

SENATE BILL No. 399

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-13; IC 35-31.5-2-185; IC 35-47-15.

Synopsis: Attorney general. Includes in the definition of "law enforcement officer" the attorney general, a deputy attorney general, a special deputy attorney general, and an investigator for the attorney general for the purposes of certain sentence enhancements and statutes relating to the possession of a firearm. Requires the attorney general to annually issue a photographic identification card to certain employees identifying them as a law enforcement officer.

Effective: July 1, 2017.

Freeman

January 10, 2017, read first time and referred to Committee on Homeland Security and Transportation.



First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 399

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 4-6-2-13 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2017]: **Sec. 13. The attorney general shall annually issue to:**
- 4 **(1) the attorney general;**
- 5 **(2) a deputy attorney general;**
- 6 **(3) a special deputy attorney general; and**
- 7 **(4) an investigator for the attorney general;**
- 8 **a photographic identification card identifying the holder as a law**
- 9 **enforcement officer.**
- 10 SECTION 2. IC 35-31.5-2-185, AS AMENDED BY P.L.238-2015,
- 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2017]: Sec. 185. (a) "Law enforcement officer" means:
- 13 (1) a police officer (including a correctional police officer),
- 14 sheriff, constable, marshal, prosecuting attorney, special
- 15 prosecuting attorney, special deputy prosecuting attorney, the
- 16 securities commissioner, or the inspector general;
- 17 (2) a deputy of any of those persons;



- 1 (3) an investigator for a prosecuting attorney or for the inspector
 2 general;
 3 (4) a conservation officer;
 4 (5) an enforcement officer of the alcohol and tobacco
 5 commission;
 6 (6) an enforcement officer of the securities division of the office
 7 of the secretary of state; or
 8 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
 9 control officer employed by the gaming control division under
 10 IC 4-33-20.

11 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
 12 includes an alcoholic beverage enforcement officer, as set forth in
 13 IC 35-42-2-1.

14 (c) "Law enforcement officer", for purposes of IC 35-45-15,
 15 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

16 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
 17 IC 35-44.1-3-2, includes a school resource officer (as defined in
 18 IC 20-26-18.2-1) and a school corporation police officer appointed
 19 under IC 20-26-16.

20 (e) **"Law enforcement officer", for purposes of the following**
 21 **statutes, includes the attorney general, a deputy attorney general,**
 22 **a special deputy attorney general, and an investigator for the**
 23 **attorney general:**

- 24 (1) **IC 35-42-2-1(a) (public safety official).**
 25 (2) **IC 35-44.1-3-2 (disarming a law enforcement officer).**
 26 (3) **IC 35-45-2-1 (intimidation).**
 27 (4) **IC 35-47-2-2 (regulation of handguns).**
 28 (5) **IC 35-47-2-4 (regulation of handguns).**
 29 (6) **IC 35-47-5 (prohibited instruments of violence).**
 30 (7) **IC 35-47-9-1 (possession of firearms on school property).**
 31 (8) **IC 35-47-15 (retired law enforcement officers and**
 32 **firearms).**
 33 (9) **IC 35-50-2-9 (death sentences and sentences for life**
 34 **imprisonment without parole).**

35 SECTION 3. IC 35-47-15-2, AS ADDED BY P.L.1-2006,
 36 SECTION 538, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2017]: Sec. 2. As used in this chapter, "law
 38 enforcement agency" means an agency or department of:

- 39 (1) the state; or
 40 (2) a political subdivision of the state;
 41 whose principal function is the apprehension of criminal offenders.
 42 **The term includes the attorney general.**



1 SECTION 4. IC 35-47-15-5, AS ADDED BY P.L.1-2006,
 2 SECTION 538, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2017]: Sec. 5. **(a) This section does not apply**
 4 **to a retired:**

- 5 (1) attorney general;
- 6 (2) deputy attorney general;
- 7 (3) special deputy attorney general; or
- 8 (4) investigator for the attorney general;

9 **who is a law enforcement officer solely because of the person's**
 10 **status as a retired attorney general, deputy attorney general,**
 11 **special deputy attorney general, or investigator for the attorney**
 12 **general.**

13 **(b) For purposes of this section, "law enforcement agency" does**
 14 **not include the attorney general.**

15 ~~(a)~~ **(c)** In addition to the photographic identification issued under
 16 section 4 of this chapter, after June 30, 2005, a retired law enforcement
 17 officer who carries a concealed firearm under 18 U.S.C. 926C must
 18 obtain annually, for each type of firearm that the retired officer intends
 19 to carry as a concealed firearm, evidence that the retired officer meets
 20 the training and qualification standards for carrying that type of firearm
 21 that are established:

- 22 (1) by the retired officer's law enforcement agency, for active
 23 officers of the agency; or
- 24 (2) by the state, for active law enforcement officers in the state.

25 A retired law enforcement officer bears any expense associated with
 26 obtaining the evidence required under this subsection.

27 ~~(b)~~ **(d)** The evidence required under subsection ~~(a)~~ **(c)** is one (1) of
 28 the following:

- 29 (1) For compliance with the standards described in subsection
 30 ~~(a)(1); (c)(1)~~, an endorsement issued by the retired officer's law
 31 enforcement agency with or as part of the photographic
 32 identification issued under section 4 of this chapter.
- 33 (2) For compliance with the standards described in subsection
 34 ~~(a)(2); (c)(2)~~, a certification issued by the state.

