

IC 36-5-7

Chapter 7. Town Marshal

IC 36-5-7-1

Application of chapter

Sec. 1. This chapter applies to all towns that have not abolished the office of town marshal.

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-7-2

Appointment; compensation

Sec. 2. The town legislative body shall appoint a town marshal and fix his compensation.

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-7-3

Tenure; termination or suspension; procedures

Sec. 3. The marshal serves at the pleasure of the town legislative body. However, before terminating or suspending a marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under IC 5-2-1-9, the legislative body must conduct the disciplinary removal and appeals procedure prescribed by IC 36-8 for city fire and police departments.

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-7-4

Chief police officer; powers and duties

Sec. 4. The marshal is the chief police officer of the town and has the powers of other law enforcement officers in executing the orders of the legislative body and enforcing laws. The marshal or his deputy:

- (1) shall serve all process directed to him by the town court or legislative body;
- (2) shall arrest without process all persons who commit an offense within his view, take them before a court having jurisdiction, and detain them in custody until the cause of the arrest has been investigated;
- (3) shall suppress breaches of the peace;
- (4) may, if necessary, call the power of the town to his aid;
- (5) may execute search warrants and arrest warrants; and
- (6) may pursue and jail persons who commit an offense.

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-7-5

Service as street commissioner, chief of fire department, or both

Sec. 5. The town legislative body may require the marshal to serve as street commissioner, chief of the fire department, or both.

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-7-6

Deputy marshals; appointment; powers and liabilities; bond, compensation, and term; dismissal; procedure

Sec. 6. (a) The town legislative body shall by ordinance fix the number of deputy marshals. The town legislative body may by ordinance authorize the marshal to appoint deputy marshals. Deputy marshals have the powers and liabilities of the marshal in executing the orders of the legislative body or enforcing laws.

(b) One (1) deputy marshal may be designated as the town humane officer. He has the duties prescribed by IC 36-8 for city humane officers.

(c) The legislative body shall fix the amount of bond, compensation, and term of service of deputy marshals. The marshal may dismiss a deputy marshal at any time. However, a deputy marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under IC 5-2-1-9 may be dismissed only if the procedure prescribed by section 3 of this chapter is followed.

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.51-1999, SEC.1.

IC 36-5-7-7

Body armor

Sec. 7. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).

(b) After December 31, 2010, a town shall provide the town marshal and active deputy marshals of the town with body armor for the torso. The town shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso.

(c) The town marshal and active deputy marshals of the town may not be required to pay for maintenance of the body armor for the torso furnished under this section.

(d) Body armor for the torso provided by a town under this section remains the property of the town. The town may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the town.

As added by P.L.34-2010, SEC.5.