

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1558

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

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

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.48-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The institute is established to do the following:

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

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state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Administer funds for the support of any sexual offense services.

(13) Administer funds for the support of domestic violence programs.

(14) Administer funds to support assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(15) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(16) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(17) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(18) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.

(19) Administer the ignition interlock inspection account established under IC 9-30-8-7.

(20) Identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities under IC 11-12-6.5.

(21) Coordinate with state and local criminal justice agencies for the collection and transfer of data from sheriffs concerning jail:

(A) populations; and

(B) statistics;

for the purpose of providing jail data to the management performance hub established by IC 4-3-26-8.

**(22) Establish and administer the Indiana crime guns task force fund under IC 36-8-25.5-8.**

SECTION 2. IC 36-8-25.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 25.5. Indiana Crime Guns Task Force**

**Sec. 1. The following definitions apply throughout this chapter:**

**(1) "Executive board" means the task force executive board**



established by section 3 of this chapter.

(2) "Task force" means the Indiana crime guns task force established by section 2 of this chapter.

(3) "Task force area" means one (1) or more of the following counties:

- (A) Boone County.
- (B) Hamilton County.
- (C) Hancock County.
- (D) Hendricks County.
- (E) Marion County.
- (F) Morgan County.
- (G) Johnson County.
- (H) Shelby County.

**Sec. 2. (a) The Indiana crime guns task force is established. The task force shall be hosted by the Indianapolis metropolitan police department, which shall administratively support the task force.**

**(b) The purpose of the task force is to reduce violent crime and bring violent criminals to justice by delivering, in cooperation with state and federal officials, a uniform strategy to trace firearms used to commit crimes.**

**(c) The task force consists of:**

- (1) the executive board;**
- (2) an executive director;**
- (3) law enforcement officers assigned to the task force by a law enforcement agency located in the task force area; and**
- (4) other employees and staff, whether assigned to the task force by a law enforcement agency or employed directly by the task force.**

**Sec. 3. (a) The task force executive board is established to oversee and direct the operations of the task force.**

**(b) The executive board consists of:**

- (1) the chief of police of the Indianapolis metropolitan police department or the chief's designee, who serves as the chairperson of the executive board;**
- (2) the superintendent of the Indiana state police department or the superintendent's designee, who serves as the vice chairperson of the executive board; and**
- (3) a sheriff or chief of police from each department in the task force area which has assigned an officer to the task force.**

**(c) The executive board shall hold meetings at the call of the chairperson. The executive board may establish rules governing meetings.**



(d) Five (5) executive board members constitute a quorum for the transaction of business. Each member has one (1) vote, and action by the executive board may be taken only upon the affirmative votes of the majority of attending members. If a vote is a tie, the position for which the chairperson voted prevails, as long as that position has received the affirmative votes of at least three (3) members.

(e) A member of the executive board is not entitled to:

- (1) the minimum salary per diem provided by IC 4-10-11-2.1(b); or
- (2) reimbursement for traveling and other expenses as provided under IC 4-13-1-4.

Sec. 4. (a) The Indianapolis metropolitan police department shall appoint an executive director to assist the executive board in the efficient administration of its powers and duties. The person appointed as executive director must have at least ten (10) years of experience as a law enforcement officer, with at least five (5) years of command experience.

(b) The executive director:

- (1) shall oversee the day to day operations of the task force, including supervision of task force divisions;
- (2) is the executive agent of the executive board in the administration of the executive board's policies; and
- (3) has the other powers and duties delegated to the executive director by the executive board.

(c) Subject to the approval of the executive board, the executive director shall:

- (1) employ; and
- (2) determine the qualifications, compensation, and duties of; employees and staff necessary to carry out the operations of the task force. For purposes of this subsection, "employees and staff" does not include law enforcement officers assigned to the task force.

Sec. 5. (a) The chairperson is the presiding officer at the meetings of the executive board. The chairperson, together with the executive director, shall prepare, certify, and authenticate all proceedings, minutes, records, rules, and regulations of the executive board.

(b) The executive board has the general power to organize its work and to enforce and administer this chapter.

Sec. 6. The executive board shall do the following:

- (1) Work with the executive director to develop a



memorandum of understanding to be used with participating law enforcement agencies. The memorandum of understanding must include:

- (A) staffing and personnel requirements;
- (B) standard operating procedures for investigating crimes involving firearms; and
- (C) a requirement that all participating law enforcement agencies use the National Integrated Ballistic Information Network (NIBIN).

A memorandum of understanding must comply with section 7 of this chapter.

- (2) Provide a quarterly report to the governor and the legislative council concerning the activities of the task force. The report to the legislative council must be in an electronic format under IC 5-14-6.

**Sec. 7. Personnel assigned to the task force by a participating law enforcement agency remain employees of the participating agency and not of the task force. The following apply to personnel assigned to the task force by a participating law enforcement agency:**

- (1) The participating agency is responsible for the conduct of personnel it assigned to the task force.
- (2) The participating agency is responsible for:
  - (A) worker's compensation; and
  - (B) medical expenses;
 of personnel it assigned to the task force.
- (3) For purposes of tort liability, including liability under the Indiana tort claims act, personnel from a participating agency remain, while rendering assistance or aid to the task force, or while en route to or from rendering assistance or aid to the task force, employees of the participating law enforcement agency.
- (4) Except as otherwise provided in a memorandum of understanding entered into by the participating law enforcement agency under section 6 of this chapter, a participating law enforcement agency is responsible for providing for the payment of compensation and benefits to its participating employee.
- (5) The task force is not responsible, in whole or in part, for any loss, damage, expense, or cost the participating law enforcement agency incurs while participating in the task force.



**Sec. 8. (a) The Indiana criminal justice institute shall establish the Indiana crime guns task force fund for the purpose of providing support for the operations of the task force.**

**(b) The fund consists of the following:**

**(1) Grants and donations made to the task force.**

**(2) Money from participating agencies in accordance with the memorandum of understanding.**

**(3) Money appropriated to fund the task force.**

**(c) The expenses of the task force shall be paid by the fund.**

**(d) The Indiana criminal justice institute shall administer the fund.**

**(e) The Indiana criminal justice institute shall process all expenditures and claims for payment made by the executive board. Expenditures from the fund shall not exceed the available balance of the fund.**

**(f) The Indiana criminal justice institute shall use all money in the fund to support the operations of the task force.**

**(g) The Indiana criminal justice institute may not transfer, assign, or otherwise remove money from the Indiana crime guns task force fund for any purpose outside of the mission of the task force as determined by the executive board of the task force.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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