



March 26, 2021

ENGROSSED HOUSE BILL No. 1558

DIGEST OF HB 1558 (Updated March 23, 2021 7:38 pm - DI 138)

Citations Affected: IC 5-2; IC 36-8.

Synopsis: Indiana crime guns task force. Establishes the Indiana crime guns task force (task force) to address violent crime in Boone, Hamilton, Hancock, Hendricks, Marion, Morgan, Johnson, and Shelby counties by delivering, in cooperation with state and federal officials, a uniform strategy to trace firearms used to commit crimes. Establishes an executive board to direct and oversee the task force. Requires the Indiana criminal justice institute to establish and administer the task force fund. Makes conforming amendments.

Effective: July 1, 2021.

Steuerwald, McNamara, Bartlett

(SENATE SPONSORS — YOUNG M, WALKER K, BALDWIN, TAYLOR G,
FORD J.D., SANDLIN, CRIDER, FORD JON, QADDOURA)

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.
February 11, 2021, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 16, 2021, reported — Do Pass.

February 18, 2021, read second time, ordered engrossed. Engrossed.

February 22, 2021, read third time, passed. Yeas 96, nays 1.

SENATE ACTION

March 8, 2021, read first time and referred to Committee on Corrections and Criminal Law.

March 18, 2021, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

March 25, 2021, amended, reported favorably — Do Pass.

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March 26, 2021

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.

ENGROSSED HOUSE BILL No. 1558

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 5-2-6-3, AS AMENDED BY P.L.48-2020,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. The institute is established to do the following:
4 (1) Evaluate state and local programs associated with:
5 (A) the prevention, detection, and solution of criminal
6 offenses;
7 (B) law enforcement; and
8 (C) the administration of criminal and juvenile justice.
9 (2) Participate in statewide collaborative efforts to improve all
10 aspects of law enforcement, juvenile justice, and criminal justice
11 in this state.
12 (3) Stimulate criminal and juvenile justice research.
13 (4) Develop new methods for the prevention and reduction of
14 crime.
15 (5) Prepare applications for funds under the Omnibus Act and the
16 Juvenile Justice Act.
17 (6) Administer victim and witness assistance funds.

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- 1 (7) Administer the traffic safety functions assigned to the institute
2 under IC 9-27-2.
- 3 (8) Compile and analyze information and disseminate the
4 information to persons who make criminal justice decisions in this
5 state.
- 6 (9) Serve as the criminal justice statistical analysis center for this
7 state.
- 8 (10) Identify grants and other funds that can be used by the
9 department of correction to carry out its responsibilities
10 concerning sex or violent offender registration under IC 11-8-8.
- 11 (11) Administer the application and approval process for
12 designating an area of a consolidated or second class city as a
13 public safety improvement area under IC 36-8-19.5.
- 14 (12) Administer funds for the support of any sexual offense
15 services.
- 16 (13) Administer funds for the support of domestic violence
17 programs.
- 18 (14) Administer funds to support assistance to victims of human
19 sexual trafficking offenses as provided in IC 35-42-3.5-4.
- 20 (15) Administer the domestic violence prevention and treatment
21 fund under IC 5-2-6.7.
- 22 (16) Administer the family violence and victim assistance fund
23 under IC 5-2-6.8.
- 24 (17) Monitor and evaluate criminal code reform under
25 IC 5-2-6-24.
- 26 (18) Administer the enhanced enforcement drug mitigation area
27 fund and pilot program established under IC 5-2-11.5.
- 28 (19) Administer the ignition interlock inspection account
29 established under IC 9-30-8-7.
- 30 (20) Identify any federal, state, or local grants that can be used to
31 assist in the funding and operation of regional holding facilities
32 under IC 11-12-6.5.
- 33 (21) Coordinate with state and local criminal justice agencies for
34 the collection and transfer of data from sheriffs concerning jail:
35 (A) populations; and
36 (B) statistics;
37 for the purpose of providing jail data to the management
38 performance hub established by IC 4-3-26-8.
- 39 **(22) Establish and administer the Indiana crime guns task
40 force fund under IC 36-8-25.5-8.**
- 41 SECTION 2. IC 36-8-25.5 IS ADDED TO THE INDIANA CODE
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



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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



- 1 task force area which has assigned an officer to the task force.
- 2 (c) The executive board shall hold meetings at the call of the
- 3 chairperson. The executive board may establish rules governing
- 4 meetings.
- 5 (d) Five (5) executive board members constitute a quorum for
- 6 the transaction of business. Each member has one (1) vote, and
- 7 action by the executive board may be taken only upon the
- 8 affirmative votes of the majority of attending members. If a vote
- 9 is a tie, the position for which the chairperson voted prevails, as
- 10 long as that position has received the affirmative votes of at least
- 11 three (3) members.
- 12 (e) A member of the executive board is not entitled to:
- 13 (1) the minimum salary per diem provided by
- 14 IC 4-10-11-2.1(b); or
- 15 (2) reimbursement for traveling and other expenses as
- 16 provided under IC 4-13-1-4.
- 17 Sec. 4. (a) The Indianapolis metropolitan police department
- 18 shall appoint an executive director to assist the executive board in
- 19 the efficient administration of its powers and duties. The person
- 20 appointed as executive director must have at least ten (10) years of
- 21 experience as a law enforcement officer, with at least five (5) years
- 22 of command experience.
- 23 (b) The executive director:
- 24 (1) shall oversee the day to day operations of the task force,
- 25 including supervision of task force divisions;
- 26 (2) is the executive agent of the executive board in the
- 27 administration of the executive board's policies; and
- 28 (3) has the other powers and duties delegated to the executive
- 29 director by the executive board.
- 30 (c) Subject to the approval of the executive board, the executive
- 31 director shall:
- 32 (1) employ; and
- 33 (2) determine the qualifications, compensation, and duties of;
- 34 employees and staff necessary to carry out the operations of the
- 35 task force. For purposes of this subsection, "employees and staff"
- 36 does not include law enforcement officers assigned to the task
- 37 force.
- 38 Sec. 5. (a) The chairperson is the presiding officer at the
- 39 meetings of the executive board. The chairperson, together with the
- 40 executive director, shall prepare, certify, and authenticate all
- 41 proceedings, minutes, records, rules, and regulations of the
- 42 executive board.



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

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

4 (1) Work with the executive director to develop a
5 memorandum of understanding to be used with participating
6 law enforcement agencies. The memorandum of
7 understanding must include:

8 (A) staffing and personnel requirements;

9 (B) standard operating procedures for investigating crimes
10 involving firearms; and

11 (C) a requirement that all participating law enforcement
12 agencies use the National Integrated Ballistic Information
13 Network (NIBIN).

14 A memorandum of understanding must comply with section
15 7 of this chapter.

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

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

25 (1) The participating agency is responsible for the conduct of
26 personnel it assigned to the task force.

27 (2) The participating agency is responsible for:

28 (A) worker's compensation; and

29 (B) medical expenses;

30 of personnel it assigned to the task force.

31 (3) For purposes of tort liability, including liability under the
32 Indiana tort claims act, personnel from a participating agency
33 remain, while rendering assistance or aid to the task force, or
34 while en route to or from rendering assistance or aid to the
35 task force, employees of the participating law enforcement
36 agency.

37 (4) Except as otherwise provided in a memorandum of
38 understanding entered into by the participating law
39 enforcement agency under section 6 of this chapter, a
40 participating law enforcement agency is responsible for
41 providing for the payment of compensation and benefits to its
42 participating employee.



1 **(5) The task force is not responsible, in whole or in part, for**
2 **any loss, damage, expense, or cost the participating law**
3 **enforcement agency incurs while participating in the task**
4 **force.**

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

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

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

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

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

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

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

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

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

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1558, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"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 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

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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) 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 is a nonreverting fund that 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.**
- (f) The Indiana criminal justice institute shall annually appropriate all money in the fund to support the operations of the task force.**



(g) The Indiana criminal justice institute has no authority to de-appropriate or reallocate any 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."

Delete pages 2 through 8.

and when so amended that said bill do pass.

(Reference is to HB 1558 as introduced.)

MCNAMARA

Committee Vote: yeas 10, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1558, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1558 as printed February 11, 2021.)

BROWN T

Committee Vote: Yeas 19, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1558, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, line 37, delete "A" and insert "**Except as otherwise provided in a memorandum of understanding entered into by the participating law enforcement agency under section 6 of this chapter, a**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

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(Reference is to HB 1558 as printed February 16, 2021.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1558, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 8, delete "is a nonreverting fund that".

Page 6, line 18, after "board." insert "**Expenditures from the fund shall not exceed the available balance of the fund.**".

Page 6, line 19, delete "annually" and insert "**use**".

Page 6, line 20, delete "appropriate".

Page 6, line 22, delete "has no authority to" and insert "**may not transfer, assign, or otherwise remove**".

Page 6, line 23, delete "de-appropriate or reallocate any".

and when so amended that said bill do pass.

(Reference is to EHB 1558 as printed March 19, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

