

SENATE BILL No. 243

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-13; IC 5-2-21.

Synopsis: Racial profiling. Prohibits a municipal, county, or state law enforcement agency from engaging in racial profiling. Requires a law enforcement agency to adopt a detailed policy that defines the elements of racial profiling. Requires a law enforcement agency to transmit to the attorney general information concerning racial profiling complaints, investigations, and any action taken, and requires the attorney general to submit a biennial report to the legislative council based on this information.

Effective: July 1, 2015.

Breaux

January 6, 2015, read first time and referred to Committee on Homeland Security & Transportation.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 243

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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, 2015]: Sec. 13. (a) Before November 1, 2016, and every two (2)**
4 **years thereafter, the attorney general shall submit a report to the**
5 **legislative council concerning racial profiling. The report must be**
6 **based on information received from law enforcement agencies**
7 **under IC 5-2-21-7, and must include:**
8 (1) **the number of complaints filed alleging racial profiling;**
9 (2) **the results of the investigation into each complaint;**
10 (3) **if the complaint is substantiated, the action taken against**
11 **the offending law enforcement officer; and**
12 (4) **any statistical or other information contained in or derived**
13 **from the information received from law enforcement agencies**
14 **that the attorney general believes would be useful to the**
15 **legislative council.**
16 (b) **The attorney general may recommend legislation based on**



- 1 the contents of the report.
- 2 (c) The report must be in an electronic format under IC 5-14-6.
- 3 SECTION 2. IC 5-2-21 IS ADDED TO THE INDIANA CODE AS
- 4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2015]:
- 6 **Chapter 21. Prohibition Against Racial Profiling**
- 7 **Sec. 1. As used in this chapter, "law enforcement agency" means**
- 8 **the following:**
- 9 (1) A city or town police department.
- 10 (2) A town marshal system.
- 11 (3) A sheriff's department.
- 12 (4) The state police department.
- 13 (5) The law enforcement division of the department of natural
- 14 resources.
- 15 (6) The excise police division of the alcohol and tobacco
- 16 commission.
- 17 (7) A state university police department.
- 18 (8) A school resource officer.
- 19 **Sec. 2. As used in this chapter, "racial profiling" means the:**
- 20 (1) detention;
- 21 (2) official restraint; or
- 22 (3) other disparate treatment;
- 23 of an individual solely on the basis of the racial or ethnic status of
- 24 the individual.
- 25 **Sec. 3. A law enforcement agency may not engage in racial**
- 26 **profiling.**
- 27 **Sec. 4. The race or ethnicity of an individual may not be the sole**
- 28 **factor in:**
- 29 (1) determining the existence of probable cause to take into
- 30 custody or to arrest an individual; or
- 31 (2) constituting a particularized suspicion that an offense has
- 32 been or is being committed in order to justify the detention of
- 33 an individual or the investigatory stop of a motor vehicle.
- 34 **Sec. 5. (a) Not later than January 1, 2016, a law enforcement**
- 35 **agency shall adopt a detailed written policy that:**
- 36 (1) prohibits racial profiling;
- 37 (2) clearly defines the elements constituting racial profiling;
- 38 and
- 39 (3) includes a procedure that the law enforcement agency will
- 40 use to address complaints concerning racial profiling.
- 41 (b) The law enforcement agency must make the policy available
- 42 for public inspection during normal business hours.



1 **Sec. 6. If an investigation of a complaint of racial profiling**
2 **reveals that a law enforcement officer was in direct violation of the**
3 **law enforcement agency's written policy prohibiting racial**
4 **profiling, the law enforcement agency shall take appropriate action**
5 **against the law enforcement officer consistent with the applicable**
6 **rules, ordinances, or policies of the law enforcement agency.**

7 **Sec. 7. (a) A law enforcement agency shall provide to the**
8 **attorney general:**

9 **(1) a copy of every complaint filed with the agency alleging**
10 **racial profiling;**

11 **(2) the results of the investigation into the complaint; and**

12 **(3) if the complaint is substantiated, the action taken against**
13 **the offending law enforcement officer.**

14 **(b) The attorney general shall prepare a report in accordance**
15 **with IC 4-6-2-13 based on information received under this section.**

