
TITLE 312 NATURAL RESOURCES COMMISSION

Notice of First Public Comment Period

LSA Document #24-379

LAW ENFORCEMENT HIRING

PURPOSE OF NOTICE

The Natural Resources Commission (commission) is soliciting public comment on amendments to rules at [312 IAC 4-4-6](#), [312 IAC 4-5-2](#), and [312 IAC 4-5-3](#) concerning the prerequisites and additional standards of a conservation officer applicant. The commission seeks comment on the affected citations listed and any other provisions of Title 312 that may be affected by this rulemaking.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20241009-IR-312240379RAA](#)

Notice of Public Hearing: [20241009-IR-312240379PHA](#)

CITATIONS AFFECTED: [312 IAC 4-4-6](#); [312 IAC 4-5-2](#); [312 IAC 4-5-3](#)

AUTHORITY: [IC 14-9-8-3](#); [IC 14-10-2-1](#); [IC 14-10-2-4](#)

OVERVIEW

Basic Purpose and Background

The purpose of the proposed rule is to: provide the procedure for review of actions resulting in termination, demotion, or suspension of a conservation officer; amend the qualifications for conservation officer applicants; and amend the prerequisites and additional standards for selection of a conservation officer applicant.

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

Steve Hunter
Director
Division of Law Enforcement
Department of Natural Resources
Indiana Government Center South
402 West Washington Street, Room W255D
Indianapolis, IN 46204
(317) 232-4010
shunter@dnr.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENT

The commission is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By the commission's rulemaking docket at <https://www.in.gov/nrc/rules/rulemaking-docket/>.
- (2) By mail or common carrier to the following address:
LSA Document #24-379 Law Enforcement Hiring
Chloe Perkins
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204
- (3) By email to chperkins@nrc.in.gov. PLEASE NOTE: Email comments will not be considered part of the

official written comment period unless they are sent to the address indicated in this notice.

(4) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than November 8, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Natural Resources Commission office.

If the commission does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

PROPOSED RULE

SECTION 1. [312 IAC 4-4-6](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 4-4-6](#) Review of actions; termination, demotion, or suspension of conservation officer

Authority: [IC 14-10-2-1](#); [IC 14-10-2-4](#); [IC 14-9-8-3](#)

Affected: [IC 4-21.5-5](#); [IC 14-9-8](#)

Sec. 6. (a) Except as provided in subsection (c), a conservation officer:

(1) whose employment is terminated; or

(2) who is demoted or suspended;

as a result of **due to** a final determination by the division director, or a person designated by the division director's **designee**, may seek administrative review from the commission under [IC 4-21.5](#) and [312 IAC 3-1](#).

(b) ~~Through the issuance of a general order,~~ The division director may establish a board to provide informal review of ~~any a~~ disciplinary action **by issuing a general order**. A determination:

(1) that is subject to administrative review under subsection (a); and

(2) for which informal review is available under this subsection;

is not a final determination until the board completes the **informal** review and makes a written report of its findings.

(c) ~~Without~~ **Absent** charges being made **filed** under section 5 of this rule and without a predisciplinary meeting,

(1) a probationary employee may be terminated.

(2) ~~At the will of the division director and subject to approval of the director, an officer who received a spot appointment may be returned to the officer's permanent grade before the spot appointment.~~

An **A termination** action under this subsection does not entitle a person **an individual** to administrative review under subsection (a) or to **an** informal review under subsection (b).

(d) ~~As used in this section, "spot appointment" means a temporary elevation in grade to captain, major, or lieutenant colonel that:~~

(1) ~~is granted in writing at the discretion of the division director, subject to the approval of the director;~~

(2) ~~states the permanent grade to which the officer would return; and~~

(3) ~~takes effect after July 1, 2014.~~

(e) ~~(d)~~ An **party individual** who is aggrieved by a final agency action of the commission **under this section** may seek judicial review under [IC 4-21.5-5](#).

(Natural Resources Commission; [312 IAC 4-4-6](#); filed Aug 3, 2001, 11:07 a.m.: 24 IR 3937; readopted filed May 29, 2007, 9:49 a.m.: [20070613-IR-312070145RFA](#); readopted filed Sep 19, 2013, 10:13 a.m.: [20131016-IR-312130170RFA](#); filed Oct 14, 2014, 3:29 p.m.: [20141112-IR-312130448RFA](#); readopted filed Jul 18, 2019, 8:40 a.m.: [20190814-IR-312190290RFA](#))

SECTION 2. [312 IAC 4-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 4-5-2](#) Prerequisites; conservation officer applicant

Authority: [IC 14-9-8-3](#); [IC 14-10-2-4](#)

Affected: [IC 14-9-8](#)

Sec. 2. A person ~~An individual~~ who wishes to apply **applies** to become a conservation officer ~~must~~ **shall** meet each of the following requirements in order to be favorably considered:

(1) ~~Be~~ **Provide proof the individual is** a United States citizen, **including:**

(A) a copy of the individual's birth certificate; or

(B) a copy of the individual's:

(i) naturalization certificate;

(ii) certificate of citizenship;

(iii) United States passport; or

(iv) Consular Report of Birth Abroad (FS-240).

(2) ~~Possess~~ **Demonstrate** the strength and agility needed to complete the physical conditioning and psychomotor skills requirements established by the Indiana law enforcement training board under [250 IAC 2-3](#).

(3) ~~Have achieved one (1) of the following:~~

~~(A) An associate's degree (two (2) year program), evidenced by a certified transcript, from a college or university accredited by an organization recognized by the United States Secretary of Education at 34 CFR 602.2.~~

~~(B) Completion of at least two (2) years toward a bachelor's degree (four (4) year program), evidenced by a certified transcript, from a college or university accredited by an organization recognized by the United States Secretary of Education at 34 CFR 602.2.~~

~~(C) Four (4) years of full-time active-duty United States military service with honorable discharge.~~ **Achieve a high school diploma or general education diploma.**

(4) Be at least twenty-one (21) years of age on the date of appointment.

(5) Possess a valid driver's license to operate an automobile.

(6) ~~Be willing, if appointed,~~ **Attest the individual is willing** to reside and serve **in any place within Indiana as location** designated by the division director **in a form and manner prescribed by the department.**

(7) Demonstrate an ability to:

(A) swim one hundred (100) yards without stopping; and

(B) tread water for at least five (5) minutes.

~~(8) Successfully complete physical agility testing.~~

~~(9) If requested by the division, submit to and satisfy the following:~~

~~(A) Standard psychological testing.~~

~~(B) A polygraph examination.~~

(Natural Resources Commission; [312 IAC 4-5-2](#); filed Aug 3, 2001, 11:07 a.m.: 24 IR 3938; readopted filed May 29, 2007, 9:49 a.m.: [20070613-IR-312070145RFA](#); readopted filed Sep 19, 2013, 10:13 a.m.: [20131016-IR-312130170RFA](#); filed Oct 14, 2014, 3:29 p.m.: [20141112-IR-312130448FRA](#); errata filed Oct 17, 2014, 2:14 p.m.: [20141112-IR-312130448ACA](#); filed Jul 11, 2016, 3:33 p.m.: [20160810-IR-312150343FRA](#); readopted filed Jul 18, 2019, 8:40 a.m.: [20190814-IR-312190290RFA](#))

SECTION 3. [312 IAC 4-5-3](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 4-5-3](#) Conservation officer applicant; additional standards

Authority: [IC 14-9-8-3](#)

Affected: [IC 14-9-8](#)

Sec. 3. **(a)** The division director shall establish additional ~~written~~ standards for the recruitment, selection, training, and promotion of ~~a conservation officers~~ **officer**.

(b) If requested by the division, an applicant shall submit to and satisfy the following:

(1) Standard psychological testing.

(2) A polygraph examination.

(c) The division director shall select an individual to become a conservation officer based on indicators the individual will excel in a career in conservation law enforcement, including the individual's:
(1) life experiences; and
(2) interest in and commitment to natural resources.

(Natural Resources Commission; [312 IAC 4-5-3](#); filed Aug 3, 2001, 11:07 a.m.: 24 IR 3938; readopted filed May 29, 2007, 9:49 a.m.: [20070613-IR-312070145RFA](#); readopted filed Sep 19, 2013, 10:13 a.m.: [20131016-IR-312130170RFA](#); readopted filed Jul 18, 2019, 8:40 a.m.: [20190814-IR-312190290RFA](#))

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An [html](#) version of this document.