1) the jail of any county; and

(2) when ordered out of the state for duty, an appropriate place of confinement;

as the place where any sentence of confinement by a military court shall be executed.

(b) With regard to punishment under section 6 of this chapter, confinement shall be at the county jail designated by the officer holding appellate jurisdiction over the case and having the advice of a staff judge advocate as to the legality of the proceedings. However, at the discretion of the officer holding appellate jurisdiction, short term confinement may be carried out in an acceptable municipal jail.

(c) Unless the commanding officer who ordered the sentence directs otherwise, a sentence of confinement or correctional custody shall be served on a consecutive day basis.
As added by P.L.2-2003, SEC.7.

IC 10-16-9-12

Disorderly conduct in presence of court-martial

Sec. 12. (a) A person connected with the military service:

(1) shall treat a court-martial with respect; and

(2) in default of respectful consideration, may be proceeded against by arrest and trial.

(b) A person who is not connected with the military service shall behave with respect and decorum toward a court-martial.

(c) A person who engages in disorderly conduct in the presence of a court-martial commits a Class C infraction.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-13

United States military laws and regulations

Sec. 13. The general principle and spirit of the military laws and regulations for the government of the armed forces of the United States, when not in conflict with the express provisions of this chapter or the Constitution of the State of Indiana, shall be the guide of commanding officers and courts-martial.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-14

Lack of form not vitiating proceedings

Sec. 14. A lack of form may not vitiate the proceedings of a court-martial.

As added by P.L.2-2003, SEC.7.

IC 10-16-9-15

Administration of oaths

Sec. 15. An officer may administer oaths when necessary under this article.

As added by P.L.2-2003, SEC.7.

IC 10-16-10
Chapter 10. Public Property and Military Equipment

IC 10-16-10-1
Security of property; pecuniary liability of officers and enlisted personnel

Sec. 1. (a) The officer in permanent or temporary command of a station is responsible for the security of all public property of the command, whether in use or in store. Although for purposes of periodical accountability to proper authorities, the public property has been officially accepted and receipted for by any subordinate officers, the commanding officer is responsible and pecuniarily liable for the strict observance of the regulations in regard to its preservation, use, and issue. The officer shall take care that:

(1) all storehouses are properly guarded;
(2) only reliable agents are employed; and
(3) only trustworthy enlisted persons are detailed for duty in storehouses or in connection with the property.

(b) If an officer, a soldier, or an airman responsible for state and federal property:

(1) resigns;
(2) is promoted;
(3) is dismissed; or
(4) is discharged;

the officer, soldier, or airman shall deliver all arms, accoutrements, or stores only to the officer appointed to receive the arms, accoutrements, or stores and take duplicate receipts for the arms, accoutrements, or stores and file a duplicate receipt with the adjutant general. In case of the death of an officer, a soldier, or an airman responsible for state and federal property, the next in command shall immediately take charge of the arms, accoutrements, or stores and deliver them to the person appointed to receive the arms, accoutrements, or stores. However, if the officer, soldier, or airman is commissioned in place of the deceased, the officer, soldier, or airman shall execute and file duplicate receipts for the arms, accoutrements, and stores with the adjutant general.

(c) An officer responsible for state and federal property shall be charged for any damage to or loss or destruction of the property unless the officer shows to the satisfaction of the adjutant general, by proper evidence, that the damage, loss, or destruction was caused by unavoidable causes and without fault or neglect on the officer's part.

(d) If an article of state or federal property is lost or damaged by the neglect or fault of an officer, a soldier, or an airman, the officer, soldier, or airman shall pay for the value of the property or the cost of repairs, in a sum to be determined by the proper authority, upon the demand of the adjutant general.

(e) The amount charged against an enlisted solider or airman on the muster and payrolls for loss of or damage or repairs to military

property may not exceed the value of the article or cost of repairs. The charge may only be made:

(1) on conclusive proof; and

(2) with an inquiry if the soldier or airman demands it.

(f) The adjutant general may pay from the funds appropriated to the military department for operating expenses the expenses necessary for the apprehension and prosecution of any person absconding with property belonging to the state or United States if the person is not in Indiana.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-2

Board of survey; collection of damages or losses

Sec. 2. (a) If an officer, a soldier, or an airman or a former officer, soldier, or airman responsible for any national guard, state or federal equipment, property, or military stores has:

(1) failed to return the property or any part of the property on demand of proper authority;

(2) damaged the property beyond the injury resulting from the necessary use of the arms or other issues; or

(3) caused a deficiency in the number or quantity of the state and federal arms, property, or military stores;

the amount of the unnecessary damages or losses shall be determined by a board of survey appointed in accordance with appropriate national guard regulations.

(b) The amounts due under subsection (a) shall be collected by law in the name of the state of Indiana and paid into the state military fund.

(c) The attorney general shall bring the suit in the name of the state of Indiana and cause the amounts collected to be paid into the state military fund.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-3

Items exempt from execution for debt

Sec. 3. The uniforms, arms, and equipment of a member of the national guard, together with any military property of any detachment company, battery, battalion, regiment, division, air squadron, or group, are exempt from execution for debt.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-4

Property no longer of value to national guard

Sec. 4. If property owned by the state for the use of the Indiana national guard is determined by the governor or the adjutant general to not be of value to the Indiana national guard, the governor or the adjutant general may enter in the records of the military department an entry to the effect that the property is not valuable to the Indiana

national guard.
As added by P.L.2-2003, SEC.7.

IC 10-16-10-5
Sales of property no longer of value to national guard

Sec. 5. (a) If an entry under section 4 of this chapter is made, the governor or adjutant general may order the property sold at public or private sale as in their judgment will be for the best interests of the state.

(b) Payment for a sale of property under subsection (a) shall be made in cash to the adjutant general who shall:

(1) enter of record the receipt of the money;
(2) turn the property over to the purchaser; and
(3) pay the money to the treasurer of the state.

The money becomes and remains a part of the military fund to be used for the benefit of the Indiana national guard.
As added by P.L.2-2003, SEC.7.

IC 10-16-10-6
Loan companies or pawnbrokers; reports

Sec. 6. A loan company or pawnbroker that possesses a license issued by the state or by a municipal corporation shall make a report, in writing, to the adjutant general, on a form prescribed and furnished by the adjutant general, showing, by item and serial number, all property of the United States government:

(1) received as security for a loan or loans of money; or
(2) purchased or otherwise obtained without the advancement of a loan;

and which is marked with the words "Property of the United States Government" or is stamped as to indicate that it is the property of one (1) of the military branches of the United States government.
As added by P.L.2-2003, SEC.7.

IC 10-16-10-7
Loan companies or pawnbrokers; permits to sell government property

Sec. 7. A loan company or pawnbroker may not sell or otherwise dispose of any property described in section 6 of this chapter, unless the loan company or pawnbroker has obtained a written permit from the adjutant general authorizing the sale or disposition of the property and that states that the property:

(1) cannot be identified as being the property of the United States government or of any of its military branches; and
(2) may be lawfully sold or otherwise disposed of according to the laws of Indiana and the United States.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-8

Seizure of military property

Sec. 8. (a) An officer shall report illegal disposition of property.

(b) All law enforcement officers and all commissioned and noncommissioned officers of the national guard shall seize immediately all military property:

(1) found in the possession of any person who is not the legal custodian or owner of the property; or

(2) from a person who may secrete, sell, dispose of, offer for sale, purchase, or retain the military property;

after a demand has been made upon the person or the person's legal representative for the return of the military property.

(c) A law enforcement officer, commissioned officer, or noncommissioned officer of the national guard shall report the officer's action to the adjutant general.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-9

Payment of bills or accounts

Sec. 9. (a) A bill or an account may not be made by an officer or enlisted person with a view of the bill or account being paid by the state unless the expenditure is expressly authorized by the laws of Indiana or the adjutant general.

(b) An account may not be paid unless it is accompanied by vouchers or receipts showing by whomever paid or are to be paid, to whom paid, date of service, authority for, and amount of the expenditure, and for what purpose the expenditure was made.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-10

Failure to account for money or property

Sec. 10. A personal payment may not be made under this article to the accountable officer of an organization or unit who does not fully and satisfactorily account to the adjutant general for all money paid or property issued to the accountable officer under this article.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-11

Accounting of state and federal property; use of public property for personal benefit prohibited

Sec. 11. (a) Federal property loaned to the state for use by the Indiana national guard or other purposes shall be issued and accounted for in the manner prescribed by national guard regulations or other pertinent federal directives.

(b) State property shall be issued and accounted for in the manner prescribed by the governor or state laws.

(c) All public property:

(1) shall be used in the manner and for the purposes intended in the public service; and

(2) may not be used by an individual for the individual's personal benefit, pleasure, or gain.

As added by P.L.2-2003, SEC.7.

IC 10-16-11
Chapter 11. Military Funds

IC 10-16-11-1
Appropriation

Sec. 1. The general assembly may appropriate the sums necessary to constitute a contingency fund to be known as the governor's civil and military contingency fund.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-2
Governor's civil and military contingency fund; expenses; warrants for payment

Sec. 2. The governor's civil and military contingency fund:

(1) remains in the state treasury; and

(2) shall be drawn on the warrant of the governor:

(A) for the expenses as may accrue under this chapter; and

(B) to pay the expenses of all encampments ordered or approved by the governor, inspections, courts-martial, boards of inquiry, inspection, examination, and survey, and pay of officers and soldiers on state active duty.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-3
Governor's civil and military contingency fund; organization of national guard; boards of examination, inquiry, and survey; collection of fines

Sec. 3. The governor may, by general order:

(1) provide for the disbursement of the governor's civil and military contingency fund for the proper organization of the national guard and the promotion of its discipline, instruction and military efficiency;

(2) appoint boards of examination, inquiry, and survey; and

(3) provide for the collection of any fine, penalty, or forfeiture due from any officer or member of the Indiana national guard out of any payment to be made to the officer or member by the state.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-4
Council of administration

Sec. 4. (a) The commanding officer of a company and regiment shall convene a council of administration at least two (2) times each year.

(b) A council of administration must consist of:

(1) three (3) officers next in rank to the commanding officer;

(2) if there are only two (2) officers next in rank, then the next two (2);

(3) if there is only one (1) officer next in rank, then the next one (1); or

(4) if there is not any other officer other than the commanding officer, then the commanding officer shall act alone.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-5

Council of administration; record of proceedings; publication

Sec. 5. (a) The junior member of the council shall:

(1) record the proceedings of the council in a book; and

(2) submit the book to the commanding officer.

(b) If the commanding officer disapproves the proceedings and the council, after reconsideration, adheres to its decisions, a copy shall be sent by the commanding officer to the next higher commander. The decision of the next higher commander:

(1) is final; and

(2) shall be entered in the council book.

The decision and council book shall be published for the information and government of all concerned.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-6

Council of administration; signatures on records

Sec. 6. (a) The proceedings of councils of administration shall be signed by the senior member of the council and recorded. The recorder of each meeting, after entering the whole proceedings, together with the final order, shall deposit the book with the commanding officer.

(b) The approval or disapproval of the officer ordering the council shall be signed by the officer.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-7

Council of administration; audit and settlement of accounts

Sec. 7. The council of administration shall:

(1) audit and settle the account of the organization for which the council is appointed; and

(2) pass specific resolves for all expenditures of the funds of the organization.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-8

Compensation; personally present for duty; payrolls; signatures

Sec. 8. (a) An officer or a member of the Indiana national guard may not receive any compensation for duty at drills, parades, or encampments unless personally present for the duty, whether excused or not. A substitute for the member may not receive compensation.

(b) Officers and members shall sign payrolls before the last day of services for duty performed. The signature of a soldier shall be made in the presence of the member's commanding officer. If the member signs by mark, the mark must be attested to by the officer.

(c) The payrolls described in subsection (b) shall be prepared and submitted according to the orders and regulations of the state military department.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-9

Failure to render satisfactory accounts

Sec. 9. An officer of the Indiana national guard charged with the disbursement or safekeeping of public money or of any of the funds authorized to be established by this article who does not:

(1) render to the proper authorities a satisfactory account of the money; or

(2) pay over to a successor the money:

(A) in the officer's hands; or

(B) the officer failed satisfactorily to account for;

shall be proceeded against as is provided in cases of fines by court-martial. The proceedings of the council of administration shall be taken as evidence in the case.

As added by P.L.2-2003, SEC.7.

IC 10-16-11-10

Trustee; other funds; separate funds

Sec. 10. (a) The governor, as trustee, may receive from the Secretary of Defense of the United States the funds:

(1) designated as "Other Funds" in the custody of the Secretary of Defense;

(2) that were collected by certain Indiana national guard organizations for their own use and benefit; and

(3) that have not been disposed of because the Indiana national guard organizations for whose benefit the funds were collected have been broken up and have never been reconstituted.

(b) The governor, as trustee, may receive from any branch of the United States government any military funds that may be recovered from the United States government. The funds received shall be:

(1) paid into the state treasury; and

(2) kept as a separate and distinct fund; and

(3) distributed for the benefit of the Indiana national guard.

The funds are appropriated in the manner determined by the governor.

As added by P.L.2-2003, SEC.7.

IC 10-16-12
Chapter 12. Awards and Decorations

IC 10-16-12-1
Establishment of awards and decorations

Sec. 1. The following awards and decorations are established to be bestowed upon the officers and enlisted persons of the armed forces of Indiana under the conditions and in the manner provided in this article:

(1) An Indiana Distinguished Service Cross shall be awarded to any commissioned officer or enlisted person of the militia, who:

(A) performs, at great personal danger and risk of life or limb in peace or war, any act of heroism designed to protect life or property; or

(B) in the face of a military or armed enemy of the United States government or of the state of Indiana, performs an act over and beyond the call of duty, which act, danger, or risk the officer or enlisted person could have failed to perform or incur without being subject to censure for neglect of duty.

(2) An Indiana Distinguished Service Medal shall be awarded to a commissioned officer or an enlisted person of the militia and other officers, enlisted persons, and civilians, who perform unusually distinguished or meritorious service, that:

(A) to a marked degree is reflected in the increased efficiency of the militia; or

(B) brings exceptional and great honor or credit to the Indiana armed forces and commands the attention and respect of the citizens of Indiana and of the military establishment throughout the United States.

(3) Long Service Medals shall be awarded to officers and enlisted persons for honest and faithful service in the federally recognized Indiana national guard for periods of:

(A) ten (10) years;

(B) fifteen (15) years;

(C) twenty (20) years;

(D) twenty-five (25) years; and

(E) for longer periods.

A symbol shall be worn on the ribbon of each medal, one (1) for each year in addition to the period for which the medal was issued, until the officer or enlisted person is entitled to a medal for the next period for which a different long service medal is issued.

(4) An Indiana national guard commendation medal shall be awarded to any commissioned officer or enlisted person of the militia and other officers, enlisted persons, and civilians, who have distinguished themselves by meritorious achievement or meritorious service. The required meritorious achievement or meritorious service while of lesser degree than that required for

the award of the Indiana distinguished service medal must have been accomplished with distinction. The award may be made for acts of outstanding courage that do not meet the requirements for award of the Indiana distinguished service medal. It is particularly desirable that emphasis be placed on the award of this decoration to outstanding company grade officers, warrant officers, and enlisted personnel whose achievements and service meet the prescribed standards.

(5) An Indiana Emergency Service Ribbon shall be awarded to all currently assigned officers, warrant officers, and enlisted members of the Indiana national guard who have served on state active duty during a state emergency. For purposes of this subdivision, "state emergency" means any emergency for any period declared by the governor or the adjutant general. The Indiana emergency service ribbon shall be awarded to denote honorable state active military duty by members of the Indiana army and air national guard during state emergencies.

(6) Other medals for any war or campaign or mobilization for which a medal has not been awarded by the federal government may be:

(A) established by executive order of the governor; and

(B) awarded to members of any federally recognized military force of the state who participated in the military force.

(7) An Air National Guard First Sergeant Ribbon is authorized for a currently assigned member who serves or has previously served as a first sergeant in the Indiana Air National Guard, if the member meets the criteria set forth in clause (A). A request for an award, including a retroactive award, must be submitted in the manner set forth in clause (B), and meet any other criteria established by the adjutant general. The ribbon shall consist of a plain blue field with a silver diamond device in the center, and no medal shall accompany the award of the ribbon. The ribbon shall be awarded as follows:

(A) In recognition of meritorious service by a member of the Indiana Air National Guard who has served in the first sergeant career field, Special Duty Identifier 8F000, and who meets the following criteria:

(i) Has been assigned to a valid first sergeant position for at least three (3) years.

(ii) Graduated from either the United States Air Force Academy or the Army National Guard First Sergeant Academy.

(B) The individual unit commander of a member of the Indiana Air National Guard who meets the criteria set forth in clause (A) shall submit a letter to the wing commander, recommending the member for the award based upon the member's contributions, conduct, and demonstrated leadership as a first sergeant. If the wing commander

approves, the wing commander shall forward the letter of recommendation to the military personnel flight commanding officer for action. If the wing commander disapproves, the wing commander shall return the letter of recommendation to the unit commander.

(C) The adjutant general shall establish procedures for the award presentation ceremony following accepted practice and miliary tradition.

(8) An Indiana Funeral Honors Ribbon shall be awarded to all members of the Indiana Air National Guard, the Indiana Army National Guard, retired members of the Indiana Air National Guard and Indiana Army National Guard, and members of veterans' organizations who have been trained and certified by the United States Department of Defense as Department of Defense Funeral Honors participants. The Indiana Funeral Honors Ribbon shall be awarded to denote honorable and distinguished service in the performance of military funerals and similar activities within Indiana.

For the purposes of this article, officers and enlisted persons of the regular army assigned to the armed forces of Indiana as instructors and assistant instructors shall be considered as officers and enlisted persons of the Indiana armed forces.

As added by P.L.2-2003, SEC.7. Amended by P.L.38-2011, SEC.12; P.L.169-2013, SEC.1.

IC 10-16-12-2

Character and design of medals and decorations

Sec. 2. The medals and decorations provided for in this chapter must be of a character and design that shall be decided upon and approved by a board of officers of the federally recognized Indiana national guard selected by the adjutant general by order of the governor. The board shall select proper and appropriate designs for medals and ribbons and symbols that reflect the history and traditions of Indiana.

As added by P.L.2-2003, SEC.7.

IC 10-16-12-3

Recommendations and applications for awards; rules and procedures

Sec. 3. The governor, through the military department, shall publish general orders necessary to:

(1) carry out this chapter; and

(2) prepare the rules and procedure by which recommendations or applications shall be made for any of the awards and decorations established under this chapter and for the method and manner of approving the recommendations and applications and the making of awards.

As added by P.L.2-2003, SEC.7.

IC 10-16-13

Chapter 13. Naval Battalion

IC 10-16-13-1

Organization of naval militia by naval or military schools

Sec. 1. In addition to the military forces authorized in Indiana, a naval or military school in Indiana that is receiving recognition from the United States Department of the Navy may organize not more than four (4) companies of naval militia that constitute a battalion to be known as the naval battalion of the Indiana national guard.

As added by P.L.2-2003, SEC.7. Amended by P.L.7-2015, SEC.31.

IC 10-16-13-2

Commandant of school

Sec. 2. The naval battalion is under the command of the commandant of the school, who shall hold the ex officio rank of lieutenant colonel.

As added by P.L.2-2003, SEC.7.

IC 10-16-13-3

Officers; rank

Sec. 3. The officers of each naval battalion consist of one (1) commander and a staff to consist of the following:

(1) One (1) executive officer, with the rank of lieutenant commander.

(2) One (1) navigating officer and four (4) watch officers with the rank of lieutenant.

(3) One (1) chief engineer, one (1) paymaster, and one (1) surgeon, each with the rank of lieutenant.

As added by P.L.2-2003, SEC.7.

IC 10-16-13-4

Composition of companies; cadet officers, petty officers, and enlisted persons

Sec. 4. Each company consists of the following:

(1) One (1) cadet lieutenant.

(2) One (1) cadet lieutenant (junior grade).

(3) One (1) cadet ensign.

(4) At least forty (40) and not more than one hundred (100) petty officers and enlisted persons.

As added by P.L.2-2003, SEC.7.

IC 10-16-13-5

Commissions of officers

Sec. 5. (a) The commissions of the battalion officers shall be issued by the governor upon the recommendation of the commandants and of the chairman of the board of trustees of the school.

(b) The commissions of cadet officers may be issued by the commandant. However, a cadet officer may not acquire any authority over militiamen other than a cadet of the school because of the issuance of the commission of cadet officer.
As added by P.L.2-2003, SEC.7.

IC 10-16-13-6
Officers; evidence of fitness

Sec. 6. The graduation and service of retired or honorably discharged United States naval officers and graduates of the United States Naval Academy may be accepted as evidence of fitness without further examination for appointment as officers of the naval battalion.
As added by P.L.2-2003, SEC.7.

IC 10-16-13-7
Age for enlistment; term of enlistment

Sec. 7. The minimum age for the enlistment of cadets is fourteen (14) years of age and the minimum term of enlistment is one (1) year.
As added by P.L.2-2003, SEC.7.

IC 10-16-13-8
End of school term

Sec. 8. When the regular term of the naval school is over for the year, the officers and cadets of the schools may:

(1) return to their homes; and
(2) be excused from weekly drills and from other duties and formalities;

until the school reopens, unless the officers and cadets are called together for special duty by the governor or the President of the United States.
As added by P.L.2-2003, SEC.7.

IC 10-16-13-9
National guard regulations; pay and allowances

Sec. 9. (a) In all matters not otherwise specifically provided for, the provisions of this article that provide for the organization of the Indiana national guard apply to the naval battalion.

(b) An officer or a cadet of the school may not receive from the state any allowance for uniform or any pay for drills, target practice, or any other military or naval duties unless called into the service of the state by the governor in accordance with IC 10-16-7-17.
As added by P.L.2-2003, SEC.7.

IC 10-16-13-10
Conforming to customs and usages of navy

Sec. 10. (a) The general routine of duty, discipline, and exercise of naval battalions and posts must conform with the laws, customs,

and usages of the navy, as far as the laws, customs, and usages of the navy apply.

(b) If the laws, customs, and usages of the navy do not apply, then the routine of duty, discipline, and exercise must conform to the laws governing the volunteer forces of the state.

As added by P.L.2-2003, SEC.7.

IC 10-16-14
Chapter 14. Naval Force

IC 10-16-14-1
Creation of naval force

Sec. 1. In addition to the land military forces of the state, there is established a naval force to be known as the Indiana naval force.
As added by P.L.2-2003, SEC.7.

IC 10-16-14-2
Commander in chief; duties of adjutant general; rules and regulations

Sec. 2. (a) The governor is the commander in chief of the Indiana naval force.

(b) The naval force is under the immediate command and jurisdiction of the adjutant general. The adjutant general has all the rights, powers, and duties in connection with the naval force as the adjutant general has in connection with the land military forces.

(c) The governor, as commander in chief, may:

(1) make all necessary rules; and

(2) issue orders;

the governor considers necessary for the organization, administration, and discipline of the naval force. The rules must conform, as far as practicable, with the military and naval laws of the state and the United States.
As added by P.L.2-2003, SEC.7.

IC 10-16-14-3
Laws applicable to naval forces

Sec. 3. All provisions of law relating to governing, maintaining, and equipping the land military forces of Indiana apply equally to and govern the naval forces, except for provisions that are inconsistent with the different nature of the service.
As added by P.L.2-2003, SEC.7.

IC 10-16-14-4
Vessels, boats, and equipment

Sec. 4. The commander in chief may accept from the United States Navy or from any other source for the naval force, and use any vessel, lifeboat, boat gear, boat equipment, life-saving equipment, rifles, field pieces, and other naval equipment or life-saving equipment necessary to properly safeguard the lives and property of the citizens of Indiana.
As added by P.L.2-2003, SEC.7.

IC 10-16-15
Chapter 15. Marine Corps Battalion

IC 10-16-15-1
Creation of marine corps battalion

Sec. 1. In addition to the land military forces of the state authorized by law, there is established a naval force to be known as the Indiana marine corps battalion of militia.

As added by P.L.2-2003, SEC.7.

IC 10-16-15-2
Commander in chief; duties of adjutant general; divisions; officers; rules and regulations

Sec. 2. (a) The governor is the commander in chief of the marine corps militia forces of Indiana.

(b) The marine corps militia shall be under the immediate command and jurisdiction of the adjutant general. The adjutant general has all the rights, powers and duties in connection with the marine corps militia, as the adjutant general has in connection with the land military forces.

(c) The marine corps battalion of militia shall be divided into the following three (3) divisions by the adjutant general:

(1) One (1) for the southern division of the state.
(2) One (1) for the northern division.
(3) One (1) for the central division.

The adjutant general shall determine where each division shall be located.

(d) A person may not be appointed as an officer of the marine corps militia who does not hold a United States marine corps reserve commission.

(e) The governor, as commander in chief, may:

(1) make all necessary rules; and
(2) issue orders;

the governor considers necessary for the organization, administration, and discipline of the marine corps militia. The rules must conform, as far as practicable, with the military and naval laws of Indiana and the United States.

As added by P.L.2-2003, SEC.7.

IC 10-16-15-3
Laws applicable to marine corps militia forces

Sec. 3. All provisions of law relating to governing, maintaining, and equipping the land military forces of Indiana apply equally to and govern the marine corps militia forces, except provisions that are inconsistent with the different nature of the service.

As added by P.L.2-2003, SEC.7.

IC 10-16-15-4

Vessels, boats, and equipment

Sec. 4. The commander in chief may accept and use from the United States Navy, or from any other source, for the marine corps militia any vessel, lifeboat, boat gear, boat equipment, life-saving equipment, rifles, field pieces, and any other naval equipment or life-saving equipment necessary to properly safeguard the lives and property of the citizens of Indiana.

As added by P.L.2-2003, SEC.7.

IC 10-16-15-5

Lieutenant colonel in command

Sec. 5. (a) The lieutenant colonel in command of the battalion of the marine corps militia shall be appointed by the governor from the regular marine corps reserve officers in Indiana.

(b) The lieutenant colonel shall act as chief of staff subject to the orders of the:

(1) governor;

(2) adjutant general; and

(3) major general commandant of the United States Marine Corps.

As added by P.L.2-2003, SEC.7.

IC 10-16-16

Chapter 16. Military Academy Officers and Miscellaneous Provisions

IC 10-16-16-1

Active and reserve duty military personnel jury service exemption

Sec. 1. An individual who serves on:

(1) active duty; or

(2) reserve duty while on military orders;

in the armed forces of the United States or the Indiana National Guard is exempt from service on any jury in any court of Indiana.

As added by P.L.2-2003, SEC.7. Amended by P.L.151-2007, SEC.1; P.L.19-2015, SEC.1.

IC 10-16-16-2

Violations

Sec. 2. A person who:

(1) fails to perform a duty imposed on the person by this article; or

(2) otherwise violates this article;

commits a Class C infraction.

As added by P.L.2-2003, SEC.7.

IC 10-16-16-3

Military academies; officers

Sec. 3. Upon recommendation of the superintendent of any military, naval, or air academy in Indiana where:

(1) there is stationed by the United States Department of Defense at least one (1) officer; and

(2) there is established at least one (1) unit of the reserve officers training corps;

upon approval of the adjutant general, the governor may appoint the members of faculties and staffs as officers. In the unassigned Indiana national guard, the appointment may not be above the rank of colonel. In the Indiana naval forces, the appointment may not be above the rank of lieutenant commander.

As added by P.L.2-2003, SEC.7.

IC 10-16-16-4

Applicability of military or naval laws to military academy officers

Sec. 4. The military or naval laws of Indiana pertaining to the Indiana national guard or the Indiana naval forces do not apply to officers appointed under section 3 of this chapter. These commissions do not have any authority over the Indiana armed forces.

As added by P.L.2-2003, SEC.7.

IC 10-16-16-5

Expiration of military academy officer commissions

Sec. 5. The commissions made under section 3 of this chapter are in force at the pleasure of the governor and during the term of the governor and expire:

(1) at the end of the term of office of the governor who made the appointment; and

(2) upon the termination of any officer as a member of the faculty or staff of the military, naval, or air academy.

As added by P.L.2-2003, SEC.7.

IC 10-16-17
Chapter 17. Division of Graves Registration

IC 10-16-17-1
Director

Sec. 1. The director of the division of graves registration established by the adjutant general shall:

(1) be a member of a patriotic organization;
(2) be appointed by the adjutant general; and
(3) serve without compensation.

As added by P.L.2-2003, SEC.7.

IC 10-16-17-2
Burial permits; veterans

Sec. 2. (a) A burial permit may not be issued by an officer in Indiana having authority to issue burial permits until the following information is secured, if practicable, and except where an immediate burial should be made to avoid the danger of contagion:

(1) Was the deceased a veteran of any of the wars in which the United States has been engaged?
(2) If so, what is the date when the veteran entered the service, and what is the date on which the veteran was discharged?
(3) What medals and decorations were won by the veteran?
(4) What was the division or regiment in which the veteran was enlisted?

(b) If the death certificate shows that the deceased was a veteran of any war in which the United States has been engaged, that information shall be placed upon the burial permit.

As added by P.L.2-2003, SEC.7.

IC 10-16-17-3
Appropriations

Sec. 3. There is annually appropriated to the governor an amount of not more than one thousand dollars ($1,000) from the state general fund to pay any expenses that are incurred in the administration and enforcement of this chapter.

As added by P.L.2-2003, SEC.7.

IC 10-16-18

Chapter 18. Stout Field; Ban on Commercial Flights

IC 10-16-18-1

Contracts for commercial flying

Sec. 1. A contract may not be entered into by the adjutant general or the armory board that provides for the use of Stout Field, Indianapolis, for purposes of commercial flying by transportation companies.

As added by P.L.2-2003, SEC.7.

IC 10-16-19

Chapter 19. Civil Air Patrol

IC 10-16-19-1

Application; discipline of employees of political subdivisions

Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

(1) is a member of the civil air patrol; and

(2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or

(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.

(2) Reinstatement to the employee's former position.

(3) Fringe benefits wrongly denied or withdrawn.

(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant (as defined in IC 35-31.5-2-261) who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44.1-1-3(b).

As added by P.L.10-2007, SEC.5. Amended by P.L.114-2012, SEC.23; P.L.126-2012, SEC.30.

IC 10-16-19-2

Application; discipline of employees of private employers

Sec. 2. (a) This section applies to an employee of a private employer who:

(1) is a member of the civil air patrol; and

(2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(b) Except as provided in subsection (c), the employer may not discipline an employee:

(1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or

(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(c) After an employer is notified under subsection (a)(2) that an employee is a member of the civil air patrol, the employer may reject the notification on the grounds that the employee is an essential employee to the employer. If an employer rejects the notification of an employee under this subsection:

(1) subsection (b) does not apply to the employee; and

(2) the employee shall promptly notify the commander or other officer in charge of the civil air patrol of the rejection of the employee's notification under subsection (a)(2).

(d) The employer may require an employee who has been absent from employment as set forth in subsection (b)(1) or (b)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

As added by P.L.10-2007, SEC.5.

IC 10-16-20

Chapter 20. Servicemembers Civil Relief Act

IC 10-16-20-1

Violations; application

Sec. 1. A violation of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is a violation of this chapter. This chapter is intended to supplement rights and protections provided in the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

As added by P.L.156-2015, SEC.4.

IC 10-16-20-2

Definitions

Sec. 2. The following definitions apply throughout this chapter:

(1) "Military service" means:

(A) in the case of a servicemember who is a member or reserve member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:

(i) full-time training duty;

(ii) annual training duty; and

(iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;

(B) in the case of a member or reserve member of the Indiana National Guard, service under a call to active:

(i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or

(ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;

(C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service;

(D) in the case of a member or reserve member of the national guard of another state, service under an order by the governor of that state to active duty for a period of more than thirty (30) consecutive days; or

(E) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) "Servicemember" means an individual engaged in military service.

As added by P.L.156-2015, SEC.4. Amended by P.L.103-2016, SEC.2; P.L.116-2016, SEC.2; P.L.99-2016, SEC.3.

IC 10-16-20-3
Rights and protections of servicemember's dependent

Sec. 3. After giving notice to a plaintiff, as applicable, the dependent of a servicemember has the same rights and protections provided to a servicemember under Title II of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 521 through 527).
As added by P.L.156-2015, SEC.4.

IC 10-16-20-4
Contract terminations; resubscriptions; refunds

Sec. 4. (a) In addition to the rights and protections regarding consumer transactions, contracts, and service providers included in Title III of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 531 through 538), a servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of service of at least ninety (90) days to a location that does not support the contract.

(b) This section applies to a contract to provide any of the following:

(1) Telecommunication services.
(2) Internet services.
(3) Television services.
(4) Athletic club or gym memberships.
(5) Satellite radio services.

(c) Termination of a contract must be made by delivery of a written or electronic notice of the termination and a copy of the servicemember's military orders to the service provider. If a servicemember terminates a contract, the service provider shall provide the servicemember with a written or electronic notice of the servicemember's rights posted on the Indiana National Guard's Internet web site as required by IC 10-16-6-13.

(d) For any contract terminated under this section, the service provider under the contract may not impose an early termination charge.

(e) Any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid at the time of termination of the contract shall be paid by the servicemember.

(f) If the servicemember resubscribes to the service provided under a contract described in subsection (b) that was terminated under this chapter during the ninety (90) day period immediately following when the servicemember has returned from service, the service provider may not impose any charges or services fees, other than the usual and customary charges and fees for the installation or acquisition of customer equipment imposed on any other subscriber.

(g) Not later than sixty (60) days after the effective date of the termination of a contract described in subsection (b), the service

provider under the contract shall refund to the servicemember all fees paid for services that extend past the termination date of the contract.
As added by P.L.156-2015, SEC.4.

IC 10-16-20-5
Civil action to enforce chapter

Sec. 5. A civil action to enforce this chapter or IC 10-16-7-23 may be brought in any court with jurisdiction by the attorney general against any person that knowingly or intentionally violates any provision of this chapter. The court may:

(1) issue an injunction;
(2) order the person to make a payment of money;
  (A) unlawfully received from; or
  (B) required to be refunded to;
one (1) or more servicemembers;
(3) order the person to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action; and
(4) order the person to pay to the state a civil penalty not greater than five thousand dollars ($5,000) per violation.

However, a court may not proceed if relief from the violation has already been granted under the federal Servicemembers Civil Relief Act.
As added by P.L.156-2015, SEC.4.

IC 10-17

ARTICLE 17. VETERANS' AFFAIRS

IC 10-17-1

Chapter 1. Indiana Veterans' Affairs

IC 10-17-1-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to sections 5 and 9 of this chapter and the addition of section 11 of this chapter by P.L.144-2007 apply to employees who begin employment with the Indiana department of veterans' affairs or a county or a city under section 9 of this chapter as amended by P.L.144-2007, as applicable, after June 30, 2007.
As added by P.L.220-2011, SEC.238.

IC 10-17-1-1

Purpose of chapter

Sec. 1. The purpose of this chapter is to create a department with full authority to aid and assist veterans of the armed forces of the United States entitled to benefits or advantages provided on or after March 3, 1945, by the United States, the state, or another state or government.
As added by P.L.2-2003, SEC.8.

IC 10-17-1-1.5

"Commission"

Sec. 1.5. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by IC 10-17-13-4.
As added by P.L.113-2010, SEC.72.

IC 10-17-1-2

Establishment of department

Sec. 2. (a) The Indiana department of veterans' affairs is established. The:

(1) department;
(2) commission;
(3) director of veterans' affairs;
(4) county and city officers; and
(5) assistants and employees of persons described in subdivisions (1) through (4);

acting under the supervision of and under the rules of the department may act at the request of any veteran of the armed forces or a veteran's spouse, surviving spouse, or dependent as necessary or reasonably incident to obtaining or attempting to obtain for the person making the request any advantage, benefit, or compensation accruing, due, or believed to be accruing or due to the person under any law of the United States, Indiana, or any other state or government by reason of the service of the veteran in the armed

forces of the United States.

(b) The:

(1) commission shall supervise and control the department; and

(2) director of veterans' affairs shall administer the department under the commission's supervision and control;

as provided in this article.

(c) The domicile of the department is in Indianapolis. Suitable offices and quarters shall be provided in Indianapolis.

As added by P.L.2-2003, SEC.8. Amended by P.L.113-2010, SEC.73.

IC 10-17-1-3

Repealed

(As added by P.L.2-2003, SEC.8. Repealed by P.L.113-2010, SEC.170.)

IC 10-17-1-4

Powers of commission; reporting

Sec. 4. The commission shall do acts necessary or reasonably incident to the fulfillment of the purposes of this chapter, including the following:

(1) Adopt rules under IC 4-22-2 to administer this chapter.

(2) Advise the veterans' state service officer in problems concerning the welfare of veterans.

(3) Determine general administrative policies within the department.

(4) Establish standards for certification of county and city service officers.

(5) Establish and administer a written examination for renewal of the certification of county and city service officers.

(6) Submit, not later than December 31 of each year, an annual report to the legislative council in an electronic format under IC 5-14-6 and to the governor concerning the welfare of veterans.

As added by P.L.2-2003, SEC.8. Amended by P.L.169-2013, SEC.2; P.L.99-2016, SEC.4; P.L.108-2016, SEC.1.

IC 10-17-1-4.5

Unclaimed remains of veterans; standards for approval of veterans' service organizations; duties; immunity

Sec. 4.5. (a) The definitions under IC 23-14-54.5-2 through IC 23-14-54.5-6 apply to this section.

(b) As used in this section, "cremated remains" has the meaning set forth in IC 23-14-31-7.

(c) A veterans' service organization may apply to the department for approval to receive the following from a licensed funeral director under IC 23-14-54.5:

(1) Verification information.

(2) Cremated remains of a veteran or dependent of a veteran.

(d) The department shall establish standards that a veterans' service organization must meet to receive approval by the department under this section, including:

(1) an application for approval;

(2) the information that a veterans' service organization is required to submit to the department; and

(3) criteria and standards for approval.

(e) If a veterans' service organization meets the standards established by the department under subsection (d), the department shall approve the veterans' service organization for eligibility to receive verification information and cremated remains under IC 23-14-54.5.

(f) The department shall:

(1) maintain a list, with names and contact information, of veterans' service organizations that have been approved under subsection (e); and

(2) publish the list on the department's Internet web site.

(g) The department shall prepare and provide, upon request, sample forms for transfer of cremated remains and release of liability between a funeral director and an approved veterans' service organization.

As added by P.L.90-2016, SEC.1.

IC 10-17-1-5

Director of veterans' affairs

Sec. 5. (a) The position of director of veterans' affairs is established. The governor shall appoint the director for a four (4) year term. However, the term of office of the director terminates when the term of office of the governor terminates or when a successor to the director is appointed and qualified. The director must be:

(1) an honorably discharged veteran who has at least six (6) months active service in the armed forces of the United States; and

(2) a citizen of Indiana and a resident of Indiana for at least five

(5) years immediately preceding the director's appointment.

(b) The director is entitled to reimbursement for necessary traveling and other expenses.

(c) The governor may remove the director if the governor considers the director guilty of misconduct, incapability, or neglect of duty.

(d) The governor shall appoint an assistant director of veterans' affairs. The assistant director is entitled to receive reimbursement for necessary traveling and other expenses. The assistant director has the same qualifications as the director of veterans' affairs and shall assist the director in carrying out this chapter.

As added by P.L.2-2003, SEC.8. Amended by P.L.144-2007, SEC.6.

IC 10-17-1-6
Duties of director

Sec. 6. (a) The director of veterans' affairs:

(1) is the executive and administrative head of the Indiana department of veterans' affairs; and

(2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

(1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.

(2) To appoint the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must qualify for the job concerned.

(3) To carry out the program for veterans' affairs as directed by the governor and the commission.

(4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.

(5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.

(6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work, including information necessary to inform veterans of the provisions of IC 22-9-10.

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the military family relief fund.

(9) To establish a program and set guidelines under which a medal of honor awardee may receive compensation when attending and participating in official ceremonies.

As added by P.L.2-2003, SEC.8. Amended by P.L.58-2006, SEC.7; P.L.144-2007, SEC.7; P.L.100-2012, SEC.25; P.L.136-2014, SEC.1.

IC 10-17-1-7
Powers of attorney

Sec. 7. (a) A power of attorney authorizing action on behalf of a veteran in obtaining a benefit or an advantage for a veteran provided under Indiana law must run to an authorized agency or individual recognized by the United States Department of Veterans Affairs.

(b) A rule contrary to this section is void.

As added by P.L.2-2003, SEC.8. Amended by P.L.144-2007, SEC.8.

IC 10-17-1-8
Commission contracts with the United States

Sec. 8. The commission may adopt rules necessary to:

(1) obtain benefits under present and future enactments of the Congress of the United States concerning veterans' affairs; and

(2) enter into on behalf of the state contracts or agreements with the government of the United States to receive benefits under present and future federal enactments concerning veterans' aid and benefits.

A contract or agreement entered into under subdivision (2) must first be approved by the governor and attorney general.

As added by P.L.2-2003, SEC.8.

IC 10-17-1-9

County service officer, city service officer, and assistants

Sec. 9. (a) A county executive:

(1) shall designate and may:

(A) appoint a county service officer for a four (4) year term; or

(B) employ a county service officer; and

(2) may employ service officer assistants;

to serve the veterans of the county.

(b) The mayor of a city may employ a service officer and may employ service officer assistants to serve the veterans of the city.

(c) If the remuneration and expenses of a county or city service officer are paid from the funds of the county or city employing the service officer, the service officer shall:

(1) have the same qualifications and be subject to the same rules as the director, assistant director, and state service officers of the Indiana department of veterans' affairs; and

(2) serve under the supervision of the director of veterans' affairs.

A service officer assistant must have the same qualifications as an employee described in section 11(b) of this chapter. A rule contrary to this subsection is void.

(d) County and city fiscal bodies may appropriate funds necessary for the purposes described in this section.

As added by P.L.2-2003, SEC.8. Amended by P.L.144-2007, SEC.9; P.L.105-2014, SEC.1; P.L.108-2016, SEC.2.

IC 10-17-1-10

Training courses; service officers

Sec. 10. (a) Within thirty (30) days of their appointment, new county, or city service officers must attend a new service officer orientation presented by the Indiana department of veterans' affairs and, according to the standards established under section 4(4) of this chapter, become certified to assist veterans and their dependents and survivors. The curriculum for the new service officer orientation presented under this subsection shall be determined by the director.

(b) Within one (1) year of appointment, new service officers must

attend a course presented by a national organization and become accredited to represent veterans.

(c) An individual employed as a county, or city service officer under this chapter is required to become accredited by a national veterans service organization through the United States Department of Veterans Affairs Office of General Counsel not later than one (1) year from the date of individual's employment, in order to represent veterans.

(d) Annually, all county, or city service officers shall undergo a course of training to adequately address problems of discharged veterans in the service officer's county, or city, including a thorough familiarization with laws, rules, and regulations of the federal government and the state that affect benefits to which the veterans and dependents of the veterans are entitled. After a service officer has undergone this sustainment training and successfully passed a written test, the service officer shall be recertified by the director to assist veterans for the following year.

As added by P.L.2-2003, SEC.8. Amended by P.L.169-2013, SEC.3; P.L.99-2016, SEC.5.

IC 10-17-1-11

Employment requirements

Sec. 11. (a) The following employees of the Indiana department of veterans' affairs must satisfy the requirements set forth in section 5(a) of this chapter:

(1) State service officers.

(2) Director of the state approving agency.

(3) Program directors of the state approving agency.

(4) Director of the Indiana state veterans' cemetery established by IC 10-17-11-4.

(b) An employee of the Indiana department of veterans' affairs not described in subsection (a) must:

(1) satisfy; or

(2) be the spouse, surviving spouse, parent, or child of a person who satisfies;

the requirements set forth in section 5(a) of this chapter.

As added by P.L.144-2007, SEC.10.

IC 10-17-2
Chapter 2. County Recording of Military Discharge

IC 10-17-2-1
Book for recording

Sec. 1. To provide a special and permanent record of discharges from a branch of the military service of the United States of members of a branch of the service who are residents of Indiana, the county recorder shall procure a sufficiently large and well bound book of good material in which the county recorder shall record all discharges.

As added by P.L.2-2003, SEC.8.

IC 10-17-2-2
Recording; index

Sec. 2. A book providing for the recording of discharges from the army, navy, or any other branch of the service must consist of printed forms in blank, similar to and in conformity with the wording of the forms of discharge used by the United States government, the size of type being reduced to permit the printing of the form of the discharge on one (1) page of the record. Each book must be provided with an alphabetical index.

As added by P.L.2-2003, SEC.8.

IC 10-17-2-3
Recorders; duties; fee prohibited

Sec. 3. A fee may not be collected for recording a discharge under this chapter. The recorder shall immediately provide the discharged person with a certified copy of the discharge at no charge in accordance with IC 10-17-3-2.

As added by P.L.2-2003, SEC.8.

IC 10-17-2-4
Person to whom a discharge record may be released; record maintained in separate, confidential, and secure file

Sec. 4. (a) As used in this section, "photographic identification" means an identification document that:

(1) shows the name of the individual to whom the document was issued;

(2) shows a photograph of the individual to whom the document was issued;

(3) includes an expiration date indicating that the document has not expired; and

(4) was issued by the United States or a state or territory of the United States.

(b) A discharge record is not a public record under IC 5-14-3. A county recorder may provide a certified copy of a discharge record only to the following persons:

(1) The veteran who is the subject of the discharge record if the veteran provides photographic identification.

(2) A person who provides photographic identification that identifies the person as a county or city service officer.

(3) A person who provides photographic identification that identifies the person as an employee of the Indiana department of veterans' affairs.

(4) A person who:

(A) is a funeral director licensed under IC 25-15; and

(B) assists with the burial of the veteran who is the subject of the discharge record;

if the person provides photographic identification and the person's funeral director license.

(5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate.

(6) The following persons, if the person provides photographic identification:

(A) The attorney in fact of the person who is the subject of the discharge record, if the attorney in fact provides a copy of the power of attorney.

(B) The guardian of the person who is the subject of the discharge record, if the guardian of the person provides a copy of the court order appointing the guardian of the person.

(C) The personal representative of the estate of the deceased, if the person who is the subject of the discharge record is deceased and the personal representative of the estate provides a copy of the court order appointing the personal representative of the estate.

(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file.

(d) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.

As added by P.L.174-2007, SEC.1. Amended by P.L.103-2016, SEC.3.

IC 10-17-3
Chapter 3. Certified Copies of Discharge Documents

IC 10-17-3-1
"Honorably discharged veterans"

Sec. 1. As used in this chapter, "honorably discharged veterans" includes persons placed on inactive duty under honorable conditions but not discharged from military service.

As added by P.L.2-2003, SEC.8.

IC 10-17-3-2
Copies necessary to secure benefits to military personnel

Sec. 2. The state or a political subdivision shall provide upon request, without charge or fee, one (1) certified copy of a document or record if it is shown that the certified copy is necessary to secure benefits to:

(1) members of the military service;
(2) honorably discharged veterans; or
(3) surviving spouses or dependents of an individual described in subdivision (1) or (2);

under a federal or state law.

As added by P.L.2-2003, SEC.8.

IC 10-17-3-3
Fees for document copies

Sec. 3. The state or a political subdivision may collect a charge per copy of not more than the amount specified in IC 36-2-7-10(b) if a person requests more than one (1) certified copy of the document or record. The funds received under this section shall be placed in the general fund of the state or county.

As added by P.L.2-2003, SEC.8.

IC 10-17-4

Chapter 4. Leave of Absence for Military Training

IC 10-17-4-1

Restoration to former position; seniority; pay

Sec. 1. (a) This section is subject to IC 10-16-7-5 and IC 10-16-7-6.

(b) A person who:

(1) is a qualified member of the reserve components of the armed forces;

(2) is a member of the Ready Reserve;

(3) is a member of an organized unit;

(4) in order to receive military training with the armed forces of the United States not to exceed fifteen (15) days in one (1) calendar year:

(A) leaves a position other than a temporary position in the employ of an employer; and

(B) provides evidence:

(i) defining date of departure and date of return for purposes of military training ninety (90) days before the date of departure; and

(ii) of the satisfactory completion of the training immediately after the training is completed; and

(5) is qualified to perform the duties of the position described in clause (A);

is entitled to be restored to the person's previous or a similar position with the same status and pay.

(c) Seniority continues to accrue during a period of absence described in subsection (a), and the period of absence for military training must be construed as an absence with leave. At the discretion of the employer, the leave may be with or without pay.

As added by P.L.2-2003, SEC.8. Amended by P.L.260-2003, SEC.3.

IC 10-17-4-2

Vacation; sick leave; bonus; advances and other advantages

Sec. 2. Absence for military training does not affect an employee's right to receive normal vacation, sick leave, bonus, advancement, and other advantages of the employee's particular position.

As added by P.L.2-2003, SEC.8.

IC 10-17-4-3

Action for damages

Sec. 3. If an employer fails to comply with sections 1 and 2 of this chapter, an employee may:

(1) bring an action at law for damages for the employer's noncompliance; or

(2) apply to the circuit court, superior court, or probate court for equitable relief that is just and proper under the circumstances.

As added by P.L.2-2003, SEC.8. Amended by P.L.84-2016, SEC.58.

IC 10-17-4-4

Reserve member of armed forces called to receive temporary military training; restoration to former position; compensation and benefits

Sec. 4. (a) This section is subject to IC 10-16-7-5 and IC 10-16-7-6.

(b) A person who, as a reserve member of the armed forces of the United States, is called upon to receive temporary military training is entitled to a temporary leave of absence from the person's employer not to exceed fifteen (15) days per calendar year. A person described in this section shall:

(1) provide the employer with evidence of the dates of the person's departure and return as soon as practicable before the person's departure; and

(2) furnish the employer, upon the person's return, evidence of the person's satisfactory completion of the training.

Upon the person's return, the person shall be restored to the person's previous or similar position, with the same status that the person held before leaving for the person's training period.

(c) A leave granted under this section may be granted, with or without pay, within the discretion of the employer.

(d) A temporary leave of absence granted under this section does not affect the rights of the person to vacation leave, sick leave, or other normal benefits of the person's employment.

As added by P.L.2-2003, SEC.8. Amended by P.L.260-2003, SEC.4.

IC 10-17-4-5

Action for damages

Sec. 5. An employer that refuses to grant an employee a temporary leave of absence as provided in section 4 of this chapter is subject to a suit for any damages sustained by the person denied the leave of absence.

As added by P.L.2-2003, SEC.8.

IC 10-17-5
Chapter 5. Veteran Benefits

IC 10-17-5-1
World War II benefits to veterans of other wars

Sec. 1. A person who:

(1) served in the:

(A) armed forces of the United States in World War II;

(B) active military or naval service on or after September 16, 1940, and before the termination of World War II;

(C) armed forces of the United States during the Korean crisis on or after June 25, 1950; or

(D) armed services of the United States during the Vietnam conflict on or after August 5, 1964;

(2) sustained injury or disease in the line of duty:

(A) as a direct result of armed conflict;

(B) while engaged in extra-hazardous service, including service under conditions simulating war; or

(C) while the United States was engaged in war; and

(3) was discharged or released from the service specified under subdivision (1) under conditions other than dishonorable;

and the spouse, surviving spouse, or child of a person described in subdivisions (1) through (3) who is a resident of Indiana has the rights and privileges held by soldiers, sailors, nurses, or other veterans, spouses, surviving spouses, and children of World War I under section 2 of this chapter or other statutes.

As added by P.L.2-2003, SEC.8.

IC 10-17-5-2
Civil War benefits to veterans of other wars

Sec. 2. The:

(1) soldiers and sailors of World War I;

(2) soldiers and sailors of the war with Spain;

(3) soldiers and sailors of the war in the Philippine Islands;

(4) soldiers who were in service on the Mexican border during the years 1916 and 1917; and

(5) soldiers and sailors who are in the regular service of the United States;

who are residents of Indiana and the surviving spouses and orphans of individuals specified in subdivisions (1) through (5) have the rights and privileges held by the soldiers and sailors of the Civil War and the surviving spouses and orphans of the soldiers and sailors of the Civil War.

As added by P.L.2-2003, SEC.8.

IC 10-17-5-3
World War I benefits to nurses

Sec. 3. (a) A nurse who:

(1) served as a nurse during World War I with the armed forces of the United States;

(2) was honorably discharged from service; and

(3) is a resident of Indiana;

has the benefits, rights, privileges, and immunities conferred under Indiana law upon honorably discharged soldiers, sailors, and marines who served in World War I.

(b) The benefits, rights, privileges, and immunities described in subsection (a) that are conferred under Indiana law upon a representative, an heir, or a relative of an honorably discharged deceased soldier, sailor, or marine who served in the armed forces of the United States during World War I are also conferred upon a representative, an heir, or a relative of a deceased nurse described in subsection (a).

As added by P.L.2-2003, SEC.8.

IC 10-17-6

Chapter 6. Contracts of Minor Veterans Under Servicemen's Readjustment Act of 1944

IC 10-17-6-1

Authorization to execute contracts

Sec. 1. (a) A person who is:

(1) less than twenty-one (21) years of age; and

(2) authorized to participate in the rights, privileges, and benefits conferred by the federal Servicemen's Readjustment Act of 1944, as amended, and other acts of Congress granting a right, privilege, or benefit to veterans;

and the minor spouse of a person described in subdivisions (1) and (2) may execute a contract that is necessary to the full realization of the rights, privileges, and benefits conferred under the federal law if the person is otherwise competent to enter into agreements and contracts.

(b) A contract entered into under subsection (a) by a person who is less than eighteen (18) years of age has the same force and effect as contractual obligations of a person who is at least eighteen (18) years of age.

As added by P.L.2-2003, SEC.8.

IC 10-17-7

Chapter 7. Dependent Benefits of Vietnam Prisoners

IC 10-17-7-1

"Dependent"

Sec. 1. As used in this chapter, "dependent" means a child:

(1) born before or during the period during which the child's father was a prisoner of war or person missing in action; or

(2) legally adopted or in the legal custody of the child's father before and during the period during which the father was a prisoner of war or person missing in action.

As added by P.L.2-2003, SEC.8.

IC 10-17-7-2

"Prisoner of war or person missing in action"

Sec. 2. As used in this chapter, "prisoner of war or person missing in action" means a person who:

(1) was a resident of Indiana at the time the person entered service of the United States armed forces; and

(2) while serving in the United States armed forces, was declared a prisoner of war or a person missing in action as established by the United States Secretary of Defense after January 1, 1960.

As added by P.L.2-2003, SEC.8.

IC 10-17-7-3

Educational benefits

Sec. 3. (a) A dependent of a prisoner of war or person missing in action, upon the person's acceptance for enrollment in a state educational institution, may obtain a bachelor's degree or certificate of completion without tuition or charge as long as the dependent is eligible.

(b) A dependent is entitled to the benefits of this chapter notwithstanding any circumstance, including the return of the father or the reported death of the father.

As added by P.L.2-2003, SEC.8. Amended by P.L.2-2007, SEC.149.

IC 10-17-8
Chapter 8. Reporting of Veterans Exposed to Chemicals

IC 10-17-8-1
"Agent orange"

Sec. 1. As used in this chapter, "agent orange" means the herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

As added by P.L.2-2003, SEC.8.

IC 10-17-8-2
"Department"

Sec. 2. As used in this chapter, "department" refers to the Indiana department of veterans' affairs.

As added by P.L.2-2003, SEC.8.

IC 10-17-8-3
"Director"

Sec. 3. As used in this chapter, "director" refers to the director of veterans' affairs.

As added by P.L.2-2003, SEC.8.

IC 10-17-8-4
"Veteran"

Sec. 4. As used in this chapter, "veteran" means an individual who:

(1) was a resident of Indiana:

(A) at the time of the individual's induction into the armed forces of the United States; or

(B) on or before March 31, 1983; and

(2) served in Vietnam, Cambodia, or Laos during the Vietnam conflict.

As added by P.L.2-2003, SEC.8.

IC 10-17-8-5
Exposure reports; forms

Sec. 5. (a) A physician who has primary responsibility for treating a veteran who believes the veteran may have been exposed to chemical defoliants or herbicides or similar agents, including agent orange, while serving in the armed forces of the United States shall, at the request of the veteran, submit a report to the department on a form provided by the department. If there is no physician having primary responsibility for treating the veteran, the hospital treating the veteran shall, at the request of the veteran, submit the report to the department. If the veteran desires to submit a report directly to the department, the veteran must submit the report on a form provided by the department and made available to the veteran at physicians' offices, hospitals, and county courthouses.

(b) The department shall provide forms to all physicians, hospitals, and county courthouses in Indiana for distribution to a veteran who believes that the veteran may have been exposed to chemical defoliants or herbicides or similar agents while serving in the armed forces of the United States. Forms provided under this subsection must request the following information:

(1) Symptoms of the veteran that may be related to exposure to a chemical defoliant or herbicide or similar agent, including agent orange.

(2) Diagnosis of the veteran.

(3) Methods of treatment prescribed.

(c) The department may require the veteran to provide other information determined by the director.

As added by P.L.2-2003, SEC.8.

IC 10-17-8-6

Compilation of information; report by department

Sec. 6. (a) The department, in consultation and cooperation with a department certified medical toxicologist and herbicide specialist, shall compile information submitted under this chapter into a report. The report must contain an evaluation of the information and shall be distributed annually to the legislative services agency, the United States Department of Veterans Affairs, the state department of health, and other veterans groups. The report must also contain:

(1) current research findings on the exposure to chemical defoliants or herbicides or similar agents, including agent orange; and

(2) statistical information compiled from reports submitted by physicians or hospitals.

(b) The department shall forward to the United States Department of Veterans Affairs a copy of all forms submitted to the department under section 5 of this chapter.

(c) A report distributed under subsection (a) to the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L.2-2003, SEC.8. Amended by P.L.28-2004, SEC.82.

IC 10-17-9
Chapter 9. Indiana Veterans' Home

IC 10-17-9-0.3
"Director"
Sec. 0.3. As used in this chapter, "director" refers to the director of veterans' affairs appointed under IC 10-17-1-5.
As added by P.L.21-2008, SEC.1.

IC 10-17-9-0.5
"Home"
Sec. 0.5. As used in this chapter, "home" refers to the Indiana Veterans' Home.
As added by P.L.21-2008, SEC.2.

IC 10-17-9-0.8
"Superintendent"
Sec. 0.8. As used in this chapter, "superintendent" refers to the superintendent of the Indiana Veterans' Home appointed under section 3.5 of this chapter.
As added by P.L.21-2008, SEC.3.

IC 10-17-9-1
Conduct and maintenance
Sec. 1. The conduct and maintenance of the Indiana Veterans' Home, located near Lafayette in Tippecanoe County, Indiana, are governed by this chapter.
As added by P.L.2-2003, SEC.8. Amended by P.L.21-2008, SEC.4.

IC 10-17-9-2
Gifts; legacies; devises; conveyances
Sec. 2. The home may receive for the use of the institution and expend as the donor directs:
(1) gifts;
(2) legacies;
(3) devises; and
(4) conveyances;
of real and personal property that are made, given, or granted to or for the home or in its name.
As added by P.L.2-2003, SEC.8.

IC 10-17-9-3
Appropriations for buildings
Sec. 3. The board of county commissioners in each county may appropriate money out of the general fund of the county to erect cottages or any other needed building on the grounds of the home.
As added by P.L.2-2003, SEC.8.

IC 10-17-9-3.5
Appointment of superintendent

Sec. 3.5. (a) The director shall appoint the superintendent of the Indiana Veterans' Home. In appointing the superintendent, the director shall give preference to an honorably discharged veteran of the armed forces of the United States.

(b) The superintendent may be removed only by the director.

(c) The superintendent is administratively responsible to the director.

(d) The director shall determine the superintendent's salary, subject to the approval of the governor and the budget agency.

As added by P.L.21-2008, SEC.5.

IC 10-17-9-4
Superintendent responsibilities

Sec. 4. The superintendent of the Indiana Veterans' Home:

(1) has the immediate charge and management of the institution;

(2) directs and controls the resident employees; and

(3) superintends the medical and physical care, rehabilitation, and management of the members in the home.

As added by P.L.2-2003, SEC.8. Amended by P.L.21-2008, SEC.6.

IC 10-17-9-5
Political affiliation of employees

Sec. 5. The superintendent may not appoint or employ a person in an office or a place in the Indiana Veterans' Home because of the political views or affiliation of the appointee or employee or for a reason other than capacity and fitness for the duties to be performed by the appointee or employee. However, among applicants for appointment found capable and fit, preference shall be given to an honorably discharged military veteran and the spouse, widow, widower, mother, and child of an honorably discharged military veteran.

As added by P.L.2-2003, SEC.8. Amended by P.L.21-2008, SEC.7.

IC 10-17-9-6
Repealed

(As added by P.L.2-2003, SEC.8. Repealed by P.L.100-2012, SEC.26.)

IC 10-17-9-7
Admissions; rules; funds; death

Sec. 7. (a) As used in this section, "eligible person" refers to either of the following:

(1) An honorably discharged member of the armed forces.

(2) The spouse or surviving spouse of an honorably discharged member of the armed forces.

(b) An eligible person who has a disability or is destitute is

eligible for admission to the home if:

(1) the eligible person has been a resident of Indiana for at least one (1) year immediately preceding application for admission to the home; or

(2) in the case of an eligible person referred to in subsection (a)(1), the eligible person was a resident of Indiana when the eligible person enlisted in the armed forces.

(c) The Indiana department of veterans' affairs shall adopt rules concerning admission to the home.

(d) In adopting rules governing the admission, maintenance, and discharge of members of the home, the Indiana department of veterans' affairs may establish a fund called the veterans' home comfort and welfare fund. The director shall deposit all money collected from the members for the cost of their care and maintenance in the fund. The director shall expend this money in any manner that adds to the comfort and welfare of the members of the institutions.

(e) A part of the veterans' home comfort and welfare fund may be withdrawn and deposited in a special fund called the veterans' home building fund. The veterans' home building fund shall be used for the construction, maintenance, remodeling, or repair of buildings of the home.

(f) Preference under this section may be given to a person who served in an Indiana military organization. Except in cases where the surviving spouse of a veteran marries another veteran, the benefits of this chapter extend only to a surviving spouse and the spouse of a veteran if the contract of marriage was entered into more than five (5) years before the date of death of the veteran. Except as otherwise provided by law, upon the death of a person in the home, money paid to the person or due to the person from a bank, a trust company, a corporation, or an individual becomes an asset of the person's estate and shall be distributed in the manner prescribed by the probate law of the state.

As added by P.L.2-2003, SEC.8. Amended by P.L.99-2007, SEC.37; P.L.21-2008, SEC.8; P.L.113-2010, SEC.74.

IC 10-17-9-8

Cost of maintaining members

Sec. 8. (a) Each member, the estate of a deceased member, or the estate of a member under guardianship is liable for the costs of maintenance of the member in an amount up to one hundred percent (100%) of the daily per capita cost of personal services and all other operating expenses for the preceding fiscal year. The per capita charge may be adjusted to reflect the level of care provided.

(b) The level of care must be as consistent as possible with:

(1) the care category of the facility in which the member is placed;

(2) the rules of the Indiana health facilities, home health care,

and hospice council adopted under IC 16-28; and

(3) the applicable code of the federal government covering reimbursement from the United States Department of Veterans' Affairs or another department of the federal government.

(c) The liability created for the costs of maintenance of a member constitutes a lien upon the real property of the member if the lien is recorded as provided in this chapter. The lien has priority over all liens subsequently acquired.

As added by P.L.2-2003, SEC.8. Amended by P.L.197-2011, SEC.37.

IC 10-17-9-9

Billing and collection of maintenance costs; funds

Sec. 9. (a) The billing and collection of the maintenance cost of a member under section 8 of this chapter shall be made by the superintendent of the Indiana Veterans' Home based on the per capita cost for the preceding fiscal year.

(b) All money collected shall be deposited in the veterans' home comfort and welfare fund. The fund shall be used in part by the superintendent for the comfort and welfare of the members and in part to reimburse the state general fund in an amount specified by the general assembly.

(c) Excess money in the veterans' home comfort and welfare fund shall be placed in the veterans' home building fund.

(d) The fund shall be used for new construction, maintenance, remodeling, and repair of the buildings at the Indiana Veterans' Home.

As added by P.L.2-2003, SEC.8. Amended by P.L.21-2008, SEC.9.

IC 10-17-9-10

Agreement to accept lesser amount for maintenance cost; petition for release or modification of maintenance charge

Sec. 10. (a) The superintendent of the Indiana Veterans' Home, with the approval of the director, may accept payment at a lesser rate than prescribed in section 8 of this chapter. The superintendent of the Indiana Veterans' Home, in determining whether or not to accept the lesser amount, shall consider the amount of money necessary to maintain or support a dependent of the member. An agreement to accept a lesser amount is subject to cancellation or modification at any time by the superintendent of the Indiana Veterans' Home with the approval of the director.

(b) A member who is issued a statement of a sum due as maintenance charges may petition the superintendent of the Indiana Veterans' Home for a release from or modification of the statement. The superintendent shall submit a written statement of the facts to the director for a final determination.

As added by P.L.2-2003, SEC.8. Amended by P.L.21-2008, SEC.10.

IC 10-17-9-11

Standard method of determining maintenance charges; adjustments

Sec. 11. (a) The superintendent of the Indiana Veterans' Home, with the approval of the director, may adopt a standard method of determining a lesser rate to be accepted in settlement of maintenance charges due from a member of the home. A member shall receive at least thirty dollars ($30) per month for personal needs before a maintenance charge is levied against current income.

(b) The monthly maintenance charge may not exceed one-twelfth (1/12) of the annual per capita cost of the preceding year.

(c) The superintendent may adjust the standard for determining the lesser rate to provide that in the case of married members with the spouses residing at the home this standard will allow at least forty dollars ($40) to be deducted from income by the member before the charge for maintenance is applied.

(d) The superintendent, in adopting the standard method of determining a lesser rate to be accepted in settlement of maintenance charges due from a member of the home, shall take into account as current income:

(1) a pension;
(2) compensation or income from any source; and
(3) benefits from:
(A) the federal Social Security Administration;
(B) the railroad retirement law; or
(C) a retirement annuity or insurance annuity.

(e) The agreement to accept a lesser rate from current income does not relieve the estate of the member of the charge for the full per capita cost for the period the member resided in the home. However, the claim for the full per capita cost will not be filed or allowed if there is a surviving spouse, dependent child less than eighteen (18) years of age, or dependent parent.

As added by P.L.2-2003, SEC.8. Amended by P.L.21-2008, SEC.11.

IC 10-17-9-12

Lien for unpaid maintenance charges

Sec.12. (a) If charges for the cost of maintenance of a member remain unpaid in whole or in part for a period of six (6) months, the superintendent of the Indiana Veterans' Home may file, in the office of the county recorder of the county in which the real property is located, a notice of lien designating:

(1) the name and place of residence of the member against whose property the lien is asserted;
(2) the date when the charges become delinquent for more than six (6) months; and
(3) a legal description of the real property subject to the lien.

One (1) copy of the notice of lien shall be retained by and filed in the office of the superintendent, and one (1) copy shall be furnished to the member or guardian.

(b) From the date on which notice of lien is recorded in the office of the county recorder, the recorded notice constitutes due notice of a lien against the member or the member's estate for any amounts then recoverable and any amounts that become recoverable under this chapter and gives a specific lien in favor of the Indiana Veterans' Home. The lien continues from the date of filing until the lien is satisfied or released.
As added by P.L.2-2003, SEC.8.

IC 10-17-9-13
Claim or judgment for maintenance charges; suit against legal guardian; foreclosure; claim against estate

Sec. 13. (a) The attorney general, upon notification of the superintendent of the Indiana Veterans' Home, shall file a claim in the name of the state on behalf of the superintendent of the home against the estate of a person who fails to make payment as required in this chapter. If the claim is allowed or judgment is obtained, the claim or judgment constitutes a lien against that part of the estate of the person described in the claim.

(b) The attorney general may bring suit against the legal guardian of a patient for failure to comply with an established maintenance agreement or for failure to make an agreement. Suit may be brought for the amount due the state for the maintenance charges of the member. The court may order the payment of maintenance charges for a period as the circumstances require. An order may be entered against one (1) or more of the defendants. An order for the payment of money may be enforced by attachment, garnishment, or a proceeding supplemental against the defendants. Other judgments at law and costs may be adjudged against the defendants and apportioned among them.

(c) The attorney general may bring a proceeding to foreclose on a lien arising from maintenance charges under section 8 of this chapter during the lifetime of the member if the superintendent believes it is in the best interest of the veterans' home to foreclose on the lien.

(d) Upon:

(1) the death of a member whose property is encumbered by a lien arising under section 8 of this chapter; and

(2) notification by the superintendent;

the attorney general shall file a claim against the member's estate for recovery of all charges for maintenance that have accrued at the date of death. Notwithstanding any other law, a claim filed for recovery of charges for maintenance has priority in order of payment from the estate over all other claims except prior recorded encumbrances, taxes, reasonable costs of administration, and reasonable funeral expenses. However, if real property of the deceased member is occupied by a surviving spouse of the member, the home may not assert its lien or claim during the lifetime of the surviving spouse.

However, if other claimants or persons have opened an estate and are attempting to enforce their claims, or if there have been fraudulent attempts to avoid the claim or lien, the veterans' home shall file and assert the claim for recovery of costs of treatment and maintenance.
As added by P.L.2-2003, SEC.8.

IC 10-17-9-14
Agreements with federal government

Sec. 14. The superintendent of the Indiana Veterans' Home may make agreements with instrumentalities of the federal government for application of monetary awards to be applied toward the maintenance charges to provide a sufficient amount of the periodic award to be deposited in the member's trust account to meet the immediate personal needs of a member. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in section 8 of this chapter.
As added by P.L.2-2003, SEC.8.

IC 10-17-9-15
Transfer from Department of Veterans' Affairs

Sec. 15. (a) If space is available, the superintendent of the Indiana Veterans' Home, with the approval of the director, may accept a veteran who is:

(1) otherwise eligible for admission to the home;
(2) in need of nursing home care; and
(3) transferred at the request of the United States Department of Veterans' Affairs from one (1) of its facilities.

(b) The United States Department of Veterans' Affairs under United States Department of Veterans' Affair's regulations shall award the cost of care to the home. A rate of charge described in section 8 of this chapter may not be used to determine the cost of care under this section.
As added by P.L.2-2003, SEC.8. Amended by P.L.21-2008, SEC.12.

IC 10-17-9-16
State treasurer investigation; disposition of federal funds

Sec. 16. (a) The treasurer of state may require an investigation to determine the true number of members in the home at any time.

(b) Twenty percent (20%) of the money annually allowed by the government of the United States for a military veteran maintained in the home shall be deposited in the state general fund to the credit of the veterans' home building fund. Money deposited in the state general fund may be invested in securities of the United States government. The money in the building fund shall be used only for the maintenance, remodeling, or repair of buildings at the Indiana Veterans' Home. Money deposited in the building fund is appropriated and subject to allocation by the budget committee. The remaining eighty percent (80%) of the money annually allowed by

the government of the United States for a military veteran maintained in the home shall be deposited in the state general fund as a reimbursement to the general fund for operating expenses of the home.
As added by P.L.2-2003, SEC.8.

IC 10-17-9-17
Applicability of Financial Reorganization Act of 1947
Sec. 17. IC 4-13-2 applies to the Indiana Veterans' Home.
As added by P.L.21-2008, SEC.13.

IC 10-17-9-18
Bond requirement
Sec. 18. (a) The superintendent shall furnish an individual public official bond in an amount determined by the director, payable to the state and conditioned upon the faithful performance of the superintendent's duties.
(b) A bond required under this section is subject to the approval of the insurance commissioner and shall be filed in the office of the secretary of state.
As added by P.L.21-2008, SEC.14.

IC 10-17-9-19
Notice regarding requests for names of nursing personnel or direct care staff
Sec. 19. (a) The Indiana Veterans' Home shall post a notice that a resident, the legal representative of a resident, or another individual designated by a resident may request, from the individual in charge of each shift, information that designates the names of all nursing personnel or direct care staff on duty by job classification for the:
(1) wing of;
(2) unit of; and
(3) other area as routinely designated by;
the Indiana Veterans' Home.
(b) The notice required under subsection (a) must meet the following conditions:
(1) Be posted in a conspicuous place that is readily accessible to residents and the public.
(2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.
(3) Contain the:
(A) business telephone number of the superintendent; and
(B) toll free telephone number for filing complaints with the department of veterans' affairs.
(4) State that if a resident, the legal representative of a resident, or another individual designated by a resident is unable to obtain the information described in subsection (a) from the individual in charge of each shift, the resident, the legal

representative of the resident, or another individual designated by the resident may do any of the following:

(A) Contact the superintendent.

(B) File a complaint with the department of veterans' affairs using the department's toll free telephone number.

(c) The department of veterans' affairs may adopt rules under IC 4-22-2 to carry out this section.

As added by P.L.21-2008, SEC.15.

IC 10-17-9-20

Repealed

(As added by P.L.21-2008, SEC.16. Repealed by P.L.133-2012, SEC.64.)

IC 10-17-9-21

Qualification of Indiana Veterans' Home for Medicaid reimbursements; state department of health plan; Medicaid reimbursements may be used to augment appropriations

Sec. 21. The state department of health established by IC 16-19-1-1 may develop a plan and seek federal approval to qualify the Indiana Veterans' Home for reimbursement of services and other expenses that could be eligible under Medicaid. A plan developed under this section must be structured to maximize federal Medicaid reimbursement for the Indiana Veterans' Home. Subject to approval of the budget agency, any revenue accruing to the Indiana Veterans' Home from the receipt of Medicaid reimbursement may be used to augment appropriations made to the office for use in funding long term care.

As added by P.L.220-2011, SEC.239.

IC 10-17-10

Chapter 10. Veterans' Burial Allowance

IC 10-17-10-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 10-5-3-1 (before its repeal, now codified in this chapter) apply to claims for burial expenses filed after June 30, 2003.

As added by P.L.220-2011, SEC.240.

IC 10-17-10-1

Qualification for allowance

Sec. 1. If:

(1) a person:

(A) has served as a member of the armed forces of the United States as a soldier, sailor, or marine in the army, air force, or navy of the United States or as a member of the women's components of the army, air force, or navy of the United States, is a resident of Indiana, and dies while a member of the armed forces and before discharge from the armed forces or after receiving an honorable discharge from the armed forces; or

(B) is the spouse or surviving spouse of a person described in clause (A) and is a resident of Indiana; and

(2) a claim is filed for a burial allowance:

(A) by an interested person with the board of commissioners of the county of the residence of the deceased person; and

(B) stating the fact:

(i) of the service, death, and discharge if discharged from service before death; and

(ii) that the body has been buried in a decent and respectable manner in a cemetery or burial ground;

the board of commissioners shall hear and determine the claim like other claims and, if the facts averred are found to be true, shall allow the claim in an amount set by ordinance. However, the amount of the allowance may not be more than one thousand dollars ($1,000).

As added by P.L.2-2003, SEC.8. Amended by P.L.97-2004, SEC.43.

IC 10-17-10-2

Limit on allowance

Sec. 2. (a) Not more than one (1) claim for a burial allowance may be allowed for a decedent who qualifies under this chapter.

(b) The total sum of the claim filed and for which allowances must be made shall be set by ordinance and may not exceed one thousand dollars ($1,000).

As added by P.L.2-2003, SEC.8. Amended by P.L.97-2004, SEC.44.

IC 10-17-10-3

Prohibition of reimbursement claim

Sec. 3. Money expended by a county under this chapter shall be considered a gift. Persons for and on behalf of the state or a political subdivision of the state may not file a claim for a lump sum death benefit with the federal Social Security Administration claiming reimbursement for money so expended.

As added by P.L.2-2003, SEC.8.

IC 10-17-10-4

Setting of grave marker

Sec. 4. Before a person enters into a contract to set a grave marker provided by the federal government for the grave of a person described in section 1(1) of this chapter with a person who receives the grave marker from the federal government or the person's representative, the person who will set the grave marker must disclose the following information to the person who receives the grave marker or the person's representative:

(1) The price of the least expensive installation procedure that the person who will set the grave marker will charge and a description of the goods and services included in the procedure.

(2) The prices of any other installation procedures or options that may be performed or provided by the person who will set the grave marker and a description of the goods and services included in the procedures or options.

As added by P.L.2-2003, SEC.8. Amended by P.L.97-2004, SEC.45.

IC 10-17-11

Chapter 11. Indiana State Veterans' Cemetery

IC 10-17-11-1

"Cemetery"

Sec. 1. As used in this chapter, "cemetery" refers to the Indiana state veterans' cemetery established by this chapter.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-2

"Commission"

Sec. 2. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by IC 10-17-13-4.

As added by P.L.2-2003, SEC.8. Amended by P.L.113-2010, SEC.75.

IC 10-17-11-3

"Department"

Sec. 3. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-4

Cemetery established

Sec. 4. The Indiana state veterans' cemetery is established.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-5

Location

Sec. 5. The cemetery consists of real property located on the grounds of Madison State Hospital in Jefferson County, Indiana.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-6

Official representative for commission

Sec. 6. The director of veterans' affairs or the director's designee may act under this chapter as the official representative for the commission in accordance with IC 10-17-1-8.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-7

Rules; power to contract

Sec. 7. The department may do the following:

(1) Adopt rules under IC 4-22-2 to carry out this chapter.

(2) Contract with persons or agencies to carry out the duties established under this chapter.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-8

Department duties

Sec. 8. The department shall do the following:

(1) Oversee the construction of the cemetery.

(2) Operate and maintain the cemetery.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-9

Veterans' cemetery fund established

Sec. 9. (a) The Indiana state veterans' cemetery fund is established as a dedicated fund for the purpose of providing money for planning, construction, operation, and maintenance of the cemetery. The fund shall be administered by the director of veterans' affairs.

(b) The expenses of administering the fund shall be paid from money in the fund. The fund consists of the following:

(1) Money appropriated by the general assembly for purposes of this chapter.

(2) Money donated to the department and designated for use under this chapter.

(3) Funds received from the federal government.

(4) Funds received in payment for services.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished by the budget agency, all money in the fund reverts to the state general fund.

(e) All earnings accruing to the state veterans' cemetery fund is appropriated continuously for the purposes specified in this section.

(f) Except as provided in subsection (e), money in the fund must be retained in the fund unless the money is appropriated for a specific purpose by the general assembly upon the recommendation of the budget committee.

As added by P.L.2-2003, SEC.8.

IC 10-17-11-10

Eligibility for burial

Sec. 10. (a) A veteran who is eligible to be buried in a national cemetery according to 38 U.S.C. 2402 is eligible to be buried in the Indiana state veterans' cemetery established under this chapter.

(b) The spouse of a veteran who is eligible to be buried in a national cemetery according to 38 U.S.C. 2402 is eligible to be buried in the Indiana state veterans' cemetery established under this chapter.

As added by P.L.2-2003, SEC.8.

IC 10-17-12

Chapter 12. Military Family Relief Fund

IC 10-17-12-0.5

Application

Sec. 0.5. This chapter applies after December 31, 2006.

As added by P.L.58-2006, SEC.8.

IC 10-17-12-0.7

Purpose of fund

Sec. 0.7. The purpose of the fund established in section 8 of this chapter is to provide short term financial assistance, including emergency one (1) time grants, to families of qualified service members for hardships that result from the qualified service members' military service.

As added by P.L.50-2009, SEC.1. Amended by P.L.169-2013, SEC.4; P.L.99-2016, SEC.6.

IC 10-17-12-1

Repealed

(As added by P.L.58-2006, SEC.8. Amended by P.L.50-2009, SEC.2. Repealed by P.L.99-2016, SEC.7.)

IC 10-17-12-2

"Armed forces"

Sec. 2. As used in this chapter, "armed forces" includes the active or reserve components of the following:

(1) The United States Army.
(2) The United States Navy.
(3) The United States Marine Corps.
(4) The United States Air Force.
(5) The United States Coast Guard.

As added by P.L.58-2006, SEC.8. Amended by P.L.50-2009, SEC.3.

IC 10-17-12-3

Repealed

(As added by P.L.58-2006, SEC.8. Amended by P.L.144-2007, SEC.11. Repealed by P.L.113-2010, SEC.170.)

IC 10-17-12-3.5

"Commission"

Sec. 3.5. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by IC 10-17-13-4.

As added by P.L.113-2010, SEC.76.

IC 10-17-12-4

"Department"

Sec. 4. As used in this chapter, "department" refers to the Indiana

department of veterans' affairs established by IC 10-17-1-2.
As added by P.L.58-2006, SEC.8.

IC 10-17-12-5
"Director"
Sec. 5. As used in this chapter, "director" refers to the director of veterans' affairs.
As added by P.L.58-2006, SEC.8.

IC 10-17-12-5.5
"Dependent"
Sec. 5.5. As used in this chapter, "dependent" has the meaning set forth in 37 U.S.C. 401, as in effect on January 1, 2009.
As added by P.L.50-2009, SEC.4.

IC 10-17-12-6
"Fund"
Sec. 6. As used in this chapter, "fund" refers to the military family relief fund established by section 8 of this chapter.
As added by P.L.58-2006, SEC.8.

IC 10-17-12-7
"National guard"
Sec. 7. As used in this chapter, "national guard" means:
(1) the Indiana Army National Guard; or
(2) the Indiana Air National Guard.
As added by P.L.58-2006, SEC.8.

IC 10-17-12-7.5
"Qualified service member"
Sec. 7.5. As used in this chapter, "qualified service member" means an individual who is an Indiana resident and who:
(1) is:
(A) a member of the armed forces of the United States or the national guard (as defined in IC 5-9-4-4); and
(B) serving on or has served on active duty during a time of national conflict or war; or
(2) has:
(A) served on active duty during a time of national conflict or war in:
(i) the armed forces of the United States; or
(ii) the national guard (as defined in IC 5-9-4-4); and
(B) received an honorable discharge.
As added by P.L.50-2009, SEC.5. Amended by P.L.99-2016, SEC.8.

IC 10-17-12-8
Establishment of the fund; eligibility
Sec. 8. (a) The military family relief fund is established to provide

short term assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, and other essential family support expenses that have become difficult to afford for qualified service members or dependents of qualified service members.

(b) Except as provided in section 9 of this chapter, the commission shall expend the money in the fund exclusively to provide grants for assistance as described in subsection (a).

(c) The commission shall give priority to applications for grants for assistance from the fund to qualified service members or dependents of qualified service members who have never received a grant under this chapter.

(d) Subject to the approval of the budget agency, the commission shall establish the maximum total dollar amount of grants that may be expended in a state fiscal year. Once the maximum total dollar amount of grants that may be expended in a state fiscal year is reached, no additional grants may be authorized until the start of the following state fiscal year.

(e) The director shall each year provide a report to the budget committee concerning the grant program under this chapter.

(f) A qualified service member or the qualified service member's dependent may be eligible to receive assistance from the fund.

(g) The commission shall administer the fund.

As added by P.L.58-2006, SEC.8. Amended by P.L.144-2007, SEC.12; P.L.151-2007, SEC.2; P.L.3-2008, SEC.86; P.L.50-2009, SEC.6; P.L.113-2010, SEC.77; P.L.54-2012, SEC.1; P.L.169-2013, SEC.5; P.L.7-2014, SEC.1; P.L.99-2016, SEC.9.

IC 10-17-12-9

Funding sources; investment; nonreversion

Sec. 9. (a) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Donations to the fund.

(3) Interest.

(4) Money transferred to the fund from other funds.

(5) Annual supplemental fees collected under IC 9.

(6) Money from any other source authorized or appropriated for the fund.

(b) The commission shall transfer the money in the fund not currently needed to provide assistance or meet the obligations of the fund to the veterans' affairs trust fund established by IC 10-17-13-3.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(d) There is annually appropriated to the commission for the purposes of this chapter all money in the fund not otherwise appropriated to the commission for the purposes of this chapter.

As added by P.L.58-2006, SEC.8. Amended by P.L.144-2007, SEC.13; P.L.50-2009, SEC.7; P.L.113-2010, SEC.78; P.L.198-2016,

SEC.635.

IC 10-17-12-10
Authority to adopt rules; grant eligibility requirements; grant requirements

Sec. 10. (a) The commission shall adopt rules under IC 4-22-2 for the provision of grants under this chapter. Subject to subsection (b), the rules adopted under this section must address the following:

(1) Uniform need determination procedures.

(2) Eligibility criteria, including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.

(3) Application procedures.

(4) Selection procedures.

(5) A consideration of the extent to which an individual has used assistance available from other assistance programs before assistance may be provided to the individual from the fund.

(6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

(b) The following apply to grants awarded under this chapter:

(1) An applicant is not eligible for a grant from the fund if:

(A) the qualified service member with respect to whom the application is based has been discharged; and

(B) the qualified service member's term of qualifying military service was less than twelve (12) months.

(2) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.

As added by P.L.58-2006, SEC.8. Amended by P.L.144-2007, SEC.14; P.L.113-2010, SEC.79; P.L.99-2016, SEC.10.

IC 10-17-12-11
Authority to request appropriations

Sec. 11. The director or a member of the commission may make a request to the general assembly for an appropriation to the fund.

As added by P.L.58-2006, SEC.8. Amended by P.L.144-2007, SEC.15; P.L.113-2010, SEC.80.

IC 10-17-12-12
Donations; Internet capability

Sec. 12. The director shall establish the capability to receive donations to the fund from the public on the department's Internet site.

As added by P.L.58-2006, SEC.8.

IC 10-17-12-13
Repealed

(As added by P.L.169-2013, SEC.6. Repealed by P.L.99-2016, SEC.11.)

IC 10-17-12.5

Chapter 12.5. Veterans Disability Clinic Fund

IC 10-17-12.5-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by IC 10-17-13-4.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-2

"Department"

Sec. 2. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-3

"Director"

Sec. 3. As used in this chapter, "director" refers to the director of veterans' affairs.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-4

"Fund"

Sec. 4. As used in this chapter, "fund" refers to the veterans disability clinic fund established by section 7 of this chapter.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-5

"Qualified law school"

Sec. 5. As used in this chapter, "qualified law school" means a law school:

(1) located in Indiana; and

(2) approved by the American Bar Association;

that operates a veterans disability clinic.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-6

"Veterans disability clinic"

Sec. 6. As used in this chapter, "veterans disability clinic" means a law school clinical program that:

(1) offers practice opportunities to law students to counsel or represent veterans in claims for veterans disability compensation;

(2) is part of the educational curriculum of the law school;

(3) is under the direction of a law school faculty member who is recognized by the United States Department of Veterans Affairs under 38 U.S.C. 5904; and

(4) provides legal services at no cost or nominal cost to

veterans.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-7

Establishment of fund; administration of fund

Sec. 7. (a) The veterans disability clinic fund is established to provide funding for grants to qualified law schools that establish or maintain a veterans disability clinic.

(b) The fund shall be administered by the commission.

(c) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Donations to the fund.

(3) Interest.

(4) Money from any other source authorized or appropriated for the fund.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-8

Consultation by law school with department for grant consideration

Sec. 8. A qualifying law school that wishes to receive a grant to establish or maintain a veterans disability clinic under this chapter shall consult with the department to:

(1) identify veterans in need of counsel or representation in a claim for veterans disability compensation;

(2) inform veterans about the availability of legal services through the veterans disability clinic; and

(3) develop an educational outreach program as part of the veterans disability clinic to advise veterans of their rights in the claims process for veterans disability compensation.

As added by P.L.89-2014, SEC.1.

IC 10-17-12.5-9

Rules

Sec. 9. The commission may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.89-2014, SEC.1.

IC 10-17-13

Chapter 13. Veterans' Affairs Trust Fund

IC 10-17-13-1

Repealed

(As added by P.L.144-2007, SEC.16. Repealed by P.L.113-2010, SEC.170.)

IC 10-17-13-1.5

"Commission"

Sec. 1.5. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by section 4 of this chapter.

As added by P.L.113-2010, SEC.81.

IC 10-17-13-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the veterans' affairs trust fund established by section 3 of this chapter.

As added by P.L.144-2007, SEC.16.

IC 10-17-13-3

Establishment of trust fund; purpose

Sec. 3. (a) The veterans' affairs trust fund is established as a trust fund to provide a self-sustaining funding source for the military family relief fund established by IC 10-17-12-8.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Donations, gifts, grants, and bequests to the fund.

(3) Interest and dividends on assets of the funds.

(4) Money transferred to the fund from other funds.

(5) Money from any other source deposited in the fund.

(c) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.

As added by P.L.144-2007, SEC.16. Amended by P.L.50-2009, SEC.8; P.L.99-2016, SEC.12.

IC 10-17-13-4

Establishment of commission

Sec. 4. The Indiana veterans' affairs commission is established.

As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.82.

IC 10-17-13-5

Membership

Sec. 5. The commission consists of the following members:

(1) Six (6) members appointed by the governor, as provided in this subdivision. The governor shall consider the following

when making appointments under this subdivision:

(A) Membership in a veterans association established under IC 10-18-6.

(B) Service in the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard (as defined in IC 5-9-4-4).

(C) Experience in education, including higher education, vocational education, or adult education.

(D) Experience in investment banking or finance.

The governor shall designate one (1) member appointed under this subdivision to serve as chairperson of the commission.

(2) One (1) county service officer appointed by the governor.

(3) The director of veterans' affairs appointed under IC 10-17-1-5 or the director's designee.

(4) The adjutant general of the military department of the state appointed under IC 10-16-2-6 or the adjutant general's designee.

(5) Four (4) members of the general assembly appointed as follows:

(A) Two (2) members of the senate, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(B) Two (2) members of the house of representatives, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

Members appointed under this subdivision are nonvoting, advisory members and must serve on a standing committee of the senate or house of representatives that has subject matter jurisdiction over military and veterans affairs.

As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.83; P.L.4-2014, SEC.1; P.L.99-2016, SEC.13; P.L.108-2016, SEC.3.

IC 10-17-13-6
Meetings

Sec. 6. The commission shall meet at least quarterly at the call of the chairperson of the commission.

As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.84.

IC 10-17-13-7
Quorum

Sec. 7. Five (5) voting members of the commission constitute a quorum. The affirmative vote of five (5) members of the commission is necessary for the commission to take action.

As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.85.

IC 10-17-13-8
Term; reappointment; vacancy

Sec. 8. (a) The term of a commission member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the member is appointed.

(b) The term of a member expires on the later of the following:

(1) The day a successor is appointed.

(2) July 1 of the year following the year in which the member is appointed.

However, a member serves at the pleasure of the appointing authority.

(c) An appointing authority may reappoint a member for a new term.

(d) An appointing authority shall appoint an individual to fill a vacancy on the commission.

As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.86.

IC 10-17-13-9
Salaries per diem; duties of director of veterans' affairs

Sec. 9. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(d) The director of veterans' affairs appointed under IC 10-17-1-5 shall act as secretary of the commission and carry out the duties set forth in IC 10-17-1-6.

As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.87.

IC 10-17-13-10
Duties; management of fund

Sec. 10. (a) The commission shall manage and develop the fund and the assets of the fund.

(b) The commission shall do the following:

(1) Carry out the duties of the commission set forth in IC 10-17-1.

(2) Establish written guidelines that specify the criteria for determining priority of applications for the purpose of providing financial assistance to qualified service members or dependents of qualified service members as described under IC 10-17-12-8(c).

(3) Establish a policy to determine annually the maximum total dollar amount that may be expended for each state fiscal year from the military family relief fund established by IC 10-17-12-8.

(4) Establish a policy for the investment of the assets of the fund. In establishing a policy under this subdivision, the commission shall:

(A) establish adequate long term financial goals for the fund; and

(B) provide adequate funding for the military family relief fund established by IC 10-17-12-8.

(5) Acquire money for the fund through the solicitation of private or public donations and other revenue producing activities.

(6) Perform other tasks consistent with prudent management and development of the fund.

As added by P.L.144-2007, SEC.16. Amended by P.L.50-2009, SEC.9; P.L.113-2010, SEC.88; P.L.7-2014, SEC.2.

IC 10-17-13-11
Administration of fund

Sec. 11. (a) Subject to the investment policy of the commission established under section 10 of this chapter, the treasurer of state shall administer the fund and invest the money in the fund.

(b) The expenses of administering the fund and this chapter shall be paid from the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.89.

IC 10-17-13-12
Nonreversion

Sec. 12. Money in the fund at the end of a state fiscal year does

not revert to the state general fund or any other fund.
As added by P.L.144-2007, SEC.16.

IC 10-17-13-13
Annual report

Sec. 13. Before October 1 of each year, the commission shall report in an electronic format under IC 5-14-6 to the general assembly concerning the fund.
As added by P.L.144-2007, SEC.16. Amended by P.L.113-2010, SEC.90.

IC 10-17-13-14
Authority to adopt rules

Sec. 14. The commission shall adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.144-2007, SEC.16. Amended by P.L.50-2009, SEC.10; P.L.113-2010, SEC.91.

IC 10-17-13-15
Fund expenditures; fund transfers

Sec. 15. (a) Each year after July 1 and before August 1, the commission shall determine:

(1) the amount of money in the fund on July 1; and
(2) the amount of the expenditures from the military family relief fund during the immediately preceding state fiscal year.

(b) After making the determinations under subsection (a), if the amount determined under subsection (a)(1) exceeds three hundred percent (300%) of the amount determined under subsection (a)(2), the commission shall transfer from the fund to the military family relief fund an amount equal to:

(1) fifty percent (50%); multiplied by
(2) the difference of:
    (A) the amount determined under subsection (a)(1); minus
    (B) three hundred percent (300%) of the amount determined under subsection (a)(2).

As added by P.L.99-2016, SEC.14.

IC 10-17-14

Chapter 14. Hoosier Women Veterans Program

IC 10-17-14-1

"Coordinator"

Sec. 1. As used in this chapter, "coordinator" refers to the Hoosier women veterans coordinator designated under section 7 of this chapter.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-2

"Department"

Sec. 2. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-3

"Director"

Sec. 3. As used in this chapter, "director" refers to the director of veterans' affairs.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-4

"Program"

Sec. 4. As used in this chapter, "program" refers to the Hoosier women veterans program established by section 6 of this chapter.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-5

"Women veterans"

Sec. 5. As used in this chapter, "women veterans" means women who:

(1) served in the armed forces of the United States; and

(2) were discharged under conditions other than dishonorable.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-6

Establishment of program

Sec. 6. The Hoosier women veterans program is established within the department. The program must be funded using the available resources of the department.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-7

Designation of program coordinator

Sec. 7. The director may designate a coordinator who is responsible for the administration of the program under the direction and supervision of the director.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-8
Purposes and duties

Sec. 8. The program has the following purposes and duties:

(1) Perform outreach to improve women veterans' awareness of eligibility for federal and state veterans' services and benefits.

(2) Assess the needs of women veterans with respect to benefits and services.

(3) Review programs, research projects, and other initiatives designed to address or meet the needs of Indiana's women veterans.

(4) Make recommendations to the director to improve benefits and services for women veterans.

(5) Incorporate women veterans' issues in strategic planning concerning benefits and services.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-9
Salary of coordinator

Sec. 9. The department may set the salary of the coordinator using only the available resources of the department.

As added by P.L.105-2014, SEC.2.

IC 10-17-14-10
Rules

Sec. 10. The department may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.105-2014, SEC.2.

IC 10-17-15

Chapter 15. Voluntary Veterans' Preference Employment Policy

IC 10-17-15-1

"DD 214"

Sec. 1. As used in this chapter, "DD 214" means a Department of Defense Report of Separation form or its predecessor or successor form.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-2

"Private employer"

Sec. 2. As used in this chapter, "private employer" means a sole proprietor, corporation, partnership, limited liability company, or other entity with one (1) or more employees. The term does not include:

(1) the state;

(2) a political subdivision (as defined in IC 36-1-2-13); or

(3) a state educational institution (as defined in IC 21-7-13-32).

As added by P.L.205-2015, SEC.1.

IC 10-17-15-3

"Veteran"

Sec. 3. As used in this chapter, "veteran" means an individual who:

(1) has served in:

(A) the United States armed forces or their reserves;

(B) the Indiana Army National Guard; or

(C) the Indiana Air National Guard; and

(2) was released from active duty under conditions other than dishonorable.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-4

"Veterans' preference employment policy"

Sec. 4. As used in this chapter, "veterans' preference employment policy" means a private employer's voluntary veterans' preference employment policy that gives preference for hiring, promoting, or retaining a veteran over another qualified applicant or employee.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-5

Private employer authority

Sec. 5. Except as provided in section 10 of this chapter, a private employer may have a veterans' preference employment policy.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-6
Policy requirements

Sec. 6. A veterans' preference employment policy under this chapter must be in writing and applied uniformly to employment decisions regarding hiring, promotion, or retention during a reduction in force.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-7
Eligibility

Sec. 7. A private employer with a veterans' preference employment policy may require that a veteran submit a DD 214 to the private employer to be eligible for the preference.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-8
Granting of preference

Sec. 8. Granting preference under this chapter does not violate any local or state equal employment opportunity laws.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-9
Duties of department

Sec. 9. The Indiana department of veterans' affairs shall assist a private employer in determining if an applicant is a veteran in a manner that protects personal privacy consistent with applicable privacy laws and regulations.

As added by P.L.205-2015, SEC.1.

IC 10-17-15-10
Policy prohibitions

Sec. 10. Any policy adopted under section 5 of this chapter may not:

(1) apply to or abrogate a collectively bargained agreement in effect before the adoption of the policy; and

(2) interfere with an employer's obligations under the federal National Labor Relations Act (29 U.S.C. 151 et seq.) or the federal Uniformed Services Employment and Reemployment Act (38 U.S.C. 4301 et seq.).

As added by P.L.205-2015, SEC.1.

IC 10-18

ARTICLE 18. WAR MEMORIALS

IC 10-18-1

Chapter 1. Indiana War Memorials Commission

IC 10-18-1-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the Indiana war memorials commission established by section 2 of this chapter.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-2

Commission; membership; duties, rights, and powers; liability; lawsuits; supervision by the adjutant general

Sec. 2. (a) The Indiana war memorials commission is established.

(b) The commission consists of nine (9) members. Each Indiana congressional district must be represented by at least one (1) member who is:

(1) a resident of that congressional district;

(2) a veteran of service in the armed forces of the United States of America in time of war;

(3) a citizen of Indiana at the time of the service; and

(4) appointed:

(A) in the manner;

(B) for the terms;

(C) to have the powers; and

(D) to perform the duties;

as provided in this chapter.

(c) The commission:

(1) as the commission and in the commission's name, may prosecute and defend suits; and

(2) has all other duties, rights, and powers that are:

(A) necessary to implement this chapter; and

(B) not inconsistent with this chapter.

(d) The members of the commission are not liable in their individual capacity, except to the state, for any act done or omitted in connection with the performance of their duties under this chapter.

(e) A suit against the commission must be brought in a court with jurisdiction in Marion County. Notice or summons of the suit shall be served upon the president, vice president, or secretary of the commission. In a suit against the commission, it is not necessary to name the individual members of the commission as either plaintiff or defendant. Commission members may sue and be sued in the name of the Indiana war memorials commission.

(f) The commission shall:

(1) report to the governor through the adjutant general; and

(2) be under the adjutant general for administrative supervision.

As added by P.L.2-2003, SEC.9. Amended by P.L.133-2012, SEC.65; P.L.149-2016, SEC.39.

IC 10-18-1-3
Appointment of members; term; removal of members

Sec. 3. (a) The governor shall appoint members of the commission for a term of three (3) years, subject to removal as provided in this section.

(b) The commissioners:

(1) must be persons of high standing and character; and

(2) serve without compensation, except for reimbursement for any reasonable expenses necessarily incurred by the commissioners in the performance of their duties.

(c) The commissioners shall be selected without regard to their political affiliations. However, not more than six (6) of the commissioners at any time may be members of the same political party.

(d) The governor may, for just cause, based upon written charges specifying alleged misconduct, remove any member of the commission, after notice to the member and a public hearing.

(e) The governor shall appoint a qualified person to fill the unexpired term of a member who does not complete the member's term.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-4
Certificate of appointment

Sec. 4. (a) The governor shall execute a certificate of appointment that makes reference to this chapter and sets forth the term of appointment for each member of the commission. The governor shall deposit the certificates of appointment in the office of the secretary of state, who shall record the certificates in a book kept for that purpose.

(b) The secretary of state shall notify each person appointed as a commissioner of the person's appointment. The person's acceptance of the appointment shall be signified by subscribing to an oath, to be endorsed on the certificate of appointment:

(1) to support the Constitution of the United States and the Constitution of the State of Indiana; and

(2) to faithfully and honestly discharge the person's duty under the law as a commissioner.

(c) The secretary of state shall deliver the certificate, when recorded, to the person named in the certificate. The certificate constitutes the commission of the person named as a member of the commission for the term specified.

(d) If a person appointed fails to qualify under this section within ten (10) days after notice of the person's appointment, the governor shall appoint another qualified person as a commissioner.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-5
Election of officers

Sec. 5. (a) The commission shall elect the following:

(1) One (1) member of the commission to serve as president.

(2) One (1) member of the commission to serve as vice president.

(3) One (1) qualified person who is not a member of the commission to serve as secretary of the commission.

The commission shall elect officers each year. Officers shall hold their respective offices for one (1) year or during the pleasure of the commission.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-6
Bonding of officers

Sec. 6. (a) The president and vice president of the commission shall, before entering upon the discharge of their duties, give bond to the approval of the governor, each in the sum of ten thousand dollars ($10,000), conditioned for the faithful performance of the duties as may be imposed upon them by law.

(b) The officers and any other officers required to give a bond under this chapter may furnish as surety any surety company authorized to transact business in Indiana that meets the approval of the commission, and the premium on any bond shall be paid as a part of the expenses of the commission.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-7
Duties of president

Sec. 7. (a) The president shall do the following:

(1) Preside over the meetings of the commission.

(2) Sign all vouchers approved by the commission under this chapter.

(3) Sign all contracts and agreements in the name of the commission that have been authorized by the commission. The secretary shall attest to contracts signed by the president.

(b) If the president is absent or unable to act, the vice president shall perform the president's duties.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-8
Duties of secretary; bond

Sec. 8. (a) The secretary appointed by the commission shall take an oath to faithfully perform the duties of the secretary's office.

(b) The secretary shall do the following:

(1) Keep a record of the proceedings of the commission.

(2) Make a record of contracts and obligations.

(3) Furnish each contractor with a copy of the contractor's contract that:

(A) is endorsed "approved by order of the commission";

(B) lists the date of the approval; and

(C) is signed by the secretary.

A contract is not valid until endorsed and delivered by the secretary.

(4) Certify all vouchers ordered by the commission.

(5) Keep a set of books to show the financial condition of the commission.

(6) Make quarterly statements as provided in this chapter of the costs and expenditures of the commission, a complete list of vouchers, and for what purpose and to whom paid. The reports shall be filed with the auditor of state as provided in this chapter and are open to the inspection and use of the general assembly.

(c) The secretary shall give a bond in the sum of ten thousand dollars ($10,000) for the faithful performance of the secretary's duties.

(d) The contracts for any purpose connected with the Indiana World War Memorial shall be recorded by the secretary in a book kept for that purpose. The secretary shall retain on file all vouchers and other valuable papers of value to the commission, to the contractor, and to the public.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-9

Superintendent; bond

Sec. 9. (a) The commission may employ a superintendent.

(b) The superintendent shall give bond in an amount and with surety to be approved by the commission.

(c) The superintendent's duties and compensation shall be prescribed by the commission.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-10

Care and preservation of personal property of commission

Sec. 10. (a) The commission shall employ an individual who is responsible for the care and preservation of all personal property owned by the commission that has historic significance.

(b) The individual employed by the commission under subsection (a) must meet the qualifications set by the division of state museums and historic sites of the department of natural resources.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-11

Commission duties

Sec. 11. (a) The commission shall do the following:

(1) Keep a record of the commission's proceedings.

(2) Make a quarterly report for public use that includes the following:

(A) A detailed account of the expenditures of the commission.

(B) A summary of the commission's proceedings that includes:

(i) a statement of all contracts let;

(ii) the name of the person to whom the contracts were let; and

(iii) the amount of each contract.

(b) The report required under subsection (a) must be filed with the auditor of state.

(c) Reports created and filed under this section are public records.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-12

Rulemaking; meetings

Sec. 12. (a) The commission may adopt rules that set forth:

(1) the time, place, and method of calling and conducting meetings; and

(2) the manner and method of the conduct of business, including:

(A) the government and regulation of the commission's employees; and

(B) the management of the ground and premises under the commission's care and control;

as the commission considers prudent and not inconsistent with this chapter and other statutes.

(b) The commission shall meet at the call of the commission's president or at the time set forth in the commission's rules. A majority of the members constitutes a quorum for the transaction of business. However, all official action of the commission must receive the approval in a meeting of a majority of all the members of the commission.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-13

Preservation of battle flags

Sec. 13. (a) The commission shall designate one (1) of its members to do the following:

(1) Assume general charge of and preserve all Indiana battle flags.

(2) Have custody of all battle and organization flags in the possession of the state that were used by any of the military organizations of the state:

(A) in any of the wars or campaigns in which the United

States has been engaged; and

(B) in which Indiana veterans have participated.

(3) In the preservation of the battle flags, as far as possible, see that the name and the branch of service in which the organization served are attached to or preserved with the flag.

(4) Collect data in reference to each organization or military unit whose flag is in the possession of the commission and place the data with the flag or banner of each of the organizations or military units.

(b) The commission shall do the following:

(1) Collect Indiana battle flags not in the possession of the state from the United States, patriotic societies, or individuals.

(2) Reinforce, collect the data for, and otherwise prepare all battle flags for preservation.

(3) Collect, systematize, and prepare a brief history of each flag and index and catalogue each flag.

(4) Collect, purchase, and procure all necessary materials for the preservation of the flags.

(5) For the purpose of collecting and preparing the necessary data, reinforcing the flags, and performing other duties required by this chapter:

(A) with the approval of the budget agency, employ and fix the compensation of employees as may be necessary; and

(B) purchase material of any character that is required in carrying out this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-14

Indiana battle flags fund

Sec. 14. (a) The Indiana battle flags fund is established to restore and preserve Indiana battle flags.

(b) The commission:

(1) shall administer the fund; and

(2) may spend the money in the fund for the purposes of the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) All money accruing to the fund is appropriated continuously for the purposes of the fund.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

As added by P.L.2-2003, SEC.9. Amended by P.L.30-2013, SEC.1.

IC 10-18-1-15

Flag preservation cases

Sec. 15. (a) All flag cases completed shall be in the custody of the commission. The superintendent shall have the cases cleaned periodically as necessary.

(b) The commission may determine the method and manner in which the flags shall be preserved.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-16

Indiana war memorial location; name; limitation on character and height of buildings in vicinity

Sec. 16. (a) Out-lot five (5) and out-lot thirty-six (36), in Indianapolis, according to the original plat of the city, are dedicated and set apart as grounds for the Indiana War Memorial subject to the provisions of this chapter.

(b) Out-lots five (5) and thirty-six (36) dedicated in subsection (a), together with all or any part of squares five (5) and sixteen (16) or any part of those squares, in Indianapolis, according to the original plat of the city, that are acquired, dedicated, and set apart and added to the real estate dedicated in subsection (a) by:

(1) the state; or

(2) Indianapolis, by Marion County, or Indianapolis and Marion County jointly and then conveyed by the city, county, or city and county jointly by proper deed, grant, or contract to the state;

for War Memorial and other public purposes constitutes and shall be referred to as "Memorial Place". The permanent name of "Memorial Place" shall be selected by the commission.

(c) A necessity is declared to exist to limit:

(1) the kind, character, and height of buildings upon; and

(2) the use of real estate and buildings that are located within three hundred (300) feet of the outside boundaries of;

Memorial Place as constituted in this chapter. The commission may acquire, by purchase, donation, or condemnation, the right to limit the kind, character, and height of buildings upon and the use of real estate and buildings on real estate within three hundred (300) feet of the outside boundaries of Memorial Place.

(d) The commission shall erect and maintain in Indianapolis, upon or within grounds dedicated or acquired under this chapter, as the commission considers best, a suitable structure or structures:

(1) to commemorate the valor and sacrifice of the soldiers, sailors, and marines of the United States and of all others who rendered faithful, loyal, heroic, and self-sacrificing service at home and overseas in World War I;

(2) to provide a place or places of meeting and headquarters for organizations of soldiers, sailors, and marines or any other patriotic societies or associations;

(3) to keep records, archives, documents, flags, mementos, and relics; and

(4) for other public meetings and other public purposes;

to inculcate a true understanding and appreciation of the duties, benefits, and privileges of American citizenship and inspire patriotism and respect for the law to the end that peace may prevail, good will be promoted, justice be administered and established, public order maintained, and liberty and freedom under the law perpetuated.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-17

Conveyance of real estate; public park

Sec. 17. (a) If squares five (5) and sixteen (16) or any part of those squares in Indianapolis, according to the original plat of the city, are acquired, dedicated, and set apart and added to the real estate dedicated in this chapter by the state for war memorial and other public purposes by Indianapolis, by Marion County, or by the city and county jointly by proper deed, contract, or grant, by which the city or county, or the city and county jointly, convey the real estate or any part of the real estate to the state for war memorial and other public purposes, the commission may accept from the city, the county, or the city and county jointly the deed, grant, or contract by which the real estate or any part of the real estate is conveyed to the state for war memorial and other public purposes, subject to the terms, conditions, and provisions contained in the deed, grant, or contract.

(b) The commission may agree that, to the extent that the city, the county, or the city and county jointly appropriate and use money in the acquisition of the real estate or any part of the real estate, the real estate and interests in the real estate and the memorial structures erected on the real estate (to the extent of the money so appropriated and used by the city, by the county, or by the county and city jointly) shall be a city war memorial, a county war memorial, or a joint war memorial.

(c) If the real estate or any part of the real estate is acquired and conveyed to the state, the commission may erect structures on outlots five (5) and thirty-six (36) dedicated in this chapter or upon any part of the real estate so dedicated or acquired as provided in this chapter as the commission considers best.

(d) The commission shall develop any part or all of the real estate described in this chapter that has been dedicated or acquired as provided in this chapter as a memorial place, together with square twenty-five (25), known as University Square in Indianapolis, according to the original plat of the city, to secure a harmonious and unified architectural and aesthetic effect of the entire series of grounds used and dedicated for memorial purposes. The grounds must include square twenty-five (25), known as University Square, which shall be and constitute a part of the memorial park, and shall be used as a public park.

(e) The commission may sell buildings and improvements situated on outlots five (5) and sixteen (16) when they come under the commission's jurisdiction, custody, and control or remove the buildings and improvements as the commission considers best. The commission may contract with Indianapolis, with Marion County, or with the county and city jointly, concerning the use and rents of the buildings and improvements on squares five (5) and sixteen (16) until it is necessary to remove the buildings for the purpose of erecting the memorial structure or structures. The commission may contract with the city or county or the city and county jointly with reference to the sale of buildings and improvements upon the real estate that may be acquired and conveyed to the state by the city or county or by the city and county jointly for War Memorial and other public purposes. The contracts must provide how the proceeds from the rent or sale of buildings and improvements shall be applied.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-18
Commission powers

Sec. 18. The commission may do the following:

(1) Make and execute contracts and other instruments that may be required in connection with the erection and maintenance of a suitable structure or structures upon or within Memorial Place.

(2) Adopt rules for the following:

(A) The proper management, government, and use of Memorial Place and the structures situated on Memorial Place.

(B) The government of employees.

(3) Acquire by condemnation the right to limit the kind, character, and height of buildings upon and the use of real estate or buildings located within three hundred (300) feet of the outside boundaries.

(4) Adopt reasonable rules as are proper to limit the kind, character, and height of buildings located or erected within three hundred (300) feet of the outside boundaries of Memorial Place and the use of the buildings or real estate. A building constructed or maintained or business conducted in violation of any rule may be abated as a nuisance in an action begun and prosecuted by the commission.

(5) Receive donations, gifts, devises, and bequests and use them in connection with the purposes of this chapter.

(6) Establish a nonprofit corporation to do the following:

(A) Promote public support for the purposes of the commission and this chapter.

(B) Preserve and promote the historical and educational activities of the commission.

(C) Operate for the benefit of the purposes of the

commission and this chapter.

The corporation is subject to audit by the state board of accounts as if it were a state agency.

(7) Transfer money donated to the commission for the purposes described in subdivision (6) to a corporation established under subdivision (6).

(8) Transfer:

(A) artifacts;

(B) images; or

(C) documents of cultural heritage, historical, or museum relevance;

under the commission's control to a corporation established under subdivision (6) without complying with IC 5-22-21 and IC 5-22-22.

As added by P.L.2-2003, SEC.9. Amended by P.L.17-2005, SEC.1.

IC 10-18-1-19
Monument Circle

Sec. 19. (a) The grounds that belong to the state in Indianapolis:

(1) designated in the Constitution of the State of Indiana as Governor's Circle;

(2) later called "Circle Park"; and

(3) known and designated as "Monument Place";

shall be known and designated as "Monument Circle".

(b) All written instruments and all laws that relate to the grounds described in subsection (a) in statutes are effective for the purpose intended when the grounds are described and designated as Monument Circle.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-20
Rules for government of Monument Circle

Sec. 20. The commission shall adopt rules for the government of the monument and Monument Circle. The rules are binding and effective when approved by the governor.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-21
Soldiers' and Sailors' Monument employees and superintendent

Sec. 21. (a) The commission:

(1) has general control of the State Soldiers' and Sailors' Monument Circle; and

(2) may employ a superintendent.

(b) The superintendent may, with the advice and consent of the commission, appoint engineers, elevator operators, electricians, and watchmen as are actually required, all of whom are subject to removal at any time by the commission for any reason satisfactory to the commission.

(c) The superintendent:

(1) has direct charge and supervision of the monument and Monument Circle, subject to the orders of the commission; and

(2) may require watchmen to act as elevator operators and elevator operators to act as watchmen.

(d) The superintendent and the engineers, watchmen, and elevator operators have police powers with all powers of a constable.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-22

Superintendent; financial duties

Sec. 22. (a) The superintendent shall execute a bond in the penal sum of five thousand dollars ($5,000), to be approved by the commission.

(b) The superintendent shall:

(1) on the first day of each month, make a sworn statement to the auditor of state of all receipts and expenditures, with vouchers attached for the preceding month, on account of the monument; and

(2) at the same time, pay over to the treasurer of state all money received by the superintendent from all sources in the operation of the monument for the preceding month.

The auditor of state shall draw a warrant on the treasurer of state, payable to the superintendent, engineers, elevator operators, and watchmen, for the amounts due them as salaries and to the superintendent for a total of expenditures other than salaries incurred in the management of the monument and Monument Circle as shown by the vouchers.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-23

Perpetual maintenance

Sec. 23. The Soldiers' and Sailors' Monument and all approaches to the monument and all surroundings belonging to the state shall be maintained perpetually and inviolate for the purpose originally designed.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-24

Desecration

Sec. 24. A person may not desecrate the Soldiers' and Sailors' Monument in Indianapolis, the street known as Monument Circle, or any of the premises or approaches surrounding the monument by building a wall, fence, or other obstruction in or about the premises, approaches, or street known as Monument Circle surrounding the monument:

(1) to sell or offer to sell any article of merchandise;

(2) to have or to hold any show, carnival, circus, or masquerade;

(3) to maintain any tent or building in or about the street, premises, or approaches;
(4) to hold a political meeting;
(5) to in any way obstruct the view or approaches to the street, or premises; or
(6) to use the premises, street, or approaches;
for purposes other than those intended in this chapter.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-25
Intentional damage; penalty
Sec. 25. A person who intentionally damages or removes any of the property of the state on Monument Circle is liable for the payment of a penalty not less than twice the sum necessary to repair the damage or restore the lost property. The penalty may be collected by the commission in a civil action.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-26
Souvenirs; fund
Sec. 26. (a) The commission may do the following:
(1) Make or sell the following:
(A) Pictures, models, books, and other representations of the monuments and grounds.
(B) Souvenirs.
(2) Establish and maintain souvenir shops on property that the commission manages.
(3) Hire and pay salaries for full-time or part-time employees for the souvenir shops.
(4) Contract with a nonprofit organization or corporation for the continuous management of the souvenir shops.
(5) Report annually to the governor on the activities, revenues, expenditures, and profits of the souvenir shops.
(b) Notwithstanding section 27 of this chapter, the following apply to the profits from souvenir shop sales:
(1) The souvenir shop fund is established. The souvenir shop fund shall be administered by the commission.
(2) Profits from the sales at souvenir shops established under subsection (a) shall be deposited in the souvenir shop fund.
(3) The treasurer of state shall invest the money in the souvenir shop fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.
(4) The expenses of administering the souvenir shop fund shall be paid from money in the fund.
(5) The commission may spend the money in the souvenir shop fund for the following purposes:
(A) Maintenance or repair of properties managed by the commission.

(B) Maintenance, repair, and acquisition of the following:
(i) Battle flags.
(ii) Appropriate artifacts.
(iii) Appropriate memorabilia.

(6) All money accruing to the souvenir shop fund is appropriated continuously for the purposes listed in subdivision (5).

(7) Money in the souvenir shop fund at the end of a state fiscal year does not revert to the state general fund.

(c) A person may not make or sell pictures, models, books, or other representations of the monuments or grounds unless the person is authorized to do so by the commission.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-27
Funds for restoration and repair

Sec. 27. Money recovered or accrued under this chapter shall be used:

(1) to keep:
(A) the State Soldiers' and Sailors' Monument and subsidiary monuments; or
(B) the Monument Circle and its decorations and improvements;
in repair; and

(2) to restore any parts of the monuments or the Monument Circle that have been broken, destroyed, removed, or injured.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-28
Superintendent and employees; powers of arrest

Sec. 28. The superintendent of the State Soldiers' and Sailors' Monument and of Monument Circle and those serving under the superintendent who are appointed by the commission have police powers and may make arrests or do other things as may be needed to enforce the laws for the protection and care of the monuments and Monument Circle.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-29
Use of commission structures for public purposes

Sec. 29. The commission may grant the use for public purposes of any structures or any parts of structures erected by the commission under this chapter without rent or charge or for only a nominal rental:

(1) to any organizations of soldiers, sailors, and marines and others as a place for their meeting and headquarters and for the keeping of records, archives, documents, flags, mementos, and relics; and

(2) for other public meetings and other public purposes not

inconsistent with the purpose of this chapter;

for the time and upon the terms and conditions as the commission determines.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-30

Contracts; notice; competitive bidding

Sec. 30. (a) The commission may not enter into a contract for:

(1) the purchase or sale of property, material, or supplies; or

(2) the performance of work or labor, except for salaries of employees;

if the work and labor or materials and supplies cost more than ten thousand dollars ($10,000) without first giving notice of its intention to purchase or sell the materials or supplies or to contract for the work or labor by publication in a newspaper of general circulation printed and published in the English language in Indianapolis for two (2) successive weeks before the time fixed for the letting of the contract or the sale of the property.

(b) A contract under this section must be in writing. The other contracting party shall furnish bond for the faithful performance of the contract in an amount fixed by the commission and with surety to the commission's approval, conditioned upon the faithful performance of the contract. However, if the commission decides to purchase a patented article or material or an article or material of a special type, character, or design of construction or make that may be purchased from only one (1) person, firm, limited liability company, or corporation, their agents or representatives, or for which there is a fixed, standard price, the commission is not required to take or receive competitive bids. However, the commission shall publish in the manner set forth under subsection (a) the number and character of the article or kind and quality of material proposed to be purchased, the unit price, and the total sum to be paid.

(c) A contract made in violation of this section is void.

As added by P.L.2-2003, SEC.9.

IC 10-18-1-31

War Memorial fund

Sec. 31. (a) The Indiana War Memorial fund:

(1) is subject to the laws of this state that concern the deposits and safekeeping of public funds; and

(2) shall be deposited under the advisory supervision of the state board of finance in the same way and manner and at the same rate of interest and under the same restriction as state funds.

(b) Interest that accrues to the fund shall be added to and become a part of the Indiana War Memorial fund.

(c) The Indiana War Memorial fund and the accounts of each public officer, employee, or person entrusted by law with the raising,

disposition, or expenditure of the fund or any part of the fund are subject to the same penalties and the same provisions for publicity as are provided by law for state funds and state officers.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-32
Contract for additional structures

Sec. 32. The commission, with the approval of the governor, may let a contract for the erection of additional structures on the site of the Indiana World War Memorial, in accordance with plans and specifications adopted by the commission, with the approval of the governor, to any competent and reliable contractor.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-33
Commemoration of those who served in World War II and Korean Conflict

Sec. 33. (a) The commission shall commemorate the valor of those loyal citizens of this state who served with the armed forces of the United States during World War II and the Korean Conflict by placing their names in the archives of the World War Memorial located at Indianapolis.

(b) The names must be placed in the archives in the same manner as those honored by Indiana who served in World War I.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-34
Commemoration of those who served in Vietnam

Sec. 34. (a) The commission shall commemorate the valor of those loyal citizens of Indiana who served with the armed forces of the United States during the Vietnam conflict by placing their names in the archives of the World War Memorial located at Indianapolis.

(b) The names must be placed in the archives in the same manner as those honored by Indiana who served in World War I, World War II, and the Korean Conflict.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-35
Injunctions; enforcement of chapter; taxes

Sec. 35. A suit to enjoin the enforcement of this chapter or to prevent the levy or collection of taxes under this chapter may not be commenced.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-36
Tax exemption

Sec. 36. All property of every nature and kind constituting a memorial or used in connection with a memorial is exempt from

taxation for all purposes.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-37
Violations

Sec. 37. Except as otherwise provided in this chapter, a person who violates this chapter commits a Class B infraction.
As added by P.L.2-2003, SEC.9.

IC 10-18-1-38
Pecuniary interest of members and employees; offense

Sec. 38. It is a Level 6 felony for a member of the commission or the architect, secretary, superintendent, or any other person in the employ of the commission to:

(1) knowingly be interested in or derive any profit from any contract, employment, or purchase connected with the Indiana World War Memorial or with any action of the commission; or
(2) knowingly be interested in any claim against the commission or the state growing out of the erection or maintenance of the Indiana World War Memorial;

other than for the compensation for their services or for their expenses as provided in this chapter.
As added by P.L.2-2003, SEC.9. Amended by P.L.158-2013, SEC.169.

IC 10-18-2

Chapter 2. World War Memorials

IC 10-18-2-1

"World war memorial"

Sec. 1. As used in this chapter, "world war memorial" means:

(1) World War I memorial parks and artificial lakes in World War I memorial parks; or

(2) World War I structures.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-2

Authority to erect memorials; county authority to erect memorials jointly

Sec. 2. (a) A county may through its county executive acquire by:

(1) purchase;

(2) donation; or

(3) condemnation;

suitable real estate to construct and maintain structures to commemorate the bravery, courage, valor, and sacrifice of the soldiers, sailors, and marines of the United States and of all others who rendered faithful, loyal, heroic, and self-sacrificing service at home or overseas in World War I.

(b) At a world war memorial, a county may do the following:

(1) Provide a place for meetings and headquarters for organizations of active or retired military personnel or any other patriotic associations.

(2) Provide storage for the keeping of records, archives, documents, flags, mementos, and relics.

(3) Provide space for public meetings and for other public purposes.

(4) Inculcate an understanding and appreciation of the duties, benefits, and privileges of American citizenship.

(5) Inspire patriotism and respect for the law to the end that peace may prevail.

(6) Promote good will and justice.

(7) Perpetuate liberty and freedom.

(c) In addition to the powers provided under subsections (a) and (b), a county may do the following:

(1) Acquire by purchase, donation or condemnation any interest in real property to be dedicated by the county and added to any real property that is dedicated by the state for World War Memorial and other public purposes, by proper contract, deed, or grant. The real property acquired shall be conveyed by the county to the state for World War Memorial and other public purposes as provided in the contract, deed, or grant.

(2) Join with any city located in the county to acquire by purchase, donation, or condemnation, interests in real property

to be dedicated by the county and the city jointly and added to any real property that is dedicated by the state for World War Memorial and other public purposes, by proper contract, deed, or grant. The real property acquired shall be conveyed by the county and city jointly to the state for World War Memorial purposes and other public purposes as provided in the contract, deed, or grant.

(3) Join with any city located in the county to:

(A) acquire by purchase, donation, or condemnation interests in real property;

(B) construct and maintain on the real property a joint city and county World War Memorial; and

(C) use the real property for other public purposes as provided in this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-3

County executive authority; appropriation; limitation

Sec. 3. (a) A county executive may appropriate, without any appropriation by the county council of the funds of the county for a world war memorial and other public purposes.

(b) Funds appropriated for a world war memorial may not exceed one-half of one percent (0.5%) of the adjusted value of taxable property of the county, to be determined under IC 36-1-15.

(c) The county shall use the funds appropriated to acquire real estate and construct structures for a world war memorial and other public purposes, as authorized by this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-4

Appropriations; bonds; loans

Sec. 4. (a) A county and its county executive may appropriate money for any or all of the purposes as provided in this chapter:

(1) out of the general funds of the county; or

(2) from the proceeds of a bond issue.

(b) A county may issue and sell bonds for the purpose of raising funds to comply with this chapter.

(c) If:

(1) a county executive decides to establish a world war memorial; and

(2) there is sufficient money in the county's general fund to pay the entire cost of the world war memorial;

money from the county's general fund may be appropriated.

(d) If there is not sufficient money in a county's general fund, the county auditor shall certify to the county executive, who may authorize and make a loan not exceeding one-half of one percent (0.5%) of the adjusted value of the taxable property of the county, to be determined under IC 36-1-15.

(e) It is not necessary to obtain:

(1) the authorization of the county council; or

(2) the appropriation by the county council;

for any money for the payment of the bonds authorized under this section or the interest on the bonds.

(f) A county executive may issue bonds in the name of a county to fund or refund a loan or loans as authorized by this chapter.

(g) A bond for world war memorials shall be issued in any denomination of not more than one thousand dollars ($1,000) each and in not less than twenty (20) or more than fifty (50) series.

(h) Each bond series is to be for an amount determined by the county executive and shall be payable one (1) series each year, beginning on July 1 of the fifth year after the bonds are issued.

(i) A bond shall be negotiable as inland bills of exchange and shall bear interest at a rate not exceeding five percent (5%) per annum, payable semiannually on July 1 and January 1 of each year.

(j) A bond shall be exempt from taxation for any and all purposes.

(k) All proceeds of bonds issued and sold under this chapter by a county, including any premium, shall be kept in a separate and specific fund to be known as the world war memorial fund.

(l) Any surplus remaining in a world war memorial fund after all the demands of the county have been paid and discharged shall be transferred by the county executive to the world war memorial bond funds.

(m) A series of bonds issued under this chapter may not be for less than one-fiftieth (1/50) of the total amount of bonds issued.

(n) A suit to question the validity of bonds authorized to be issued by this chapter may not be instituted after the date set for the sale of the bonds. All bonds are incontestable for any cause except for excess of constitutional limit.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-5

Taxes levied for bonds

Sec. 5. (a) If a county issues bonds for a world war memorial under this chapter, the county fiscal body, county executive, and any other county official who fixes rates or levies taxes shall yearly tax all real and personal property within the county at a rate on each one hundred dollars ($100) of taxable property to meet the interest and principal on world war memorial bonds as they mature.

(b) Taxes levied for world war memorial bonds:

(1) shall be collected by the treasurer of a county or other proper officer in the same manner as other taxes are collected and enforced;

(2) shall be kept in a separate fund to be known as the world war memorial bond fund;

(3) shall be applied to the payment of the bonds issued under this chapter and interest as the bonds mature; and

(4) shall be deposited in an interest earning account with one (1) or more of the depositories in the county, with all interest earned becoming a part of the fund.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-6

Design and construction plan

Sec. 6. (a) A county executive establishing a world war memorial shall adopt a design and a plan for the construction of a world war memorial.

(b) A county executive:

(1) may employ architects and other personnel necessary to design and supervise the building of a world war memorial; and

(2) shall not adopt any design or plan for a world war memorial that, together with the cost of real estate and other expenses for the establishment of the memorial, exceeds the amount authorized for the project. However, this limitation may not restrict the right of a county executive to enter into any contract with any city located in the county for the joint construction of a world war memorial.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-7

Changes to design or plan

Sec. 7. All changes made in the designs or plans for a world war memorial are subject to the following:

(1) Changes must be agreed upon in writing, in advance, between the county executive and the contractor and architect.

(2) Compensation may not be paid for design or plan changes.

(3) Changes may not be made that will increase the total cost of the world war memorial.

(4) Changes may not affect the obligation of or release any surety or bondsmen on any contract or bond executed or given in connection with the building of the world war memorial. However, the liability shall be extended to embrace and cover the changes.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-8

Architect's bond and compensation

Sec. 8. The architect employed to supervise the building of world war memorial structures:

(1) shall, at the time of employment, execute a proper bond in an amount fixed by the county executive and with surety to the approval of the county executive;

(2) is liable on the bond for:

(A) any failure in faithfully discharging duties;

(B) all losses and damages that may be incurred on account

of negligence; or
(C) violating this chapter; and
(3) is entitled to receive compensation as agreed upon in advance.
As added by P.L.2-2003, SEC.9.

IC 10-18-2-9
Contracts; notice; bonds and sureties
Sec. 9. (a) If a county executive has adopted designs or plans for the construction of world war memorial structures as provided in section 6 of this chapter, the county executive shall:
(1) contract with a reliable contractor for all or any part of the construction of the world war memorial structure, as provided in this chapter; and
(2) publish for at least three (3) weeks, one (1) time each week, in a newspaper of general circulation published in the county a notice informing the public and contractors:
(A) of the nature of the structures to be constructed;
(B) that the designs and plans are on file in the office of the county executive; and
(C) that sealed proposals for contractors to work on the construction of the world war memorial are due not earlier than thirty (30) days from the first published notice.
(b) A county executive shall, by order, impose conditions upon:
(1) bidders;
(2) contractors;
(3) subcontractors; and
(4) materialmen;
with regard to bond and surety and guaranteeing the faithful completion of work according to contract.
(c) All contracts with builders, architects, or materialmen must reserve to the county executive for good cause shown the right to cancel a contract and to relet work to others. If a contract is canceled, at least ten percent (10%) shall be reserved from payments on estimates on work done in progress until the contracts are completed and the work done, inspected, and accepted by the county executive.
(d) A payment, partial or final, may not be construed as a waiver of defective work or materials or as a release for damages on account of defective work or materials.
(e) A surety may not be released from any obligation on its bond if the contractor is paid the whole or any part of the percentages required to be reserved from current estimates. A surety may not be released by any final payment made to the contractor.
As added by P.L.2-2003, SEC.9.

IC 10-18-2-10
Joint city and county contracts; county bonds
Sec. 10. (a) If a county has appropriated money to be used by the

county executive under this chapter, the county executive may enter into a contract with any city located in the county for the joint acquisition of real estate for a world war memorial.

(b) Contracts between counties and cities for the joint acquisition of real estate for developing a world war memorial shall be made through the city's board of public works with the approval of the mayor.

(c) If a county executive decides to contract with a city for the joint acquisition of real estate and development of a world war memorial, the county executive shall adopt a resolution signifying their desire and send a certified copy of a resolution to the mayor of the city. The mayor shall refer the resolution to the board of public works for action. Within sixty (60) days after the receipt of the resolution, the board of public works shall determine by resolution whether or not the city will join with the county in the execution of any contract for any purpose authorized by this chapter.

(d) If a county and city agree to join in the acquisition of real estate to be dedicated for a world war memorial as authorized by this chapter, the county executive shall execute a contract between the county and the city describing the real estate and interests in the real estate to be acquired jointly and the costs for the county and the city. The contract shall be executed in duplicate and shall be included in the minutes of the proceedings of the county executive and of the board of public works of the city.

(e) If a county and city agree to establish a joint world war memorial, then the county executive, acting for the county, and the board of public works, with the approval of the mayor, shall execute a contract between the county and city that must provide the following:

(1) For the acquisition of real estate and the construction of a joint world war memorial suitable for the county and city.

(2) The respective parts of the total cost of the world war memorial that shall be paid by the county and by the city and the time and manner of the payments.

(3) That the acquisition of real estate and the execution of all necessary contracts for the construction of the joint world war memorial shall be made by a board of trustees consisting of five (5) members to be appointed and have the powers and perform the duties as provided in this chapter.

(4) That the total costs of the acquisition of the real estate for the joint world war memorial and the construction of the world war memorial may not exceed the amount of money appropriated by the county executive and the common council of the city.

(5) That the necessary cost and expenses for the management, maintenance, repairs, and improvement of the memorial shall be paid by the county and city in the same proportion that they contribute to the establishment of the memorial.

(6) That the contract may contain any other terms, conditions, and provisions that may be agreed upon between the county and city, not inconsistent with this chapter.

(f) The county shall pay its part due under any contract executed by the county with any city within the county under this chapter from:

(1) the general funds of the county; or

(2) the proceeds of bond issue as provided in this chapter.

(g) The county, acting through its county executive, may issue and sell bonds for the purpose of raising funds to pay its part of the cost under any contract executed by the county with any city located within the county under this chapter.

(h) The county executive shall issue and sell the necessary bonds and levy and collect the necessary taxes to pay the bonds as they mature, together with interest, all as authorized in this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-11

Boards of trustees for joint city and county memorials

Sec. 11. (a) If a county enters into a contract with any city for the establishment of a joint county and city world war memorial, as provided in this chapter, there is established a board of trustees that consists of five (5) members, to be known as "Trustees of the World War Memorial for the County of _____ and the City of _____ ", giving the name of the county and the name of the city.

(b) The trustees shall be appointed as follows:

(1) Three (3) trustees shall be appointed by the county executive of the county.

(2) Two (2) trustees shall be appointed by the mayor of the city.

(c) One (1) of the trustees appointed by the mayor shall be appointed for a term of two (2) years and one (1) for a term of three (3) years. Subsequently, the trustees shall be appointed by the mayor for a term of three (3) years. Two (2) of the trustees appointed by the county executive shall be appointed for a term of two (2) years and one (1) for a term of three (3) years. Subsequently, the trustees shall be appointed by the county executive for a term of three (3) years.

(d) The trustees shall be selected without regard to their political affiliations. Not more than three (3) trustees may be of the same political party. The mayor may not appoint more than one (1) trustee from any political party. The county executive may not appoint more than two (2) trustees from any political party.

(e) The board of trustees must be persons of high standing and character and serve without compensation but may receive reimbursement for any reasonable expenses necessarily incurred by them in the performance of their duties.

(f) The mayor or county executive may, for just cause, based upon written charges specifically alleging the misconduct, remove any

member appointed by the mayor or county executive, after notice to the trustee board and a public hearing.

(g) In case of vacancy caused by removal or otherwise, the mayor or the county executive making the original appointment shall appoint a qualified person to fill the unexpired term.

(h) Each trustee shall do the following:

(1) Execute a bond to the county and city in the sum of five thousand dollars ($5,000), conditioned for the faithful performance of duties as a trustee, with sureties to be fixed and approved by the judge of the circuit court.

(2) Take an oath that the trustee will support the Constitution of the United States and the Constitution of the State of Indiana and will faithfully discharge all of the duties as a trustee. The oath shall be endorsed on the bond, and the bond and oath shall be filed with the clerk of the circuit court.

(i) If a joint county and city world war memorial is established, the board of trustees shall have all the powers and perform all the duties in relation to the acquisition of the ground and the construction of the joint county and city world war memorial as provided in this chapter to be done and performed by the county executive in relation to a county world war memorial.

(j) If a joint county and city world war memorial is established, all money appropriated by the county and the city shall be disbursed upon estimates submitted by the board of trustees and certified to the proper officers of the county and city as provided for in the contract between the county and city.

(k) A board of trustees may not be established if a county contracts with a city located in the county to jointly acquire real estate and interests in the real estate to be dedicated and added to an existing war memorial operated by the state.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-12

Memorial management, maintenance, repair, or improvement

Sec. 12. The county executive shall:

(1) provide a fund necessary for the:

(A) management;

(B) maintenance;

(C) repair; and

(D) improvement;

of any county world war memorial;

(2) pay its part of the cost of:

(A) management;

(B) maintenance;

(C) repair; and

(D) improvement;

of any joint county and city world war memorial, as determined by contract; and

(3) raise money for the fund by taxation in the manner provided by law for all other county expenses.

As added by P.L.2-2003, SEC.9. Amended by P.L.2-2005, SEC.43.

IC 10-18-2-13

Joint real estate acquisitions for state memorial

Sec. 13. (a) If a county decides to join a city located in the county to acquire real estate to be dedicated, set apart, and added to any real estate that may be designated for use or dedicated and set apart by the state as a world war memorial and other public purposes, as provided in this chapter, the county, through its county executive, shall execute proper deeds, grants, or contracts with the state to convey the real estate to the state for world war memorial and other public purposes, as authorized by this chapter.

(b) The deed, grant, or contract must provide:

(1) for the use by the county, or by the county and city jointly, of the memorial grounds and structures; and

(2) that, to the extent of the money appropriated and used by the county in the acquisition of the memorial grounds and structures, the memorial grounds and structures shall be a county world war memorial.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-14

Memorial use and rental

Sec. 14. (a) A county executive may allow any organizations of soldiers, sailors, and marines, and others to use any structure that is part of a world war memorial constructed under this chapter as a place for meetings and headquarters.

(b) A county executive may allow a structure at a world war memorial to be used for any public purposes.

(c) A county executive shall determine the terms and conditions of leasing space at a world war memorial under this section, including:

(1) whether to charge rent; and

(2) if rent is charged, the rental price.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-15

Donations, gifts, devises, and bequests

Sec. 15. (a) A county may receive donations, gifts, devises, and bequests for the county executive to use in connection with a world war memorial.

(b) Any money donated to a county for its world war memorial shall be paid out upon warrants drawn by the auditor of the county, without any appropriation by the county fiscal body, to the county executive.

(c) The county may use money received as donations, gifts, or

devises for the:

(1) construction of a world war memorial, alone or with any city; or

(2) acquisition by the county, or jointly by the county and any city located in the county, of real estate and interests in real estate to be dedicated, set apart, and added to any real estate that may have been designated for use or dedicated and set apart by the state for world war memorial and other public purposes;

as provided in this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-16

Eminent domain

Sec. 16. (a) A county executive, acting jointly with the board of public works of a city located in the county to acquire grounds, real property, and interests in real property, by purchase or condemnation for any of the purposes authorized by this chapter, may proceed under IC 32-24, together with all the powers of eminent domain granted under this chapter.

(b) Before a county executive may purchase real property or interests in real property, by the county, jointly by the county and a city located in the county, by the county executive or board of trustees, as provided in section 11 of this chapter, or by the county executive acting jointly with the board of public works of any city located in the county, the county executive must have the real property appraised at its true cash value by at least:

(1) one (1) disinterested freeholder of the county; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana. One (1) of the appraisers described in subdivision (2) must reside not more than fifty (50) miles from the property. The county executive may not pay more than the appraised value for any real property and interests in real property.

(c) If an owner refuses to sell real property at the appraised value, the property must be acquired by condemnation. If a county acts alone, an attorney representing the county shall conduct all the legal proceedings necessary in the purchase or condemnation of real property. The legal department of a city and an attorney representing the county, if the county and city act jointly under this chapter, shall conduct all the necessary legal proceedings, without additional compensation, for the purchase or condemnation of real property.

(d) If a county acquires real property for any of the purposes provided for by this chapter or joins with a city located in the county in the acquisition of real property for any of the purposes provided for in this chapter, the county, acting by and through its county executive, or the county, by and through its county executive acting jointly with any city located in the county, by and through its board of public works, with the approval of the mayor, may sell the buildings and improvements on the real property.

(e) The net rent or proceeds of the sale of the building and improvements on the real property at a war memorial, if the real property was acquired by the county, shall be added to and become a part of the county world war memorial fund. If the real property was acquired by the county and any city located in the county jointly, the rent and proceeds of sale shall be added to the county world war memorial fund and the city world war memorial fund in the same proportions that the city and county contributed to the acquisition of the real property, buildings, and improvements, or the county.

(f) The county and a city located in the county acting jointly, as provided in this chapter, may convey any real property acquired to the state. The contract with the state must provide for the rent of buildings and improvements on real property, until necessary to remove the buildings and improvements, and for the sale of the buildings and improvements if the real property is needed by the board of trustees for world war memorial and other public purposes. The contract must provide how the net rent or proceeds will be applied.

(g) If a county institutes proceedings to condemn any real property or interests in real property or other property under this chapter, the suit must be brought:

(1) in the name of the county;

(2) by an attorney representing the county; and

(3) at the direction of the county executive.

(h) If the joint condemnation of real property under this chapter is by a county and by a city located in the county, the suit must be brought in the name of the county, as provided in this section, and in the name of the city by its legal department, without additional compensation, at the direction of the board of public works. The county, or the county and the city jointly, may:

(1) join in one (1) action naming as defendants the owners and all persons interested in one (1) or more tracts of real property to be condemned; or

(2) institute proceedings to condemn separate tracts of real property.

As added by P.L.2-2003, SEC.9. Amended by P.L.113-2006, SEC.8.

IC 10-18-2-17

Issuing bonds to pay loans; refunding bonds

Sec. 17. (a) A county executive, instead of making a loan or loans as provided in section 4 of this chapter, may make a loan for a period of not more than ten (10) years for any of the purposes authorized by this chapter.

(b) A loan issued under this section must be at a rate of interest not exceeding six percent (6%) per annum, payable semiannually. The loan must be evidenced by the bonds of the county, which shall be payable at their maturity and not later than ten (10) years after the date of issue.

(c) A bond issued under this section is exempt from taxation for all purposes.

(d) If a bond issued under this section is issued for a longer period than five (5) years:

(1) at least one-fiftieth (1/50) of the total issue of the bonds must mature each year after the fifth year; and

(2) the balance of the bond must mature and be paid or refunded not later than ten (10) years after the date of issue.

(e) A county executive may refund a loan issued under this chapter with another bond issue in accordance with this chapter.

(f) A county executive may name the date when the first series of refunding bonds is due. However, the first of the series may not be for a longer period than five (5) years from the date of issue.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-18

Powers and duties of county executive or board of trustees

Sec. 18. In the establishment and maintenance of a county world war memorial, a county executive or a board of trustees of a joint county and city world war memorial has all the powers and duties conferred upon the Indiana War Memorials Commission under IC 10-18-1, in so far as the powers and duties are not inconsistent with this chapter. However, a county executive or board may not employ a secretary.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-19

Declaratory resolution

Sec. 19. (a) If a county executive desires to carry out this chapter, the county executive must adopt a declaratory resolution in substance as follows:

"Be it resolved, by the county executive of _____ County, that said county should proceed alone, or jointly with the city of _____ located in such county, to carry out the purposes of IC 10-18-2.".

(b) The resolution shall be recorded in the proceedings of the county executive. Notice of the adoption of the declaratory resolution shall be given by the county executive by the publication of the resolution in full by two (2) insertions published at least a week apart in accordance with IC 5-3-1-4.

(c) The county executive may:

(1) appropriate money;

(2) make loans;

(3) issue bonds;

(4) levy taxes; and

(5) do everything that may be necessary to carry out this chapter.

If any bonds are issued under this chapter by a county and the bonds

have to be refunded, it is not necessary for the county executive to adopt a declaratory resolution.

(d) The rights and powers of this chapter vested in any county executive may not be exhausted by being exercised one (1) or more times, but are continuing rights and powers.

(e) If there is a second or other subsequent exercise of power under this chapter by any county, it is not necessary for the county executive to adopt a declaratory resolution. Any county acting a second or subsequent time may proceed to carry out this chapter without any appropriation by the county fiscal body and without being required to comply with any other law relating to appropriations and budgets except for section 2 of this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-20

Authority to erect memorials

Sec. 20. A political subdivision (as defined in IC 36-1-2-13) or municipal corporation (as defined in IC 36-1-2-10) may erect or cause to be erected a memorial to the armed forces of World War II under the same conditions that a memorial to the armed forces of World War I may be built.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-21

No authority for injunctions

Sec. 21. A suit to enjoin the enforcement of this chapter or to prevent the levy or collection of taxes under this chapter may not be commenced.

As added by P.L.2-2003, SEC.9.

IC 10-18-2-22

Property exempt from taxation

Sec. 22. All property that is:

(1) part of a county world war memorial;

(2) part of a joint county and city world war memorial;

(3) used in connection with a world war memorial; or

(4) acquired by a county or jointly by a county and a city located in the county for any purpose authorized by this chapter;

is exempt from taxation for all purposes.

As added by P.L.2-2003, SEC.9.

IC 10-18-3

Chapter 3. City and County War Memorials

IC 10-18-3-1

Authority to erect memorials; establishing memorial

Sec. 1. (a) Counties and cities may provide and maintain a suitable memorial to commemorate the:

(1) courage, valor, and sacrifice of the members of the armed forces who served the United States in World War I or World War II; and

(2) faithful, loyal, and self-sacrificing service rendered by others to our country in those wars.

(b) A proceeding for the establishment and maintenance of memorials initiated under the provisions of another law may be continued and completed under this chapter without compliance with sections 2 through 5 of this chapter if the board of commissioners of the county or common council of the city has:

(1) determined to proceed with the memorial; and

(2) published notice of the determination.

(c) Before proceeding under this chapter, the board of commissioners or common council shall:

(1) by resolution, declare its intention to establish and maintain a memorial; and

(2) appoint a board of trustees in accordance with section 6 of this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-2

Memorial committee; report

Sec. 2. (a) The board of commissioners of a county or the common council of a city shall, on petition of at least one hundred (100) adult citizens of the county or city, appoint a committee to be known as the memorial committee. The appointments may not be made until after notice of the filing of the petition has been published for at least two (2) weeks. Publication must occur once each week in a newspaper of general circulation in the county or city.

(b) The committee must have at least five (5) but not more than fifteen (15) members. Each committee member must be a citizen of the county or city in which the memorial is proposed. The members must be appointed based solely upon their fitness, and the committee must include representatives of educational, benevolent, labor, and other interests.

(c) The members of the committee serve without compensation. However, the board of commissioners or common council may compensate members for necessary expenses in the performance of their duty, including compensation of expert advisers. The board of commissioners or common council may make an appropriation in advance to compensate members for necessary expenses.

(d) The committee shall make a careful study of the subject of a suitable memorial in the county or city and report its conclusions to the board of commissioners or common council. The report must include:

(1) the kind of memorial regarded by the committee as appropriate;

(2) the estimated cost of erection and maintenance;

(3) the method of control; and

(4) any other matter the committee considers proper.

The committee shall make the report within six (6) months after appointment, unless a longer time is given by the board of commissioners or common council. A committee that fails to report within the time allowed is immediately regarded as dissolved, and the board of commissioners or common council shall appoint a new committee. A new committee appointed under this subsection is governed by the same rule regarding the filing of a report and dissolution.

(e) A vacancy in the committee shall be filled by the board of commissioners or common council.

(f) A county or city in which a memorial committee has been appointed may not erect or provide for the erection of a memorial until the committee has made its report.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-3

Petition to establish memorial; notice of petition

Sec. 3. (a) Public notice must be provided in the manner set forth under subsection (b) if a petition signed by:

(1) at least five hundred (500) citizens and taxpayers of a county; or

(2) at least two hundred (200) citizens and taxpayers of a city;

requests the establishment and maintenance within the county or city of a memorial for the soldiers and sailors of World War I. The petition must be addressed to the board of commissioners of the county or the common council of the city and filed in the office of the auditor of the county or clerk of the city.

(b) The auditor or clerk shall:

(1) publish a notice that includes a copy of the petition or a summary of the petition in a newspaper of general circulation printed and published in the county or city;

(2) post a notice that includes a copy of the petition or a summary of the petition in at least ten (10) public places in the county; and

(3) post a notice that includes a copy of the petition or a summary of the petition at the door of the county courthouse.

Notice under this subsection must also include the day the petition will be presented to the board. The day of the hearing must be fixed by the auditor or clerk at least thirty (30) days but not more than

forty (40) days after the day of the filing of the petition. Notice of the petition signed by the auditor or clerk must be published for three (3) consecutive weeks and posted for at least twenty (20) days before the day designated by the auditor or clerk for the hearing.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-4
Petition requirements

Sec. 4. A petition filed under section 3 of this chapter must set forth the character and kind of a memorial proposed to be established or constructed and the probable cost of the memorial to the county or city.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-5
Petition hearing; remonstrance; appeal

Sec. 5. (a) On the day designated by the auditor or clerk for a hearing under section 3 of this chapter, the petitioners may make proof of the publication and posting of the notice of the hearing and present the petition to the board of commissioners or common council. However, if on or before the day of the hearing a written remonstrance is filed with the board of commissioners or common council, the board of commissioners or common council shall fix a new hearing date at least thirty (30) days but less than forty (40) days after the original hearing date. A written remonstrance must:

(1) be signed by citizens and taxpayers of the county or city;
(2) be equal in number to the signers of the petition; and
(3) ask that the memorial not be established or protest against the kind of memorial proposed and provide reasons for the protest. Before the new hearing date, additional names of citizens and taxpayers may be added to or withdrawn from the petition and remonstrance. A person who signs the petition may not be counted on a remonstrance against it. On or after the first day designated, a taxpayer may be added to a petition and remonstrance for hearing.

(b) If a remonstrance is not filed, the board of commissioners or common council may grant the petition and order the establishment of a memorial, subject to the conditions of this chapter. If a proper remonstrance is filed on the first day designated for the hearing, the board of commissioners or common council may grant the petition on or after the second day of the hearing as fixed by the board of commissioners, unless there is a greater number of qualified remonstrators against the memorial than petitioners for the memorial at that time. If this occurs, the petition shall be dismissed at the cost of the petitioners.

(c) A taxpayer of the county aggrieved by the action of the board may appeal its decision to the circuit court, superior court, or probate court of the county within ten (10) days in the same manner as other

appeals are taken from the action of the board. The cause must be tried de novo.
As added by P.L.2-2003, SEC.9. Amended by P.L.84-2016, SEC.59.

IC 10-18-3-6
Board of trustees; officers; bond

Sec. 6. (a) Upon ordering the establishment of a memorial, a board of trustees must be appointed under this section for the establishment, maintenance, management, and control of the memorial.

(b) The board of commissioners of a county or common council of a city shall name five (5) trustees, not more than three (3) of whom may be members of the same political party. The appointees constitute a board for the establishment, maintenance, management, and control of the memorial. The trustees shall serve as follows:

(1) One (1) of the trustees named by the board of commissioners or common council serves until the first Monday of the following January.
(2) One (1) trustee serves until the first Monday of the second January following the trustee's appointment.
(3) One (1) trustee serves until the first Monday of the third January following the trustee's appointment.
(4) Two (2) trustees serve until the first Monday of the fourth January following the appointment of the trustees.

On the expiration of the term of a trustee, a successor shall be appointed under this section to serve a term of four (4) years. Each subsequent trustee serves a term of four (4) years.

(c) The board of trustees shall elect a president, vice president, secretary, and treasurer. Elections must occur annually on the second Monday in January of each year or as soon after that day as possible. A trustee serves without compensation, except that a trustee is allowed all necessary expenses incurred in the performance of the trustee's duties.

(d) Bond for the faithful and honest performance of a trustee's duties is required. The form and amount of the bond is fixed by the board of commissioners or common council. If a surety bond is furnished by a trustee, the expense of the bond shall be borne by the county or city.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-7
Trustees' initial meeting; site selection; plans and specifications

Sec. 7. (a) As soon as selected, a trustee shall be notified of the appointment by the auditor or city clerk. The auditor or clerk shall fix a date for the trustees to meet for the purpose of electing officers and adopting suitable rules for the government of the board.

(b) The board of trustees shall select a proper site for the memorial. A county memorial must be located at or near the county

seat of the county and must have plans and specifications drawn for the establishment of the memorial. The plans and specifications must provide for a memorial of the kind and character ordered established and constructed by the board of commissioners or common council.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-8
Bonds to establish memorial

Sec. 8. (a) The cost of establishing and constructing a memorial and the expense of maintaining the memorial shall be derived from revenue generated by the memorial. If this revenue is not sufficient, the costs shall be borne by the county or city as provided in subsections (b) and (c).

(b) For the purpose of raising money to pay for the establishment of a memorial, the bonds of the county or city may be issued, not to exceed the amount of:

(1) the contract price;

(2) expenses incurred and damages allowed prior to the awarding of the contract;

(3) a sum sufficient to pay the per diem of the engineer, architect, and superintendent during the construction of the memorial; and

(4) other estimated costs necessary for the memorial.

The bonds must be in denominations of at least fifty dollars ($50) each, payable not more than twenty (20) years after the date of issue.

(c) The bonds shall be sold at not less than face value. The proceeds shall be kept as a separate and specific fund to be used by the county or city to pay for construction of the memorial and all proper expenses incident to construction. A payment may not be made for more than eighty percent (80%) of the engineer's estimate of work done by the contractor. The whole amount of the contract may not be paid until the memorial is fully approved by the board of commissioners or common council and the board of trustees and determined to be completed and satisfactory.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-9
Special tax

Sec. 9. For the purpose of raising money to:

(1) meet the bonds and interest on the bonds; or

(2) establish or erect a memorial without the issuance of bonds;

the county or city authorities shall annually, at the time the general tax levy is made, levy a special tax on the taxable property of the county or city, subject to this chapter. Funds may be raised in yearly amounts until a sufficient amount has accrued to enable the board or common council to proceed with the erection or establishment of the memorial.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-10
Limitations on indebtedness; tax exemption

Sec. 10. (a) A county or city may not issue bonds or any other evidence of indebtedness payable by taxation for the construction of a memorial if the total issue of the bonds exceeds two percent (2%) of the adjusted value of the taxable property of the county or city in which the memorial is located as determined under IC 36-1-15.

(b) Bonds or obligations issued in violation of this section are void.

(c) Bonds issued under section 8 of this chapter are exempt from taxation.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-11
Fund for management, maintenance, repair, improvement, or extension of memorial

Sec. 11. (a) A surplus remaining from the sale of bonds for the establishment of a memorial must remain as a separate fund for the maintenance, repair, improvement, or extension of the memorial.

(b) Each year the board of county commissioners and the county council or the common council shall provide a fund necessary for the management, maintenance, repair, improvement, and extension of the memorial. Money for the fund shall be raised by taxation in the manner provided by law for other county or city expenses.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-12
Tax exemption; establishing memorial and board of trustees

Sec. 12. (a) If a city desires to erect or establish a memorial and the common council of the city:

(1) adopts a resolution declaring the desire;

(2) pledges the city to proceed promptly to erect the memorial in or near the city; and

(3) files a certified copy of the resolution with the board of county commissioners before the board has made an order granting a petition for a county memorial;

the taxable property of the city is exempt from the taxation authorized in this chapter for the erection, establishment, management, maintenance, repair, improvement, and extension of a county memorial. However, if the city, within one (1) year from the date of the order, has not in good faith begun the erection or establishment of a memorial that costs as much or more than the amount that would be derived from taxation of the taxable property of the city for the erection or establishment of the county memorial, then the exemption fails, and the property of the city shall be taxed for the county memorial in the same manner as other property of the county is taxed.

(b) If a person, an association, or a corporation establishes or

erects in a city a suitable memorial for the permanent use of all people of the city as provided in section 15 of this chapter, and the cost of the memorial is equal to or more than the amount that would be derived from taxation of the property of the city for the erection or establishment of a county memorial, then the taxable property of the city is exempt from the taxation authorized in this chapter for the erection, establishment, management, maintenance, repair, improvement, and extension of a county memorial. However, the exemption fails unless the donor files with the board of county commissioners of the county in which a city is located a certificate signed by the donor declaring the intention to immediately begin the establishment or erection of the memorial. The signed certificate must be filed with the board of county commissioners before the board has issued an order granting a petition for a county memorial.

(c) A corporation, instead of filing the certificate described in subsection (b), shall file with the board a certified copy of a resolution of its board of directors declaring the intention to immediately begin the establishment or erection of the memorial. The resolution must declare that the title to the memorial and the land upon which it is located are held by a board of trustees composed of five (5) members. The board of trustees and its successors are appointed by each donor. If there is a failure to make an appointment, the city council of the city shall have appointive power.

(d) The donors shall create an efficient organization among the people of the city to manage, maintain, repair, and improve the memorial under the powers and restrictions described in section 15 of this chapter. The organization consists of six (6) citizens of the city. Members of the organization:

(1) serve in a manner and for a term as lawfully provided by the donors;

(2) act in conjunction with the board of trustees as a board of managers; and

(3) have full charge and supervision of the establishment and erection of the memorial and its management, maintenance, repair, and improvement.

If the cost of management, maintenance, repair, and improvement exceeds the income derived from the memorial, the costs must be provided by voluntary contributions, donations, or endowments. The board of managers shall organize and adopt rules and bylaws for the conduct of its business as are usually adopted by similar bodies.

(e) If the memorial building and ground cease to be used for this purpose, the trustees shall reconvey the title to the donors, their heirs, successors, or assigns.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-13

Powers and duties of board of trustees; superintendent, engineer,

or architect

Sec. 13. The board of trustees have:

(1) full charge and supervision of the construction of the memorial adopted; and

(2) authority to employ a superintendent, an engineer, or an architect.

Each person employed must be qualified and experienced and shall give bond for the faithful performance of the person's duties. The form and amount of the bond shall be fixed by the board of county commissioners or common council.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-14

Governing law

Sec. 14. If the erection or establishment of a memorial is governed by another statute, the procedure for erection, establishment, maintenance, control, and management prescribed by the other statute shall be followed instead of the procedure prescribed by this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-15

Hall, coliseum, or building use; no preferences or admission fee

Sec. 15. (a) If the memorial established is a hall, coliseum, or building of a similar nature, the hall, coliseum, or building must be used for public purposes of all kinds, but especially for the purpose of perpetuating and keeping those principles alive for which World War I was fought.

(b) Space must be provided for memorial tablets, works of art, relics, souvenirs, war records, and things that are:

(1) connected with or growing out of the war; and

(2) appropriate in the building in the opinion of the board of trustees.

Institutes, exhibits, shows, and entertainment of all kinds may be held in the building in the discretion of the board of trustees.

(c) The trustees may let the building for hire and fix a charge for letting the building for hire.

(d) A preference may not be shown to a church, political party, or class of society. However, this provision may not be construed to require or permit the use of the building by an organization or person to promulgate doctrines inimical to the government of the United States or Indiana.

(e) The memorial may not be:

(1) located, in whole or in part:

(A) upon land; or

(B) within land;

(2) connected to land; or

(3) used in connection with a land enclosure or other structure:

for which an admission fee is charged or that is used or controlled by a person or an organization other than the trustees in charge of the memorial.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-16
Trustees' reports and budgets; claims; revenues

Sec. 16. (a) The trustees shall make an annual report under oath to the board of county commissioners or common council. The annual report must include the activities of the trustees and of the receipts and expenditures of the memorial. The trustees shall prepare an annual budget and estimate for the board of commissioners and county council or common council so that adequate appropriation of funds may be made for the proper maintenance, repair, improvement, and extension of the memorial. A report must be made at other times if required by the board of commissioners or common council.

(b) All claims for expenditures incident to the maintenance of the memorial must be in the form used for the payment of other claims by the county or city. The claims must be:

(1) approved by the president of the board of trustees of the memorial; and

(2) allowed by the board of commissioners or common council in the same manner as other claims.

(c) All revenue from a memorial shall be accounted for by the board of trustees and delivered to the county treasurer or city fiscal officer on the first Monday of January and July of each year.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-17
Gifts and bequests

Sec. 17. This chapter does not prevent a gift or bequest by deed, will, or otherwise of property to a county or city for a memorial of the kind described in this chapter. A county and city may accept a bequest and gift. Property given to the county or city in this manner may be used exclusively or in conjunction with other donated property or county or city funds for a memorial. If a gift or bequest is made to a county or city, proper recognition of the gift or bequest shall be shown in connection with the memorial.
As added by P.L.2-2003, SEC.9.

IC 10-18-3-18
Memorial art commission

Sec. 18. (a) The governor may appoint a commission known as the memorial art commission.

(b) The commission must consist of not more than seven (7) qualified persons who serve without pay. However, members are to be paid necessary expenses as certified by the governor to the auditor of state.

(c) The commission shall consider the artistic qualities of a plan for a proposed memorial.

(d) A memorial consisting of a building, monument, statue, tablet, picture, arch, or work of art of any kind may not be erected without first:

(1) submitting the plans to the memorial art commission; and

(2) securing criticism and advice from the commission with respect to the memorial.

If a state art commission is established by law, it is ex officio the memorial art commission.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-19

Bids and contracts; eminent domain

Sec. 19. A bid must be received and a contract awarded for the memorial in the same manner as provided by law for a county or city building. Land for a memorial may be acquired under the power of eminent domain in the same manner as other land is acquired by a county or city for a public building.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-20

Limitation on number of memorials

Sec. 20. This chapter does not authorize the establishment of more than one (1) memorial at the expense of the county.

As added by P.L.2-2003, SEC.9.

IC 10-18-3-21

Trustee removal; board termination; final report

Sec. 21. (a) A trustee of a memorial may be removed and the position declared vacant by the board, common council, or judge appointing the trustee upon a showing that the trustee is incompetent, dishonest, or not performing the duties required by:

(1) law; or

(2) the governing rules of the board of trustees.

(b) At any time after a memorial building has been:

(1) erected and used for public purposes described in section 15 of this chapter; and

(2) fully paid for and all bonds or other indebtedness issued for the construction of the memorial has been retired;

the board of county commissioners or common council may by a two-thirds (2/3) vote of the board of commissioners or common council abolish and terminate the existence of the memorial board of trustees. The board of county commissioners or common council must have a signed petition requesting abolition and termination by all members of the board of trustees and the consent of the circuit court judge of the judicial circuit in which the county or city is situated. The judge's consent must be included on the signed petition.

The board of county commissioners or common council shall fix a time not less than thirty (30) days or more than ninety (90) days from the date of the vote when the termination becomes effective.

(c) If the board of trustees has been abolished and terminated, the county auditor or city clerk shall notify the secretary of the board of trustees in writing of the time for the termination of the board of trustees.

(d) The board of trustees shall make a full and final report of its activities in the same manner as other reports required by this chapter. The report must be completed on or before the day fixed in the notice for termination.

(e) On and after the date fixed for the abolition and termination of the board of trustees, the custody, control, and management of the memorial shall be exercised by the officers, board, common council, or committee of the county or city that manages and controls other county or city buildings. The officers, board, common council, or committee of the county or city that manages and controls other county or city buildings shall perpetuate the memorial features of the building.

As added by P.L.2-2003, SEC.9.

IC 10-18-4

Chapter 4. City War Memorials

IC 10-18-4-1

"Board of public works"

Sec. 1. As used in this chapter, "board of public works" refers to the following:

(1) The board of public works and safety established in a city under IC 36.

(2) The board of public works in a city that has established a separate board of public works and a separate board of public safety under IC 36.

The term includes the department of public works in a city in which a department of public works has been established under IC 36.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-2

Authority to erect memorials; city authority to erect memorials jointly

Sec. 2. (a) A city, acting through its board of public works, with the approval of its mayor, when money has been appropriated for that purpose by an ordinance adopted and approved as provided in section 22 of this chapter, may do the following:

(1) Acquire, by purchase, donation, or condemnation, suitable interests in real property located in the city.

(2) Do the following on the real property described in subdivision (1):

(A) Erect and maintain upon the real property suitable structures to commemorate the bravery, courage, valor, and sacrifice of the soldiers, sailors, and marines of the United States and of all others who rendered faithful, loyal, heroic, and self-sacrificing service at home and overseas in World War I.

(B) Provide a place or places of meeting and headquarters for the following:

(i) Organizations of soldiers, sailors, and marines or patriotic societies or associations.

(ii) The keeping of records, archives, documents, flags, mementoes, and relics.

(iii) Other public meetings and public purposes.

(iv) The teaching of a true understanding and appreciation of the duties, benefits, and privileges of American citizenship to inspire patriotism and respect for the law to the end that peace may prevail, good will be promoted, justice be administered and established, public order maintained, and liberty and freedom under the law be perpetuated.

(b) In addition to the power given under subsection (a), a city may

do the following:

(1) Acquire, by purchase, donation, or condemnation, any interest in real property to be dedicated by the city and added to any real property that is dedicated by the state for World War memorial and other public purposes by proper contract, deed or grant. The real property acquired shall be conveyed by the city to the state for World War memorial and other public purposes, as provided in the contract, deed, or grant.

(2) Join with the county in which the city is located to acquire by purchase, donation, or condemnation interests in real property to be dedicated by the city and the county jointly and added to any real property that may have been or may be designated for use, dedicated, or set apart by the state for World War memorial and other public purposes by proper contract, deed or grant. The real property acquired shall be conveyed by the city and the county jointly to the state for World War memorial and other public purposes, as provided in the contract, deed, or grant.

(3) Join with the county in which the city is located to:

(A) acquire by purchase, donation, or condemnation of interests in real property;

(B) construct and maintain on the real property a joint city and county World War memorial; and

(C) use the real property for other public purposes as provided in this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-3

Appropriations; limitation

Sec. 3. (a) The legislative body of a city may, upon recommendation of the mayor and city controller, if applicable, by ordinance adopted and approved as provided in section 22 of this chapter, appropriate for the use of the board of public works of the city money of the city for World War memorial and other public purposes.

(b) Any money and the total of all money appropriated under this chapter may not exceed six-tenths of one percent (0.6%) of the adjusted value of the taxable property of the city as determined under IC 36-1-15.

(c) The board of public works, with the approval of the mayor, may use the funds so appropriated for any of the purposes described in section 2 of this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-4

Real property acquisition; law governing contracts

Sec. 4. (a) The board of public works of a city, in the acquisition of real property as authorized by this chapter, shall acquire the real

property under the statutes applicable to the city for acquisition of real property by donation, purchase, or condemnation.

(b) Except as provided in this chapter, the board of public works, in the construction of a memorial structure authorized by this chapter, shall act under the statutes related to the letting of contracts for public work applicable to the city.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-5

Appropriations; bonds; loans

Sec. 5. (a) A city may appropriate money for use of the board of public works of the city for any of the purposes provided in this chapter, either out of the general funds of the city or from the proceeds of a bond issue for those purposes.

(b) A city may sell bonds for the purpose of raising funds to comply with this chapter.

(c) Except as provided in this chapter, the appropriation of money and the sale of bonds by a city is governed by the law relating to the appropriation of money and the sale of bonds by the city for other city purposes.

(d) The legislative body of a city may, by ordinance adopted and approved as provided in section 22 of this chapter, do any of the following:

(1) Authorize the city controller, if applicable, and the mayor, in the name of the city, to make permanent loans of money for any of the purposes of this chapter of any amount not more than six-tenths of one percent (0.6%) of the adjusted value of taxable property of the city as determined under IC 36-1-15.

(2) Authorize the city controller, if applicable, and mayor of the city to issue bonds for the purpose of funding or refunding loans made by the city under this chapter. Except as provided in this chapter, any loans must be made and governed by the law concerning permanent loans by cities. Any bonds must satisfy all of the following:

(A) The bonds may be issued in any denomination of not more than one thousand dollars ($1,000) each and in not less than twenty (20) or more than fifty (50) series. Each series must be for the amount as provided by the ordinance.

(B) The bonds must be payable one (1) series each year, beginning on July 1 of the fifth year after the issue of the bonds.

(C) The bonds must be negotiable as inland bills of exchange.

(D) The bonds must bear interest at the rate of not more than six percent (6%) a year, payable semiannually on July 1 and January 1 of each year.

(3) Authorize the city controller, if applicable, and mayor, in advertising for the sale of bonds, to ask for competitive bids on

the bonds on any series of not less than twenty (20) nor more than fifty (50). The city controller, if applicable, and mayor may accept the bid that, in their judgment, is the most advantageous bid to the city.

(e) Bonds issued under this chapter are exempt from taxation for all purposes.

(f) A series of bonds issued under this chapter may not be for less than two percent (2%) of the total amount of bonds issued.

(g) The proceeds of bonds sold under this chapter by the city, including any premium on the bonds, must be kept as a separate and specific fund, to be known as the World War memorial fund. Money in the fund may be used only for any of the purposes described in section 2 of this chapter.

(h) The city legislative body may, by ordinance, transfer to the World War memorial bond fund any surplus finally remaining in the World War memorial fund, after all the demands on the city for money in the World War memorial fund have been paid and discharged.

(i) A suit to question the validity of any bond issued under this chapter may not be instituted after the date set for the sale of the bonds. All bonds, beginning on the date set for the sale of the bonds, are incontestable for any cause.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-6

Taxes levied for bonds; World War memorial bond fund; sinking fund

Sec. 6. (a) To raise money to pay the bonds and the interest on the bonds issued under this chapter, the legislative body of the city and all other officials, whether city or state, shall levy each year, in addition to all other taxes the city may levy, a tax on all property, real or personal, within the city, in the manner and at a rate on each one hundred dollars ($100) of taxable property in the city as to meet the principal of the bonds as they severally mature and interest accruing on the bonds. The legislative body of the city and the fiscal officer of the city shall certify the taxes levied each year to the auditor of the county in which the city is located or other proper officer not later than the first Monday of September in each year or at the time of the certification of the city's annual tax levy.

(b) Taxes levied and certified under this section shall be collected and enforced in the same manner as other taxes are collected and enforced. As the taxes are collected, the taxes shall be:

(1) kept in a separate fund to be known as the "World War Memorial bond fund"; and

(2) applied to the payment of the bonds issued under this chapter and interest accruing on the bonds as they severally mature, and for no other purpose.

All money collected for the payment of the bonds and the interest

accruing on the bonds shall be deposited at interest with one (1) or more of the depositories as other public funds of the city. All interest collected becomes a part of the fund.

(c) In a city in which there has been established a sinking fund and a board of sinking fund commissioners:

(1) the World War Memorial bond fund shall be under the care, custody, control, and jurisdiction of the board of sinking fund commissioners; and

(2) all taxes authorized and required to be levied and collected under this section to pay the bonds as they mature and interest accruing on the bonds shall be used and applied by the board of sinking fund commissioners to pay the bonds as they mature with interest on the bonds.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-7

Designs, plans, and specifications; contents of architect and artisan proposals; cost limitations; design premium

Sec. 7. (a) The board of public works of the city shall select designs, plans, and all necessary specifications for the erection of the World War memorial. The board of public works shall publish notice:

(1) in at least:

(A) three (3) newspapers of general circulation, printed and published in the English language in Indiana, at least one (1) of which must be published in the city; and

(B) seven (7) other newspapers or publications published outside Indiana;

selected by the board of public works; and

(2) that, not less than four (4) months and not more than eight (8) months after the date of publication of the notice, the board of public works will receive and examine designs, plans, and specifications for the World War memorial structures submitted to the board by competing architects or artisans skilled in that work.

(b) Each architect or artisan competing must submit all the following:

(1) Full and careful estimates of the cost of construction of the World War memorial structures.

(2) A sealed proposal of the compensation the architect or artisan will require if the architect's or artisan's plan is adopted.

(3) A separate statement of the compensation the architect or artisan will require to superintend construction of the memorial structures.

(c) The board of public works may not adopt a design, plan, or specification that will cost more than the sum of the following:

(1) The amount appropriated for the memorial structures.

(2) The amount of any donations, devises, or bequests the city

has received at the time the contract is awarded.

(d) To insure adequate competition, the board of public works may offer premiums of not more than fifteen thousand dollars ($15,000) for the best design, plans, or specifications for the World War memorial. The amount of any premium must be divided and awarded as first, second, and third premiums in the amounts and under the rules the board adopts.

(e) The board of public works may:

(1) reject any plans, designs, and specifications submitted if the board considers them unsuitable; and

(2) readvertise in the same manner as provided in this section for additional designs, plans, and specifications.

If the board of public works considers none of the designs, plans, and specifications suitable, the board may not award the premiums. Any premium awarded to the architect who becomes the supervising architect in building the World War memorial shall be considered fully paid by the commission or percentage agreed upon as specified in this chapter.

(f) In the selection of designs, plans, and specifications, the board of public works shall call for the assistance of all the following:

(1) The city's civil engineer.

(2) At least one (1) competent architect:

(A) of known skill and ability in the architect's profession; and

(B) who did not submit a design, a plan, or specifications for competition.

(3) One (1) contractor in good standing in the contractor's respective vocation.

(4) Other disinterested expert assistants as the board considers wise.

(g) The board of public works shall give the designs, plans, and specifications that have been submitted a thorough, critical examination and direct the experts called under subsection (f) to thoroughly examine the designs and specifications and carefully test the estimates submitted.

(h) If the board of public works finds:

(1) the specifications and estimates to be correct;

(2) that the designs, plans, and specifications, or any of them, can be constructed within the limits described in subsection (c); and

(3) that the designs, plans, and specifications are suitable in regard to permanence and appearance, adapted to all the purposes and aims for the World War memorial, and in keeping with the dignity of the city;

the board of public works may select the most meritorious of the designs, plans, and specifications and shall notify the successful architect of the selection. The board of public works shall return the rejected designs, plans, and specifications to the respective authors.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-8
Changes to designs, plans, and specifications

Sec. 8. (a) Subject to subsections (b) and (c), any changes made in the designs, plans, and specifications in the progress of the work:

(1) must be agreed upon in advance between the board of public works and the contractor and architect; and

(2) must have the cost of the changes fixed by contract in writing.

If changes made do not comply with subdivisions (1) and (2), the person making the changes is not entitled to any compensation for the changes.

(b) A change may not be made that will increase the total cost of the World War memorial as prescribed in this chapter.

(c) Any changes do not affect the obligation of or release any surety on any contract or bond executed or given in connection with the building of the World War memorial structures, but the liability of the surety is extended so as to cover the change.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-9
Architect's bond and compensation

Sec. 9. (a) The architect who is selected as supervising architect in the building of the World War memorial structures is liable on the architect's bond for any of the following:

(1) Failure in faithfully discharging the architect's duties.

(2) All losses and damages that are incurred on account of the architect:

(A) violating this chapter; or

(B) neglecting the architect's duties.

(b) The architect is entitled to the compensation agreed upon in advance.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-10
Contracts; notice; bonds and sureties

Sec. 10. (a) After the board of public works has adopted the necessary designs, plans, and specifications for construction of the World War memorial structures as provided in this chapter, the board of public works shall award contracts for all or any part of the World War memorial structures to competent and reliable contractors as provided in this section.

(b) The board of public works shall publish for at least three (3) weeks, once each week, in a newspaper of general circulation, printed and published in the English language in the city, a notice:

(1) informing the public and contractors of the general nature of the structures to be constructed and of the fact that designs,

plans, drawings, and specifications are on file in the office of the board of public works; and

(2) calling for sealed proposals for the work on a day not earlier than thirty (30) days from the first of such publications.

(c) The board of public works shall, by order, impose conditions upon bidders, contractors, subcontractors, and materialmen with regard to bond and surety, guaranteeing the good faith and responsibility of the bidders, contractors, subcontractors, and materialmen and insuring the faithful completion of the work, according to contract, or for any other purpose.

(d) The board of public works shall reserve ten percent (10%) from payments or estimates on work in progress until the contract is completed and the work done is inspected and accepted by the board. All contracts with contractors, subcontractors, architects, or materialmen must reserve:

(1) to the board of public works, for good cause shown, the right to cancel the contract and to award the work to others; and

(2) at least ten percent (10%) from payments or estimates on work in progress until the contract is completed and the work done is inspected and accepted by the board.

(e) Payment by the board of public works, partial or final, may not be construed as a waiver of defective work or materials or as a release for damages on account of the defective work or materials. A surety may not be released from any obligation on the surety's bond if a contractor should be paid the whole or any part of the percentage required to be reserved from current estimates. A surety may not be released by any final payment made to a contractor.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-11

Joint city and county contracts; city bonds

Sec. 11. (a) If the board of public works of a city has been authorized by an ordinance of the city's legislative body, passed and approved under section 22 of this chapter, appropriating money to be used by the board of public works under this chapter, the board may, with the approval of the mayor of the city, enter into a contract with the county in which the city is located, acting through the board of commissioners of the county, providing for the acquisition jointly by the city and the county by purchase, donation, or condemnation of interests in real property to be added to real property designated for use by the state for World War memorial and other public purposes.

(b) The board of public works, with the approval of the mayor, may join with the county, acting through its board of commissioners, by an appropriate contract, deed, or grant, to convey to the state the real property acquired jointly by the city and the county for World War memorial and other public purposes, under the terms and conditions stated in the contract, deed, or grant.

(c) The board of public works of a city may contract with the

county in which the city is located, acting through its board of commissioners, providing for the acquisition by purchase, donation, or condemnation of interests in real property and the construction of a World War memorial suitable for the city and county and suitable for other public purposes. If the city, through its board of public works and mayor, wants to contract under this chapter with the county in which the city is located for any of the purposes authorized by this chapter, the board of public works must adopt a resolution stating that proposal. A certified copy of the resolution must be delivered to the board of commissioners of the county. The board of commissioners of the county, not later than sixty (60) days after the receipt of the resolution, shall determine by order or resolution whether the county will join with the city in the execution of a contract for a purpose authorized by this chapter.

(d) If the city and county determine to join in the acquisition of interests in real property to be added to any real property designated at any time for use by the state for World War memorial and other public purposes as authorized by law, then the board of public works, acting for the city with the approval of the mayor, shall execute a contract on behalf of the city with the county, acting through its board of commissioners. The contract must describe the real property interests to be acquired jointly by the city and the county and the part of the acquisition cost to be paid by the city and the part of the acquisition cost to be paid by the county. The contract may contain other provisions that the city and the county agree upon and that are not inconsistent with this chapter. The contract must be executed in duplicate and be recorded in the minutes of the proceedings of the board of public works of the city and of the board of county commissioners of the county.

(e) If the county and city determine to establish a joint World War memorial, then the board of public works, acting for the city with the approval of the mayor, shall execute a contract on behalf of the city with the county. The contract must provide as follows:

(1) For the acquisition of real property interests and the construction on the real property of a joint World War memorial suitable for the county and city.

(2) For the definite and respective parts of the total cost of the World War memorial that will be paid by the county and by the city and the time and manner of the payments.

(3) That the acquisition of the real property and the execution of all necessary contracts for the construction of the joint World War memorial shall be made by a board of trustees, consisting of five (5) members, to be appointed and have the powers and perform the duties as provided in this chapter.

(4) That the total cost of the acquisition of the real property for the joint World War memorial and the construction of the memorial may not exceed the sum of the following:

(A) The amount appropriated for the memorial by the city

and by the board of commissioners of the county.

(B) Any amounts donated, contributed, or received by the city and by the county for the purpose of the World War memorial.

(5) That the necessary cost and expenses for the management, maintenance, repairs, and improvement of the World War memorial shall be paid by the county and city in the same proportion that they contribute to the establishment of the memorial.

(6) Any other provisions that may be agreed upon between the county and the city consistent with this chapter.

(f) The city shall pay for its part due under any contract executed with the county under this chapter either from the city's general funds or from the proceeds of bonds sold under this chapter.

(g) The legislative body of the city may authorize by ordinance the sale of bonds of the city for the purpose of raising funds to pay the city's part of the cost under a contract that it executes with the county under this chapter.

(h) The sale of bonds shall comply with a contract executed by a city with the county in which the city is located for any purpose authorized by this chapter, and the levy of taxes to pay the bonds, with interest accruing on the bonds, is governed by this chapter. The legislative body of the city and other proper officers shall sell the necessary bonds and levy and collect the necessary taxes to pay the bonds as they mature and the interest accruing on the bonds as provided in this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-12

Boards of trustees for joint city and county memorials

Sec. 12. (a) Except as provided in subsection (f), if a city enters into a contract with the county in which it is located to establish a joint city and county World War memorial, there is established a board of trustees that consists of five (5) members, named "Trustees of the World War Memorial for the County _____ and the city of _____", giving the name of the county and the name of the city. The mayor of the city shall appoint two (2) trustees, and the board of commissioners of the county shall appoint three (3) trustees. The trustees shall be appointed by the mayor for a term of three (3) years. The trustees shall be appointed by the board of commissioners for a term of three (3) years.

(b) The trustees shall be selected without regard to their political affiliations, but not more than three (3) trustees may be members of the same political party. The mayor may not appoint more than one (1) trustee from any political party, and the board of commissioners may not appoint more than two (2) trustees from any political party. The trustees must be persons of high standing and character. The trustees shall serve without compensation but may be reimbursed for

any reasonable expenses necessarily incurred by them in the performance of their duties.

(c) The judge of the circuit court may, for just cause, based upon written charges:

(1) specifying the alleged misconduct; and

(2) filed by the mayor of the city or the board of commissioners;

remove any member of the board of trustees, after notice to the member and a public hearing. In case of a vacancy caused by removal or otherwise, the mayor or board of commissioners making the original appointment shall appoint some qualified individual to fill the unexpired term.

(d) Each trustee shall execute a bond to the county and city in the sum of five thousand dollars ($5,000), conditioned for the faithful performance of the trustee's duties as trustee, with surety approved by the judge of the circuit court. Each of the trustees shall take and subscribe an oath that the trustee will:

(1) support the Constitution of the United States and the Constitution of the State of Indiana; and

(2) faithfully discharge all of the duties as trustee.

The oath must be endorsed on the bond, and the bond and oath must be filed with the circuit court clerk.

(e) If a joint county and city World War memorial is established under this chapter, the following apply:

(1) The board of trustees established by this chapter for that purpose has all the powers and may perform all the duties in relation to the acquisition of the real property and the construction of the joint county and city World War memorial as is conferred upon a board of commissioners erecting a county World War memorial.

(2) All money appropriated by the city and the county for the World War memorial shall be disbursed upon estimates submitted by the board of trustees and certified to the proper officers of the city and the proper officers of the county for the respective proportions as provided in the contract between the city and county. Upon these certifications, the proper city and county officers shall draw warrants to pay the amounts certified.

(f) A board of trustees may not be established under this section if the city enters into a contract with the county in which it is located to join the county in acquiring interests in real property to be dedicated by the city and the county and added to real property that may be designated by the state for World War memorial and other public purposes.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-13

Eminent domain

Sec. 13. (a) The board of public works of a city, acting for the city

or acting jointly with the board of commissioners of the county in which the city is located, may proceed under IC 32-24 and has all powers of eminent domain granted in this chapter or any other statute to acquire interests in real property by purchase or condemnation for any of the purposes authorized by this chapter.

(b) Before the board of public works may purchase an interest in real property, either by the city or jointly by the city and the county in which it is located:

(1) the board of public works;

(2) the board of trustees, as provided in section 12 of this chapter; or

(3) the board of public works acting jointly with the board of commissioners of the county in which the city is located;

must have the real property appraised at its true cash value by at least one (1) disinterested freeholder of the city and two (2) disinterested appraisers licensed under IC 25-34.1 who are residents of Indiana and may not pay more than the appraised value for any interest in real property. One (1) of the licensed appraisers must reside not more than fifty (50) miles from the property. If an owner refuses to sell the owner's interest in real property at the appraised value, the interest in real property must be acquired by condemnation. The legal department of the city shall conduct all necessary proceedings for the purchase or condemnation of an interest in real property by the city and county jointly, for any purpose under this chapter, without additional compensation.

(c) If a city institutes proceedings to condemn an interest in real property under this chapter, the suit must be brought in the name of the city by the legal department of the city, without additional compensation, at the direction of the board of public works. If there is a joint condemnation of an interest in real property by a city and the county in which it is located, the suit must be brought in the name of the city as provided in this section and in the name of the county, by an attorney representing the county, at the direction of the board of county commissioners of the county. The city or the city and county jointly may:

(1) join in one (1) action as defendants the owners and all persons interested in one (1) or more interests in real property to be condemned; or

(2) institute proceedings to condemn separate interests in real property.

As added by P.L.2-2003, SEC.9. Amended by P.L.113-2006, SEC.9.

IC 10-18-4-14

Joint real estate acquisitions for state memorial

Sec. 14. If a city decides to acquire or to join with the county in which it is located in the acquisition of interests in real property as provided in this chapter to be added to real property designated by the state for World War memorial and other public purposes, as

provided in this chapter, the city, through its board of public works, with the approval of the mayor, may execute proper deeds, grants, or contracts with the state through the state's proper officers having the custody and control of the state World War memorial, by which the real property acquired by the city or by the city and the county jointly is conveyed to the state for World War memorial and other public purposes, as authorized by this chapter. The deed, grant, or contract must provide for the use by the city or by the city and county jointly of the memorial grounds and structures and that the grounds and structures shall be a city World War memorial to the extent of the money appropriated and used by the city in the acquisition of the grounds and structures.
As added by P.L.2-2003, SEC.9.

IC 10-18-4-15
Memorial use and rental

Sec. 15. The board of public works of a city may grant the use of any structure or any part of a structure constructed by the city, with or without rent or charge, to any organization of soldiers, sailors, marines, and others as a place or places of their meetings and headquarters, for the time and upon the conditions as the board of public works may determine. The board of public works may also grant the use of the structure for any other lawful public purpose not inconsistent with this chapter for which the structure may be suitable, either with or without rent or charge, as the board of public works determines.
As added by P.L.2-2003, SEC.9.

IC 10-18-4-16
Donations, gifts, devises, and bequests

Sec. 16. A city may receive donations, gifts, devises, and bequests for use by the board of public works for the purposes of this chapter. Any money received by the city may, without appropriation by the city's legislative body, be used for the purposes for which the money was donated, as provided in this chapter.
As added by P.L.2-2003, SEC.9.

IC 10-18-4-17
Real property and improvements; use and sale; World War memorial

Sec. 17. (a) If a city acquires real property for any of the purposes provided for in this chapter or joins with the county in which the city is located in the acquisition of real property for any of the purposes provided for by this chapter:

(1) the city, through its board of public works with the approval of the mayor; or

(2) the city, through its board of public works with the approval of the mayor, acting jointly with the board of commissioners of

the county in which the city is located;

may grant the use of any real property or buildings and improvements on the real property to any organization of soldiers, sailors, or marines of the United States and others with or without rent or charge, upon the conditions as may be determined.

(b) The city, or the city and county, acting as provided in this section, may sell the buildings and improvements on any real property acquired under this chapter.

(c) The net rent or proceeds of the sale of the buildings and improvements, after deducting an amount sufficient to pay for the maintenance and repair of the buildings and improvements, must be deposited as follows:

(1) In the city World War memorial fund if the World War memorial was acquired by the city.

(2) In the city World War memorial fund and in the county World War memorial fund if the World War memorial was acquired by the city and county jointly. The money shall be deposited in the respective funds in the same proportion that the city and county contributed to the acquisition of the World War memorial.

(d) The city, or the city and county acting as provided in this chapter, may convey any real property acquired under this chapter to the state and provide in the contract with the state as to the rent of the buildings and improvements on the real property until necessary to remove the buildings and improvements and for the sale of the buildings and improvements if the real estate is needed by a board of trustees established under this chapter for World War memorial and other public purposes. The contract must provide how the net rent or proceeds must be applied.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-18

Alternative procedure for issuing bonds

Sec. 18. (a) The legislative body of a city may, upon the recommendation of the mayor and city controller, if applicable, of the city, instead of selling bonds as provided in section 5 of this chapter, sell bonds:

(1) with a maturity of not more than ten (10) years;

(2) for any of the purposes authorized by this chapter;

(3) at a rate of interest not more than six percent (6%) a year, payable semiannually; and

(4) payable at their maturity, but not later than ten (10) years after the date of the issuance of the bonds.

If the bonds are issued for a period longer than five (5) years, at least two percent (2%) of the total issue of the bonds must mature each year after the fifth year, and the balance must mature and be paid or refunded not later than ten (10) years after the date of issuance.

(b) Bonds issued under this section, the taxes to pay the bonds as

they mature, and interest accruing on the bonds must be levied in accordance with sections 5 and 6 of this chapter.

(c) The city's legislative body may refund bonds sold under this section with other bond issues in accordance with section 5 and other provisions of this chapter relating to the sale of bonds. The city's legislative body may name the date when the first series of refunding bonds is due. However, the due date of the first series due may not be more than five (5) years from the date of issue.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-19

Powers and duties of board of public works and board of trustees

Sec. 19. In the establishment and maintenance of a World War memorial, a city's board of public works or the board of trustees of a joint county and city World War memorial has all the powers and duties conferred upon the Indiana war memorials commission under IC 10-18-1 to the extent the powers and duties conferred in IC 10-18-1 are not inconsistent with this chapter. However, this chapter does not authorize a city's board of public works or a board of trustees of a joint county and city World War memorial to employ a secretary.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-20

No authority for injunctions

Sec. 20. A person may not bring suit to enjoin the enforcement of this chapter or to prevent the levy or collection of taxes under this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-21

Property exempt from taxation

Sec. 21. All property:

(1) constituting a city World War memorial;

(2) constituting a joint county and city World War memorial; or

(3) used or acquired in connection with a city or a joint county and city World War memorial;

for any purpose authorized by this chapter is exempt from taxation for all purposes.

As added by P.L.2-2003, SEC.9.

IC 10-18-4-22

Implementing ordinance; continuing rights and powers; appeals

Sec. 22. (a) If a city legislative body wants to implement this chapter, the legislative body must adopt an ordinance that must be in substance as follows:

"Be it resolved by _____ (name of the city's legislative body) that the city should proceed (or jointly with _____ County,

in which it is located) to carry out the purposes of IC 10-18-4.". The ordinance must be submitted to the mayor of the city for approval. If the ordinance is approved by the mayor, the city clerk shall give notice of the adoption of the ordinance by the publication of the ordinance in full by two (2) insertions published at least one (1) week apart under IC 5-3-1-4.

(b) The city may appropriate money, issue bonds, levy taxes, and do everything necessary to implement this chapter.

(c) If a city issues bonds under this chapter and the bonds must be refunded, the city's legislative body is not required to adopt an ordinance for that purpose.

(d) A city's rights and powers under this chapter are not exhausted by being exercised one (1) or more times, but are continuing rights and powers. A subsequent exercise of power under this chapter by a city does not require the city's legislative body to adopt an ordinance. A city that wants to act a subsequent time to implement this chapter may proceed, acting through its board of public works, with the approval of its mayor, when money has been appropriated for the action by an ordinance passed by the city's legislative body and approved by the mayor, without complying with any other law relating to appropriations and budgets except for section 3 of this chapter.

(e) A taxpayer aggrieved by an action under this section may appeal the decision to the circuit court, superior court, or probate court of the county within ten (10) days in the same manner as other appeals are taken from an action of the board. The cause of action shall be tried de novo.

As added by P.L.2-2003, SEC.9. Amended by P.L.84-2016, SEC.60.

IC 10-18-5

Chapter 5. Township Memorials

IC 10-18-5-1

Authority to receive monument or memorial as public property

Sec. 1. A township trustee may receive as public property a monument or memorial built:

(1) in the township;

(2) in honor of the township's soldiers or marines; and

(3) by the people with public donations;

if the people of the township want to give the monument or memorial to the township.

As added by P.L.2-2003, SEC.9.

IC 10-18-5-2

Care and repair of monument or memorial

Sec. 2. The township trustee shall care for and repair a monument or memorial described in section 1 of this chapter with township money.

As added by P.L.2-2003, SEC.9.

IC 10-18-6

Chapter 6. Veterans Associations

IC 10-18-6-1

Requirements; purposes

Sec. 1. A veterans association established under this chapter must meet the following requirements:

(1) The association must be formed by at least three (3) individuals who:

(A) served in the military or naval forces of the United States during any war or campaign; and

(B) are residents of Indiana.

(2) The association must have written articles of association that comply with the requirements under this chapter.

(3) The association must be formed for any of the following purposes:

(A) To acquire, own, maintain, and administer homes, assembly halls, or schools.

(B) To provide care, protection, education, and general welfare for indigent and helpless soldiers, sailors, marines, or nurses who served in the military or naval forces of the United States and their widows, orphans, half-orphans, and other soldiers, sailors, or marines.

(4) The association must be formed for charitable and educational purposes and operated as a nonprofit association.

As added by P.L.2-2003, SEC.9.

IC 10-18-6-2

Articles of association

Sec. 2. The articles of association must specify the following:

(1) The corporate name of the veterans association.

(2) The object of the association, with the proposed plan of doing business.

(3) The city or town and county of the principal place of business of the association.

(4) The term of existence of the association.

(5) The names of the association's directors or trustees who are to serve for the first year and until the directors' or trustees' successors take office.

As added by P.L.2-2003, SEC.9.

IC 10-18-6-3

Filing articles of association; association powers

Sec. 3. (a) The articles of association must be filed with the secretary of state, and a copy must be filed with the county recorder of the county where the veterans association's principal place of business is located.

(b) After the articles of association are filed with the secretary of

state and county recorder, the veterans association is a body politic and corporate, with the following powers:

(1) To sue and be sued in the veterans association's corporate name.

(2) To acquire property, real and personal, by gift, devise, bequest, and purchase.

(3) To use, lease, or dispose of personal or real property that furthers the purposes of the association.

(4) To borrow money and to issue notes, bonds, or other usual forms of securities.

(5) To secure the payment of the veterans association's obligations by mortgages or deeds of trust upon the veterans association's real or personal property.

As added by P.L.2-2003, SEC.9.

IC 10-18-6-4
Bylaws

Sec. 4. A veterans association established under this chapter must include the following provisions in the association's bylaws:

(1) The election or appointment of the veterans association's officers.

(2) The admission of veterans association members or other persons to the association's homes, assembly halls, or schools.

(3) The expulsion of members and other individuals when it is in the best interest and welfare of the veterans association's homes, assembly halls, and schools.

As added by P.L.2-2003, SEC.9.

IC 10-18-6-5
Employment of teachers or attendants

Sec. 5. If allowed by the veterans association's bylaws, an association established under this chapter may employ teachers or attendants.

As added by P.L.2-2003, SEC.9.

IC 10-18-7
Chapter 7. Memorial Corporations

IC 10-18-7-1
Purposes

Sec. 1. At least six (6) residents of Indiana may voluntarily associate themselves into a memorial corporation for the following purposes:

(1) To perpetuate the memory of soldiers and sailors.

(2) To hold meetings and conduct ceremonies.

(3) To decorate, beautify, maintain, protect, improve, enlarge, and enhance the conveniences of graves, cemeteries, and places for keeping the bodies of deceased persons.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-2
Powers

Sec. 2. A memorial corporation established under this chapter has the following powers:

(1) To hold meetings, conduct ceremonies, and decorate graves and burial places.

(2) To erect and pay the expenses for monuments and memorials.

(3) To receive and hold donations, gifts, devises and bequests, and funds produced by taxation and real and personal property.

(4) To purchase, hold, lease, mortgage, hypothecate, and sell real estate and personal property.

(5) To take real or personal property by will.

(6) To take or hold real or personal property in trust and manage the property as set forth in the instrument creating the trust, in a manner that is not inconsistent with the uses provided in this chapter.

(7) To invest the funds belonging to the corporation and loan and invest the money owned or held by the corporation.

(8) To sue and be sued in all matters necessary to carry out the provisions of this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-3
Officers; treasurer's bond; election of officers; corporation's books

Sec. 3. (a) The officers of a memorial corporation must include the following:

(1) President.

(2) Vice president.

(3) Secretary.

(4) Treasurer.

(5) Three (3) trustees.

(b) All officers serve without pay except the secretary, whose

compensation shall be fixed by a majority of the trustees.

(c) The offices of secretary and treasurer may be held by the same person.

(d) The term of each officer is for one (1) year and until the officer's successor is elected and qualified.

(e) The treasurer shall give bond in a sum double the amount of all money and securities that may come into the possession of the treasurer. The amount of the bond must be approved by the trustees.

(f) Each officer must be elected by a majority vote cast by the owners of the stock. A vote may not be cast by proxy or by an agent of the owner. Elections shall be held at 2 p.m. on the first Tuesday of April of each year at the office of the secretary. However, an election may be held at another convenient place if the election is designated in a notice signed by not less than two (2) trustees and published at least one (1) week before the election in the weekly newspaper printed and published nearest to the place of the election.

(g) A special election may be held for all vacant offices if a notice is signed by all the trustees and the notice is published at least one (1) week before the election in a weekly newspaper printed and published nearest to the place of the election. The notice must specify the time and place of the election and all the officer vacancies that can be filled.

(h) The books of the memorial corporation shall be kept at the office of the secretary.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-4

Use of property

Sec. 4. All property owned or held by the memorial corporation constitutes a permanent fund to be owned, held, used, and operated solely for the purposes set forth in sections 1 and 2 of this chapter and not for the gain or for the personal benefit of any person, corporation, or association.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-5

Authority to hold and manage funds in trust; trusts created by will

Sec. 5. (a) A memorial corporation organized under this chapter may hold and manage funds, money, or property in trust for any person or for any purpose expressed in the terms of the trust. However, the trust must be for some of the purposes or objects set forth in sections 1 and 2 of this chapter.

(b) A person competent to make a will may create a trust under this section.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-6

Nonsectarian and nondiscriminatory requirements

Sec. 6. The money, property, or income owned or held by a memorial corporation organized under this chapter may not be owned, held, or used to promote the interest or teachings of a specific church, sect, school, or creed. However, the memorial corporation may not discriminate against an individual or organization because of religious beliefs.
As added by P.L.2-2003, SEC.9.

IC 10-18-7-7
Issuing stock; stock transfer; canceled stock

Sec. 7. (a) The stock of a memorial corporation consists of one (1) share for each five dollars ($5) of the permanent fund belonging to the corporation. The secretary of the memorial corporation shall issue to any person paying money into, or in any manner augmenting, the permanent fund of the corporation a certificate of stock for each five dollars ($5) in money or property in value. Each stock certificate must be signed by the president and attested by the secretary.

(b) Every share of stock that is issued is entitled to one (1) vote in the election of officers. However, the vote must be cast by the owner of the stock in person and not by an agent or a proxy.

(c) Stock in a memorial corporation may be assigned by the owner or transferred by will. If the owner of any share of the stock dies without having disposed of the stock by a will, the stock held by the deceased owner is canceled. Canceled stock is referred to as "dead stock", and all other stock is referred to as "active stock", and only the owners of active stock may participate in election of officers of the memorial corporation.
As added by P.L.2-2003, SEC.9.

IC 10-18-7-8
Board of trustees' duties

Sec. 8. The board of trustees of a memorial corporation shall do the following:

(1) Conduct the prudential affairs of the memorial corporation.

(2) Vote on the loans, investments, purchases, sales, and the policy and manner of conducting the affairs of the corporation.

(3) Keep all the money loaned, invested, or in some manner active and bring into the treasury funds to carry out the spirit and letter of this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-9
Perpetual existence; stock and property not taxable

Sec. 9. (a) The existence of a memorial corporation organized under this chapter is perpetual.

(b) The permanent fund of a memorial corporation is perpetual and may not be reduced for any purpose. The income from the investment of a memorial corporation's permanent fund may be used

only for purposes allowed in this chapter.

(c) The stock and property of a memorial corporation is nontaxable.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-10

Bylaws

Sec. 10. The officers and trustees of a memorial corporation may adopt bylaws for the guidance and conduct of the memorial corporation's affairs as the officers and trustees consider proper. However, the bylaws may not conflict with this chapter.

As added by P.L.2-2003, SEC.9.

IC 10-18-7-11

Articles of incorporation

Sec. 11. If at least six (6) persons desire to create a memorial corporation under this chapter, each person shall pay to the permanent fund of the corporation at least five dollars ($5) and sign articles of incorporation that contain the name of the corporation, the place where the corporation's business will be conducted, and the names of the individuals who will be the initial officers until the first regular election after the organization of the memorial corporation. The articles of incorporation may be in substance as follows:

> "We, the undersigned, residents of the state of Indiana, hereby associate ourselves together for the purpose of forming a memorial corporation under the provisions of IC 10-18-7. We have each paid in the sum of five dollars ($5) (or the sum agreed upon). The business of the corporation shall be conducted at the town (or city) of _____ in the county of _____ and state of Indiana, and the officers to hold and to conduct the affairs of the corporation until the next regular election, as provided by IC 10-18-7, shall be: _____, president; _____, vice president; _____, secretary; _____, treasurer; and _____, _____, and _____, trustees (filling all blanks to suit the application). The name of the corporation shall be The _____ Memorial Association of _____, Indiana.
>
> In witness whereof, we hereunto subscribe our names this _____ day of _____ (month) in _____ (year).
>
> Names Names"

As added by P.L.2-2003, SEC.9.

IC 10-18-7-12

Filing articles of incorporation

Sec. 12. If:

(1) section 11 of this chapter is fully complied with;

(2) the articles provided for in section 11 of this chapter are signed; and

(3) the money is paid to the treasurer;

the articles of incorporation shall be filed with the secretary of state, along with a fee of one dollar ($1). The secretary of state shall record the articles in the secretary of state's office and return to the secretary of the corporation a certified copy of the articles. The certificate must contain the date of the filing. The memorial corporation is considered to be in full force and existence from the time the articles of incorporation are filed.

As added by P.L.2-2003, SEC.9.

IC 10-18-8
Chapter 8. Local Appropriations to Veterans Organizations

IC 10-18-8-1
Appropriations for Memorial Day expenses

Sec. 1. The respective authorities of counties, townships, cities, and towns each may appropriate annually to one (1) or more posts, garrisons, or camps of a military service organization or veterans service organization in the respective counties, townships, cities, or towns a sum to aid in defraying the expenses of Memorial Day.

As added by P.L.2-2003, SEC.9. Amended by P.L.29-2005, SEC.1; P.L.15-2008, SEC.1; P.L.4-2014, SEC.2.

IC 10-18-8-2
Appropriations for veterans memorial

Sec. 2. The counties, townships, cities, and towns may appropriate annually money to be allocated to an appropriate nonprofit veterans organization for the development, establishment, or maintenance of a veterans memorial located within the county of the county, town, city, or township allocating the funds.

As added by P.L.2-2003, SEC.9.

IC 10-18-9

Chapter 9. Display of United States Flag Upon Death of Certain Military Personnel

IC 10-18-9-1

"Armed forces of the United States"

Sec. 1. As used in this chapter, "armed forces of the United States" means:

(1) the Army;
(2) the Navy;
(3) the Air Force;
(4) the Coast Guard; and
(5) the Marine Corps.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-2

"Died of wounds received in action"

Sec. 2. As used in this chapter, "died of wounds received in action" means a member, other than a member who is the victim of a terrorist activity, who after reaching a medical treatment facility dies of wounds or other injuries received in action.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-3

"Half-staff"

Sec. 3. As used in this chapter, "half-staff" means the position of a flag when the flag is one-half (1/2) the distance between the top and bottom of the staff.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-4

"Killed in action"

Sec. 4. As used in this chapter, "killed in action" means a member, other than a member who is the victim of a terrorist activity, who:

(1) is killed outright in action; or
(2) before reaching a medical treatment facility dies as a result of wounds or other injuries received in action.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-5

"Member"

Sec. 5. As used in this chapter, "member" refers to a member of:

(1) the armed forces of the United States; or
(2) the National Guard;

who is a resident of Indiana.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-6

"National Guard"

Sec. 6. As used in this chapter, "National Guard" means:

(1) the Indiana Army National Guard; or

(2) the Indiana Air National Guard.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-7

"United States flag"

Sec. 7. As used in this chapter, "United States flag" refers to a United States flag flown on property owned or controlled by the state.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-8

Gubernatorial proclamation ordering United States flag flown at half-staff

Sec. 8. Not more than twenty-four (24) hours after receiving notice and confirming through the United States Department of Defense that a member has:

(1) been killed in action; or

(2) died of wounds received in action;

the governor shall issue a proclamation ordering the United States flag to be flown at half-staff on the day of the member's funeral or memorial service.

As added by P.L.38-2008, SEC.1.

IC 10-18-9-9

Effect on separate gubernatorial proclamations

Sec. 9. This chapter does not prohibit or otherwise limit the flying of other flags at half-staff under a separate gubernatorial proclamation.

As added by P.L.38-2008, SEC.1.

IC 10-19

ARTICLE 19. DEPARTMENT OF HOMELAND SECURITY

IC 10-19-1

Chapter 1. Definitions

IC 10-19-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.22-2005, SEC.17.

IC 10-19-1-2

"Council"

Sec. 2. "Council" refers to the counterterrorism and security council established by IC 10-19-8-1.

As added by P.L.22-2005, SEC.17.

IC 10-19-1-2.3

"Criminal intelligence information"

Sec. 2.3. "Criminal intelligence information" has the meaning set forth in IC 5-2-4-1.

As added by P.L.101-2006, SEC.16.

IC 10-19-1-3

"Department"

Sec. 3. "Department" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.22-2005, SEC.17.

IC 10-19-1-4

"Executive director"

Sec. 4. "Executive director" refers to the executive director of the department of homeland security appointed under IC 10-19-3-1.

As added by P.L.22-2005, SEC.17.

IC 10-19-1-5

Repealed

(As added by P.L.101-2006, SEC.17. Amended by P.L.1-2007, SEC.99. Repealed by P.L.27-2010, SEC.6.)

IC 10-19-2
Chapter 2. Department Established

IC 10-19-2-1
Department established
Sec. 1. The department of homeland security is established.
As added by P.L.22-2005, SEC.17.

IC 10-19-2-2
Divisions of department
Sec. 2. The department consists of the following divisions:
(1) The division of planning and assessment.
(2) The division of preparedness and training.
(3) The division of emergency response and recovery.
(4) The division of fire and building safety.
As added by P.L.22-2005, SEC.17.

IC 10-19-3

Chapter 3. Executive Director

IC 10-19-3-1

Appointment

Sec. 1. The governor shall appoint an individual to be the executive director of the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-2

Service; compensation

Sec. 2. The executive director:

(1) serves at the governor's pleasure; and

(2) is entitled to receive compensation in an amount set by the governor.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-3

Duties

Sec. 3. The executive director shall do the following:

(1) Serve as the chief executive and administrative officer of the department.

(2) Serve as the director of the council.

(3) Administer the application for, and disbursement of, federal and state homeland security money for all Indiana state and local governments.

(4) Develop a single strategic plan for preparing and responding to homeland security emergencies in consultation with the council.

(5) Serve as the state coordinating officer under federal law for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery.

(6) Use and allocate the services, facilities, equipment, personnel, and resources of any state agency, on the governor's behalf, as is reasonably necessary in the preparation for, response to, or recovery from an emergency or disaster situation that threatens or has occurred in Indiana.

(7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack.

As added by P.L.22-2005, SEC.17. Amended by P.L.101-2006, SEC.18; P.L.27-2010, SEC.4.

IC 10-19-3-4

Appointment of employees

Sec. 4. The executive director may appoint employees in the manner provided by IC 4-15-2.2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

As added by P.L.22-2005, SEC.17. Amended by P.L.6-2012, SEC.73.

IC 10-19-3-5
Delegation of authority

Sec. 5. The executive director may delegate the executive director's authority to the appropriate department staff.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-6
Ultimate authority for administrative proceedings

Sec. 6. For purposes of IC 4-21.5, the executive director, or the executive director's designee, is the ultimate authority for the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-7
Adoption of rules; exceptions

Sec. 7. (a) Except as provided in this section, for purposes of IC 4-22-2, the executive director is the authority that adopts rules for the department.

(b) The Indiana emergency medical services commission is the authority that adopts rules under IC 16-31.

(c) Except as provided in subsection (e) or (f), the fire prevention and building safety commission is the authority that adopts rules under any of the following:

(1) IC 22-11.
(2) IC 22-12.
(3) IC 22-13.
(4) IC 22-14.
(5) IC 22-15.

(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 22-14-2-7(c)(7) and IC 36-8-10.5.

(e) The boiler and pressure vessel rules board established by IC 22-12-4-1 is the authority that adopts:

(1) emergency rules under IC 22-13-2-8(c); and
(2) rules under IC 22-15-6.

(f) The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.

(g) The executive director may adopt rules governing:

(1) emergency action plans; or
(2) emergency response plans;

for outdoor performances (as defined in IC 22-12-1-17.5) where outdoor event equipment (as defined in IC 22-12-1-17.7) is used.

As added by P.L.22-2005, SEC.17. Amended by P.L.142-2013, SEC.1.

IC 10-19-3-8
Variances to rules governing state disaster relief fund

Sec. 8. (a) The executive director may grant a variance to a rule

governing the state disaster relief fund under 290 IAC 1. A variance granted under this section must promote the effective and expeditious distribution of relief assistance.

(b) The executive director may grant a variance to a rule under subsection (a) if an applicant for financial assistance under 290 IAC 1-1 or 290 IAC 1-2 does the following:

(1) Submits to the executive director a written request for the variance in the form and manner specified by the executive director.

(2) Documents that compliance with the rule specified in the application for the variance will create an undue hardship on the applicant, as determined by the executive director.

(3) Documents that the applicant for the variance will be in substantial compliance with 290 IAC 1-1 or 290 IAC 1-2, as applicable, after the variance is granted, as determined by the executive director.

(4) Documents that noncompliance with the rule specified in the application for a variance will not be adverse to public health and safety or the purposes of the fund, as determined by the executive director.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the executive director. Noncompliance with the alternative method constitutes the violation of a rule of the executive director and may be the basis for revoking the variance.

As added by P.L.45-2012, SEC.2.

IC 10-19-3-9

Expiration of rule variances

Sec. 9. A variance granted under section 8 of this chapter expires on the earlier of the following:

(1) The date set by the executive director for the expiration of the variance.

(2) The occurrence of an event set by the executive director for the expiration of the variance.

As added by P.L.45-2012, SEC.3.

IC 10-19-4

Chapter 4. Division of Planning and Assessment

IC 10-19-4-1

Division established

Sec. 1. The division of planning and assessment is established within the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-4-2

Duties

Sec. 2. The division shall do the following:

(1) Develop a single strategic plan for preparing for and responding to homeland security emergencies.

(2) Assess state and local security needs.

As added by P.L.22-2005, SEC.17. Amended by P.L.29-2014, SEC.1.

IC 10-19-4-3

Deputy executive director

Sec. 3. The executive director shall appoint an individual as a deputy executive director to manage the division.

As added by P.L.22-2005, SEC.17.

IC 10-19-5

Chapter 5. Division of Preparedness and Training

IC 10-19-5-1

Division established

Sec. 1. The division of preparedness and training is established within the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-5-2

Duties

Sec. 2. The division shall administer all state emergency management and response training programs.

As added by P.L.22-2005, SEC.17. Amended by P.L.107-2007, SEC.11.

IC 10-19-5-3

Deputy executive director

Sec. 3. The executive director shall appoint an individual as a deputy executive director to manage the division.

As added by P.L.22-2005, SEC.17.

IC 10-19-5-4

Deputy executive director vice chair of law enforcement training board

Sec. 4. The deputy executive director appointed under section 3 of this chapter shall serve as the vice chair of the law enforcement training board under IC 5-2-1-3.

As added by P.L.22-2005, SEC.17.

IC 10-19-5-5

Continuing education rules

Sec. 5. The executive director may adopt rules under IC 4-22-2 to establish continuing education requirements relating to any certifications issued by the division.

As added by P.L.22-2005, SEC.17.

IC 10-19-6

Chapter 6. Division of Emergency Response and Recovery

IC 10-19-6-1

Division established

Sec. 1. The division of emergency response and recovery is established within the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-6-2

Duties

Sec. 2. The division shall do the following:

(1) Administer IC 10-14.

(2) Administer the state's emergency operations functions during an emergency.

As added by P.L.22-2005, SEC.17.

IC 10-19-6-3

Deputy executive director

Sec. 3. The executive director shall appoint an individual as a deputy executive director to manage the division.

As added by P.L.22-2005, SEC.17.

IC 10-19-6-4

Repealed

(As added by P.L.220-2011, SEC.241. Repealed by P.L.100-2012, SEC.27.)

IC 10-19-7

Chapter 7. Division of Fire and Building Safety

IC 10-19-7-1

Division established

Sec 1. The division of fire and building safety is established within the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-7-2

Duties

Sec. 2. The division shall administer the following:

(1) IC 16-31.
(2) IC 22-11.
(3) IC 22-12.
(4) IC 22-13.
(5) IC 22-14.
(6) IC 22-15.

As added by P.L.22-2005, SEC.17.

IC 10-19-7-3

State fire marshal as deputy executive director; duties

Sec. 3. (a) The state fire marshal appointed under IC 22-14-2-2 shall do the following:

(1) Serve as a deputy executive director to manage the division.
(2) Administer the division.
(3) Provide staff to support the fire prevention and building safety commission established by IC 22-12-2-1.

(b) The state fire marshal may not exercise any powers or perform any duties specifically assigned to either of the following:

(1) The fire prevention and building safety commission.
(2) The state building commissioner.

(c) The state fire marshal may delegate the state fire marshal's authority to the appropriate division staff.

As added by P.L.22-2005, SEC.17. Amended by P.L.1-2006, SEC.180; P.L.218-2014, SEC.2.

IC 10-19-7-4

Repealed

(As added by P.L.22-2005, SEC.17. Repealed by P.L.218-2014, SEC.3.)

IC 10-19-7-5

State emergency medical services director; qualifications; appointment; duties

Sec. 5. (a) For purposes of this section, "EMS" means emergency medical services.

(b) For purposes of this section, "state EMS medical director"

refers to the state emergency medical services medical director appointed under subsection (c).

(c) The executive director shall appoint an individual to serve as the state emergency medical services medical director. The individual must have the following qualifications:

(1) Thorough knowledge of state EMS laws and administrative rules and regulations.

(2) At least five (5) years experience in the following:

(A) Medical direction of out of hospital EMS.

(B) Emergency department treatment of acutely ill and injured patients.

(3) Significant experience and familiarity with the following:

(A) The design and operation of statewide EMS systems.

(B) Working with national and other state EMS committees.

(4) At the time of the individual's appointment, has a valid and unrestricted license to practice medicine in Indiana.

(5) Be certified by the American Board of Emergency Medicine.

(6) Other areas of knowledge and expertise that the executive director determines essential.

The state EMS medical director shall be an employee of the department.

(d) The executive director shall submit the name of the individual whom the executive director would like to appoint as state EMS medical director to the Indiana emergency medical services commission created by IC 16-31-2-1. The commission may, by a majority of the members, vote not later than thirty (30) days after the submission on whether to approve the appointment. If the commission:

(1) does not take any action; or

(2) by a majority of the commission votes to approve the appointment of the individual;

not later than thirty (30) days after, the appointment shall become effective. If a majority of the commission votes not later than thirty (30) days after the submission of the appointment to not approve the appointment, the executive director shall restart the appointment process and submit an alternative individual for appointment.

(e) The state EMS medical director shall oversee all pre-hospital aspects of the statewide EMS system, including the following:

(1) Medical components for systems of care that interface or integrate with the statewide EMS system, including the following:

(A) Statewide planning for trauma, burn, cardiac, and stroke care.

(B) Domestic preparedness.

(C) EMS for children.

(2) For all levels of emergency responders, establishment of the following:

(A) Statewide model guidelines and best practices for all patient care activities to ensure delivery of medical care consistent with professionally recognized standards.

(B) A statewide EMS continuous quality improvement program.

(C) A statewide EMS advocacy program.

(3) In cooperation with appropriate state and local agencies, training and certification of all EMS providers.

(f) The state EMS medical director shall assist the executive director on all issues related to statewide EMS, including the following:

(1) Consulting with EMS medical directors.

(2) In consultation with the Indiana emergency medical services commission created by IC 16-31-2-1, providing guidance and assistance on the following matters:

(A) Scope of practice for EMS providers.

(B) Restrictions placed on EMS certifications.

(C) Appropriate corrective and disciplinary actions for EMS personnel.

(D) Education and training on emerging issues in EMS.

(3) EMS system research.

(4) Coordination of all medical activities for disaster planning and response.

(5) Improving quality of care, research, and injury prevention programs.

As added by P.L.188-2014, SEC.1.

IC 10-19-8

Chapter 8. Counterterrorism and Security Council

IC 10-19-8-1

Council established

Sec. 1. The counterterrorism and security council is established.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-2

Membership; nonvoting members

Sec. 2. (a) The council consists of the following members:

(1) The lieutenant governor.

(2) The executive director.

(3) The superintendent of the state police department.

(4) The adjutant general.

(5) The state health commissioner.

(6) The commissioner of the department of environmental management.

(7) The director of the Indiana state department of agriculture.

(8) The chairman of the Indiana utility regulatory commission.

(9) The commissioner of the Indiana department of transportation.

(10) The executive director of the Indiana criminal justice institute.

(11) The commissioner of the bureau of motor vehicles.

(12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.

(13) The speaker of the house of representatives or the speaker's designee.

(14) The president pro tempore of the senate or the president pro tempore's designee.

(15) The chief justice of the supreme court.

(16) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.

(17) The state veterinarian.

(18) The chief information officer of the office of technology.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.

As added by P.L.22-2005, SEC.17. Amended by P.L.1-2006, SEC.181; P.L.101-2006, SEC.19; P.L.120-2008, SEC.4; P.L.27-2010, SEC.5.

IC 10-19-8-3

Chair

Sec. 3. The lieutenant governor shall serve as the chair of the council and in this capacity report directly to the governor.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-4

Duties

Sec. 4. (a) The council shall do the following:

(1) Develop a strategy in concert with the department to enhance the state's capacity to prevent and respond to terrorism.

(2) Develop a counterterrorism plan in conjunction with relevant state agencies, including a comprehensive needs assessment.

(3) Review each year and update when necessary the plan developed under subdivision (2).

(4) Develop in concert with the department a counterterrorism curriculum for use in basic police training and for advanced in-service training of veteran law enforcement officers.

(5) Develop affiliates of the council to coordinate local efforts and serve as the point of contact for the council and the United States Department of Homeland Security.

(6) Develop a plan for sharing intelligence information across multiple federal, state, and local law enforcement and homeland security agencies.

(b) The council shall report periodically its findings and recommendations to the governor.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-5

Staff

Sec. 5. (a) The executive director may employ staff for the council, subject to the approval of the governor.

(b) The executive director shall serve as:

(1) the central coordinator for counterterrorism issues; and

(2) the state's point of contact for:

(A) the Office for Domestic Preparedness in the United States Department of Justice; and

(B) the United States Department of Homeland Security.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-6

Council expenses

Sec. 6. (a) The expenses of the council shall be paid from appropriations made by the general assembly.

(b) Money received by the council as a grant or a gift is appropriated for the purposes of the grant or the gift.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-7
Member expenses; per diem

Sec. 7. (a) Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-8
Vote required to take action

Sec. 8. The affirmative votes of a majority of the voting members of the council are required for the council to take action on any measure, including final reports.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-9
Receipt of confidential law enforcement information

Sec. 9. (a) The council may receive confidential law enforcement information from the state police department, the Federal Bureau of Investigation, or other federal, state, or local law enforcement agencies.

(b) For purposes of IC 5-14-1.5 and IC 5-14-3, information received under subsection (a) is confidential.

As added by P.L.22-2005, SEC.17.

IC 10-19-8-10
Cooperation of state agencies

Sec. 10. All state agencies shall cooperate to the fullest extent possible with the council and the executive director to implement this chapter.

As added by P.L.22-2005, SEC.17.

IC 10-19-9

Chapter 9. Public Safety Training

IC 10-19-9-1

"Division"

Sec. 1. As used in this chapter, "division" refers to the division of preparedness and training.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-2

"Public safety service provider"

Sec. 2. As used in this chapter, "public safety service provider" or "provider" means an officer or employee of the state, an officer or employee of a governmental unit, or a volunteer who is engaged in at least one (1) of the following activities:

(1) Firefighting.
(2) Emergency management.
(3) Environmental management.
(4) Fire or building inspection.
(5) Emergency medical service.
(6) Any other public safety or homeland security activity that the division may designate.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-3

Training program for public safety service providers

Sec. 3. (a) The division shall develop and provide a training program for public safety service providers.

(b) Participation in the training program is optional for a provider.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-4

Advanced training programs

Sec. 4. Subject to section 3(b) of this chapter, the division shall establish and conduct advanced training programs in public safety and homeland security subjects on a voluntary enrollment basis. The division may offer courses to any public safety service provider that the division determines will benefit from the training.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-5

Training facilities

Sec. 5. The division may establish training facilities at which the division provides programs. The division shall establish policies and procedures for the use of any training facilities that the division establishes.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-6
Studies, surveys, and reports

Sec. 6. The division may recommend or conduct studies or surveys. The division may require reports from the chief executive of a governmental or volunteer provider organization for the purposes of this chapter.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-7
Training materials

Sec. 7. The division may originate, compile, and disseminate training materials to providers.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-8
Issuance of diplomas and certificates

Sec. 8. The division may establish a system of issuing diplomas or certificates for persons who successfully complete the division's training programs.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-9
Development of provider programs

Sec. 9. Upon request, the division may assist a provider organization in the development of training programs for the organization's personnel.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-10
Consultation with other persons

Sec. 10. The division may consult, cooperate, or contract with the law enforcement training board, a college or university, or any other individual or entity for the development and providing of courses of study for public safety service providers.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-11
Conditions for use of division's training facilities

Sec. 11. (a) The division's facilities are available for the training of any public safety or health services provider that the division determines will benefit from the training.

(b) The division shall determine the terms and conditions for use of the division's facilities by the providers listed in subsection (a).

As added by P.L.22-2005, SEC.17.

IC 10-19-9-12
Fee schedules and charges

Sec. 12. The division may establish fee schedules and charges for

the following:

(1) Items or services provided by the division under this chapter.

(2) Training conducted by the division under this chapter.

(3) Other division activities conducted under this chapter.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-13

Gifts and grants

Sec. 13. The division may accept gifts and grants from any source and use them for the purposes of this chapter.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-14

Implementation of duties

Sec. 14. The division may perform any other acts that are necessary or appropriate to implement this chapter.

As added by P.L.22-2005, SEC.17.

IC 10-19-9-15

Rules

Sec. 15. The executive director may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.22-2005, SEC.17.

IC 10-19-10
Repealed
(Repealed by P.L.27-2010, SEC.6.)

IC 10-19-11
Chapter 11. Radiation and Radioactive Material Control

IC 10-19-11-1
Public policy

Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if used properly, but may impair the health of the public and the industrial and agricultural potentials of Indiana if used improperly, it is the public policy of Indiana to encourage constructive uses of radiation and to control the harmful effects of radiation.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-2
Definitions

Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Agency" refers to the department of homeland security established by IC 10-19-2-1.

(c) "Agreement state" means a state with which the United States Atomic Energy Commission or the Nuclear Regulatory Commission has entered into an agreement under subsection 274b of the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

(d) For purposes of this chapter, exposures are "as low as is reasonably achievable" if every reasonable effort has been made to maintain exposures to ionizing radiation as far below the dose limits as is practical:

(1) consistent with the purpose for which the licensed activity is undertaken;

(2) taking into account the state of technology and the economics of improvements; and

(3) in relation to:

(A) benefits to the public health and safety;

(B) other societal and socioeconomic considerations; and

(C) utilization of nuclear energy and licensed materials in the public interest.

(e) "Atomic Energy Act of 1954" refers to the federal Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1, 2014.

(f) "Byproduct material" means any of the following:

(1) Radioactive material, except special nuclear material, yielding in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore.

(3) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a

commercial, medical, or research activity.

(4) Any material that:

(A) has been made radioactive by use of a particle accelerator; and

(B) is:

(i) produced;

(ii) extracted; or

(iii) converted after extraction;

for use for a commercial, medical, or research activity.

(5) Any discrete source of naturally occurring radioactive material, other than source material, that:

(A) is determined by the Nuclear Regulatory Commission, in consultation with the administrator of the United States Environmental Protection Agency, the United States Secretary of Energy, the United States Secretary of Homeland Security, and the head of any other appropriate federal agency, to pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(B) is:

(i) extracted; or

(ii) converted after extraction;

for use in a commercial, medical, or research activity.

(g) "General license" means an export or import license that:

(1) is issued through rulemaking by the Nuclear Regulatory Commission;

(2) is effective without the filing of a specific application with the Nuclear Regulatory Commission or the issuance of licensing documents to a particular person;

(3) is not an exemption from the requirements of the Nuclear Regulatory Commission; and

(4) does not relieve a person from complying with other applicable Nuclear Regulatory Commission, federal, or state requirements.

(h) "Inspection" means an official examination or observation by the agency. The term includes tests, surveys, and monitoring to determine compliance with this chapter and the rules adopted under this chapter.

(i) "Ionizing radiation" means:

(1) alpha particles;

(2) beta particles;

(3) gamma rays;

(4) x-rays;

(5) neutrons;

(6) high-speed electrons;

(7) high-speed protons; and

(8) other particles capable of producing ions.

The term does not include nonionizing radiation such as radio waves,

microwaves, and visible light, infrared light, or ultraviolet light.

(j) "License" means a license issued under the Nuclear Regulatory Commission regulations or by an agreement state as stated in 10 CFR Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72.

(k) "Licensed material" means:

(1) source material;

(2) special nuclear material; or

(3) byproduct material;

that is received, possessed, used, transferred, or disposed of under a general or specific license issued by the Nuclear Regulatory Commission or the agency.

(l) "Nuclear Regulatory Commission" refers to the United States Nuclear Regulatory Commission.

(m) "Person" means an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(n) "Radioactive material" means:

(1) byproduct material;

(2) source material;

(3) special nuclear material; or

(4) any solid, liquid, or gas that emits radiation spontaneously.

(o) "Registration" means registration with the agency.

(p) "Source material" means:

(1) natural uranium, depleted uranium, thorium, or any other combination of natural uranium, depleted uranium, and thorium, in any physical or chemical form other than special nuclear material; or

(2) ores that contain by weight at least five-hundredths of one percent (0.05%) of:

(A) natural uranium;

(B) depleted uranium;

(C) thorium; or

(D) any combination of natural uranium, depleted uranium, and thorium.

(q) "Special nuclear material" means:

(1) plutonium;

(2) uranium-233; or

(3) uranium enriched above seven hundred eleven thousandths of one percent (0.711%) by weight in the isotope uranium-235.

(r) "Specific license" means an export or import license document that is issued to a named person and authorizes the export or import of specified nuclear equipment or materials based upon the review and approval of an NRC Form 7 (Application for NRC Export or Import License, amendment, renewal, or consent request(s)) application.

(s) "Unnecessary radiation" means radiation used in such a manner as to be injurious or dangerous to health, life, or property.

(t) "The state" refers to the state of Indiana.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-3
Inspection and investigation

Sec. 3. (a) The agency or the agency's agent may enter at any reasonable time any private or public property for the purpose of an inspection and investigation of conditions relating to radiation control.

(b) An owner or tenant of private or public property shall, upon reasonable notice, make available to the agency for inspection records maintained in accordance with 10 CFR 20, this chapter, and the rules adopted under this chapter.

(c) An owner or tenant of private or public property shall permit the agency to:

(1) perform radiation surveys in the air using portable survey equipment; and

(2) take environmental samples for analysis;

as the agency considers appropriate and necessary for public health and safety.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-4
Regulation of byproduct material, source material, and special nuclear material; agreement with Nuclear Regulatory Commission

Sec. 4. (a) Byproduct material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of byproduct material under subsection (d).

(b) Source material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of source materials under subsection (d).

(c) Special nuclear material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission to assume regulation of the use of special nuclear material under subsection (d).

(d) The governor, or the governor's appointee on behalf of the state, may enter into an agreement with the Nuclear Regulatory Commission to assume regulation, as authorized under the federal Atomic Energy Act of 1954, of the use of the following:

(1) Byproduct material.

(2) Source material.

(3) Special nuclear material.

(e) An agreement entered into under subsection (d) may provide for the federal government to relinquish certain of its responsibilities

with respect to sources of ionizing radiation and for the state to assume those responsibilities.

(f) After the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission under subsection (d), the agency may adopt rules under IC 4-22-2 to implement the agreement, including emergency rules in the manner provided under IC 4-22-2-37.1.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-5

Duty to register source of radiation

Sec. 5. If a person receives, possesses, uses, transfers, owns, or acquires any source of radiation before the governor enters into an agreement with the Nuclear Regulatory Commission under section 4 of this chapter, the person shall register the source of radiation with the agency on forms prescribed by the agency.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-6

Registration or licensing of person that produces, uses, stores, or disposes of radioactive materials

Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

(1) is registered or licensed in Indiana under this chapter; or

(2) registers in writing with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-7

Duty of person transporting, handling, using, or storing ionizing radiation sources

Sec. 7. A person transporting, handling, using, storing, or keeping ionizing radiation sources shall:

(1) transport, handle, use, store, or keep the ionizing radiation sources so as to prevent unnecessary radiation; and

(2) make every effort to keep exposures as low as is reasonably achievable.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-8

Rules

Sec. 8. In addition to adopting rules under section 4(f) of this

chapter, the agency may adopt rules under IC 4-22-2 to effectuate the purposes of this chapter, including rules imposing fees for licensure and registration under this chapter.
As added by P.L.29-2014, SEC.2.

IC 10-19-11-9
Violations

Sec. 9. A person who:

(1) produces radiation; or

(2) produces, uses, stores, sells, or otherwise disposes of radioactive materials;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the agency, constitutes a separate offense.
As added by P.L.29-2014, SEC.2.

IC 10-20

ARTICLE 20. STATE DEPARTMENT OF TOXICOLOGY

IC 10-20-1

Chapter 1. Definitions

IC 10-20-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.158-2011, SEC.3.

IC 10-20-1-2

"Department"

Sec. 2. "Department" refers to the state department of toxicology established by IC 10-20-2-1.

As added by P.L.158-2011, SEC.3.

IC 10-20-1-3

"Director"

Sec. 3. "Director" refers to the director of the state department of toxicology appointed under IC 10-20-2-2.

As added by P.L.158-2011, SEC.3.

IC 10-20-2

Chapter 2. State Department of Toxicology

IC 10-20-2-1

Department of toxicology established

Sec. 1. The state department of toxicology is established as a department of state government.

As added by P.L.158-2011, SEC.3.

IC 10-20-2-2

Director of department

Sec. 2. The governor shall appoint a director of the department. The director has the authority to carry out the responsibilities of the department. The director:

(1) serves at the governor's pleasure;

(2) is entitled to receive compensation in an amount set by the governor; and

(3) is qualified by education and experience to administer the affairs of the department.

As added by P.L.158-2011, SEC.3.

IC 10-20-2-3

Employees

Sec. 3. The director may appoint employees in the manner provided by IC 4-15-2.2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

As added by P.L.158-2011, SEC.3. Amended by P.L.6-2012, SEC.74.

IC 10-20-2-4

Duties of department

Sec. 4. (a) The department shall do the following:

(1) Conduct analyses for poisons, drugs, and alcohols upon human tissues and fluids submitted by:

(A) Indiana coroners, prosecuting attorneys, and sheriffs;

(B) authorized officials of the Indiana state police and Indiana city police departments; and

(C) officials of hospitals;

in cases of suspected poisoning or intoxication of human beings.

(2) Report the analytical findings of the department to the official requesting the analyses.

(3) Consult with Indiana coroners and coroner's physicians regarding the interpretation of the analytical findings.

(b) The personnel of the department shall furnish expert testimony regarding the department's analytical findings in all legal hearings, including criminal prosecutions related to the findings.

As added by P.L.158-2011, SEC.3.

IC 10-20-2-5
Additional duties of department

Sec. 5. The department has the following duties:

(1) Provide instruction in toxicology to law enforcement officers and certify law enforcement officers as required by the statutes for the administration of breath and other chemical tests.

(2) Provide instruction and technical assistance as needed to prosecutors and defense counsel for the proper:

(A) admission of test results into evidence; or

(B) exclusion of test results from evidence.

(3) Provide instruction to judges concerning toxicology and the science of alcohol and drug testing as needed to improve the administration of justice.

(4) Provide information to the public concerning chemical testing and the science of toxicology to advance a better understanding of the system of justice in Indiana.

As added by P.L.158-2011, SEC.3. Amended by P.L.6-2012, SEC.75.

IC 10-20-2-6
Conduct research

Sec. 6. The department shall conduct research on the following:

(1) The detection of toxic compounds that may be components of drugs or medicines or may be present in pesticides used for agricultural or other purposes.

(2) The treatment of poisoning from toxic substances.

As added by P.L.158-2011, SEC.3.

IC 10-20-2-7
Expired

(As added by P.L.158-2011, SEC.3. Expired 7-1-2012 by P.L.158-2011, SEC.3.)

IC 10-20-2-8
Fees

Sec. 8. (a) The department may charge a fee for the following:

(1) Certifying and recertifying individuals who operate breath testing equipment.

(2) Maintaining and calibrating breath testing equipment, including offsetting the costs of replacing equipment and instruments used at the state and local levels for breath testing.

(3) Providing training services.

The amount of the fee is the amount that was being charged as of January 1, 2013.

(b) The department may change the amount of a fee being charged under subsection (a) by adopting a rule under IC 4-22-2. In addition, at least six (6) months before a rule changing the amount of a fee may take effect, the department shall provide to:

(1) each agency that has paid a fee to the department in the previous twelve (12) months; and

(2) any other person that makes a request to be on the notification list;

a notice of the fee amount the department is proposing. The notice must be published on the department's Internet web site and published in the Indiana Register. The notice required by subdivisions (1) and (2) may be provided by an electronic mail message that includes a direct link to the notice on the department's Internet web site.

(c) The fees that have been charged and collected by the department since July 1, 2011, for the items listed in subsection (a)(1) through (a)(3) are legalized and validated. The department may continue to charge a fee for the items listed in subsection (a)(1) through (a)(3) in the fee amount that was being charged by the department as of January 1, 2013, without the adoption of a rule. Before July 1, 2013, the department shall publish a schedule listing the current fee amounts being charged for the items listed in subsection (a)(1) through (a)(3) on the department's Internet web site and in the Indiana Register, with a reference to this section's legalization and validation of these fee amounts.

(d) Fees collected under this section shall be deposited in the breath test training and certification fund established by section 9 of this chapter. In addition, money from fees collected by the state department of toxicology established under IC 21-45-3 (now repealed) and from fees collected by the department since July 1, 2011, shall be transferred to the fund.

As added by P.L.73-2013, SEC.1.

IC 10-20-2-9

Breath test training and certification fund

Sec. 9. (a) The breath test training and certification fund is established as a dedicated fund for the purpose of providing money for operating the department, replacing equipment and instruments, and conducting research. The fund shall be administered by the department.

(b) The expenses of administering the fund shall be paid from money in the fund. The fund consists of the following:

(1) Fees collected by the department under section 8 of this chapter.

(2) Money donated to the department and designated for use under this chapter.

(3) Grants made to the department and designated for use under this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.73-2013, SEC.2.

IC 10-20.1

ARTICLE 20.1. EXPIRED

(Expired 12-21-2012 by P.L.6-2012, SEC.76.)

IC 10-21

ARTICLE 21. SCHOOL SAFETY

IC 10-21-1

Chapter 1. School Safety

IC 10-21-1-1

Definitions

Sec. 1. The following definitions apply throughout this chapter:

(1) "ADM" refers to average daily membership determined under IC 20-43-4-2. In the case of a school corporation career and technical education school described in IC 20-37-1-1, "ADM" refers to the count on a full-time equivalency basis of students attending the school on the date ADM is determined under IC 20-43-4-2.

(2) "Board" refers to the secured school safety board established by section 3 of this chapter.

(3) "Fund" refers to the Indiana secured school fund established by section 2 of this chapter.

(4) "Local plan" means the school safety plan described in IC 20-26-18.2-2(b).

(5) "School corporation or charter school" refers to an individual school corporation, a school corporation career and technical education school described in IC 20-37-1-1, or a charter school but also includes:

(A) a coalition of school corporations;

(B) a coalition of charter schools; or

(C) a coalition of both school corporations and charter schools;

that intend to jointly employ a school resource officer or to jointly apply for a matching grant under this chapter, unless the context clearly indicates otherwise.

(6) "School resource officer" has the meaning set forth in IC 20-26-18.2-1.

As added by P.L.172-2013, SEC.6. Amended by P.L.40-2014, SEC.6; P.L.109-2015, SEC.30.

IC 10-21-1-2

Indiana secured school fund

Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations and charter schools to establish programs under which a school corporation or charter school (or a coalition of schools) may:

(1) employ a school resource officer or enter into a contract or a memorandum of understanding with a:

(A) local law enforcement agency;

(B) private entity; or

(C) nonprofit corporation;

to employ a school resource officer;

(2) conduct a threat assessment of the buildings within a school corporation or operated by a charter school; or

(3) purchase equipment and technology to:

(A) restrict access to school property; or

(B) expedite notification of first responders.

(b) The fund shall be administered by the department of homeland security.

(c) The fund consists of:

(1) appropriations from the general assembly;

(2) grants from the Indiana safe schools fund established by IC 5-2-10.1-2;

(3) federal grants; and

(4) amounts deposited from any other public or private source.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.172-2013, SEC.6.

IC 10-21-1-3

Secured school safety board

Sec. 3. (a) The secured school safety board is established to approve or disapprove applications for matching grants to fund programs described in section 2(a) of this chapter.

(b) The board consists of seven (7) members appointed as follows:

(1) The executive director of the department of homeland security or the executive director's designee. The executive director of the department of homeland security or the executive director's designee serves as the chairperson of the board.

(2) The attorney general or the attorney general's designee.

(3) The superintendent of the state police department or the superintendent's designee.

(4) A local law enforcement officer appointed by the governor.

(5) The state superintendent of public instruction or the superintendent's designee.

(6) The director of the criminal justice institute or the director's designee.

(7) An employee of a local school corporation or a charter school appointed by the governor.

(c) The board shall establish criteria to be used in evaluating applications for matching grants from the fund. These criteria must:

(1) be consistent with the fund's goals; and

(2) provide for an equitable distribution of grants to school corporations and charter schools located throughout Indiana.

As added by P.L.172-2013, SEC.6.

IC 10-21-1-4

Matching grants for school safety

Sec. 4. (a) The board may award a matching grant to enable a school corporation or charter school (or a coalition of schools applying jointly) to establish a program to employ a school resource officer, provide school resource officer training described in IC 20-26-18.2-1(b)(2), conduct a threat assessment, or purchase equipment to restrict access to the school or expedite the notification of first responders in accordance with section 2(a) of this chapter.

(b) A matching grant awarded to a school corporation or charter school (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

(1) The total cost of the program established by the school corporation or charter school (or the coalition of schools applying jointly).

(2) The following amounts:

(A) Fifty thousand dollars ($50,000) per year, in the case of a school corporation or charter school that:

(i) has an ADM of at least one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

(B) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation or charter school that:

(i) has an ADM of less than one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

(C) Fifty thousand dollars ($50,000) per year, in the case of a coalition of schools applying jointly.

(c) A school corporation or charter school may receive only one (1) matching grant under this section each year.

(d) The board may not award a grant to a school corporation or charter school under this chapter unless the school corporation or charter school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

As added by P.L.172-2013, SEC.6. Amended by P.L.30-2014, SEC.1.

IC 10-21-1-5

Matching grant application procedure

Sec. 5. (a) A school corporation or charter school may annually apply to the board for a matching grant from the fund for a program described in section 2(a) of this chapter.

(b) The application must include the following:

(1) A concise description of the school corporation's or charter

school's security needs.

(2) The estimated cost of the program to the school corporation or charter school.

(3) The extent to which the school corporation or charter school has access to and support from a nearby law enforcement agency, if applicable.

(4) The ADM of the school corporation or charter school (or the combined ADM of the coalition of schools applying jointly).

(5) Any other information required by the board.

(6) A statement whether the school corporation or charter school has completed a local plan and has filed the plan with the county school safety commission for the county in which the school corporation or charter school is located.

As added by P.L.172-2013, SEC.6.

IC 10-21-1-6

Repayment of matching grant not required

Sec. 6. A school corporation or charter school that is awarded a matching grant under this chapter is not required to repay or reimburse the board or fund the amount of the matching grant.

As added by P.L.172-2013, SEC.6.

IC 10-21-1-7

Department of homeland security to annually report to budget committee concerning the matching grant program

Sec. 7. The department of homeland security shall report before October 1 of each year to the budget committee concerning matching grants awarded under this chapter during the previous fiscal year.

As added by P.L.172-2013, SEC.6.

IC 10-21-1.5

Chapter 1.5. School Emergency Response Systems

IC 10-21-1.5-1

"Department"

Sec. 1. As used in this chapter, "department" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.27-2016, SEC.1.

IC 10-21-1.5-2

"Emergency response system"

Sec. 2. As used in this chapter, "emergency response system" means systems designed to improve technology and infrastructure on school property that may be used to prevent, prepare for, respond to, and recover from a manmade or natural disaster or emergency occurring on school property.

As added by P.L.27-2016, SEC.1.

IC 10-21-1.5-3

"School property"

Sec. 3. As used in this chapter, "school property" means any property owned, rented, leased, or operated by:

(1) a nonpublic school (as defined in IC 20-18-2-12);

(2) a public school (as defined in IC 20-18-2-15); or

(3) an approved postsecondary educational institution (as defined by IC 21-7-13-6).

As added by P.L.27-2016, SEC.1.

IC 10-21-1.5-4

Emergency response system guidelines

Sec. 4. Not later than July 1, 2017, the department shall establish and maintain guidelines for emergency response systems. The department shall establish emergency response system guidelines with input from the division of school building physical security and safety (established by IC 20-19-3-14).

As added by P.L.27-2016, SEC.1.