

HOUSE BILL No. 1039

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-1.5; IC 5-2-18.2; IC 12-8-1.5-21; IC 16-21-6-6; IC 22-5-9; IC 32-30-7; IC 34-30-2.1-32.5.

Synopsis: Various immigration matters. Provides that if a law enforcement officer, governmental body, or postsecondary educational institution is made a party to a civil suit and the attorney general determines that the suit has arisen out of certain acts, the attorney general shall defend the law enforcement officer, governmental body, or postsecondary educational institution throughout the action. Clarifies that the enforcement of federal immigration laws may be carried out by federal, state, or local law enforcement. Removes the mens rea standard in the statute concerning governmental bodies or postsecondary institutions violating the citizenship and immigration status information and enforcement of federal laws chapter. Provides that a governmental body that has the custody of an individual who is the subject of an immigration detainer request shall: (1) provide the judge authorized to grant or deny the individual's release on bail notice that the individual is subject to an immigration detainer request; (2) record in the individual's case file that the individual is subject to an immigration detainer request; (3) comply with the immigration detainer request; and (4) inform the individual that the individual is being held pursuant to an immigration detainer request. Provides immunity to a governmental body or an employee of a governmental body for any action taken concerning an immigration detainer request. Prohibits a political
(Continued next page)

Effective: Upon passage; July 1, 2026.

Prescott, Bartels, Jeter, Davis

December 2, 2025, read first time and referred to Committee on Judiciary.



subdivision from taking certain actions to aid, assist, incentivize, or facilitate the migration of any alien or class of aliens into Indiana. Provides that if the attorney general determines that probable cause exists that a governmental entity has not complied with an immigration detention request, the attorney general may bring a court action to: (1) enjoin an act or practice constituting a violation of an immigration detention request; and (2) impose a civil penalty for noncompliance with an immigration detention request. Requires a judge who receives notice that an individual is subject to an immigration detainer request to ensure that the notice of the immigration detainer request is recorded in the court's record. Prohibits an employer from knowingly or intentionally recruiting, hiring, or employing an unauthorized alien. Provides that if the attorney general determines that probable cause exists that an employer has recruited, hired, or employed an unauthorized alien, the attorney general may enjoin the action and seek the suspension of the employer's operating authorizations. Provides that a governmental entity that employs a prosecuting official is entitled to investigative costs and costs in an indecent nuisance action.



Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1039

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.55-2025,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1.5. (a) Whenever any state governmental official
4 or employee, whether elected or appointed, is made a party to a suit,
5 and the attorney general determines that said suit has arisen out of an
6 act which such official or employee in good faith believed to be within
7 the scope of the official's or employee's duties as prescribed by statute
8 or duly adopted regulation, the attorney general shall defend such
9 person throughout such action.
10 (b) Whenever a teacher (as defined in IC 20-18-2-22) is made a
11 party to a civil suit, and the attorney general determines that the suit
12 has arisen out of an act that the teacher in good faith believed was
13 within the scope of the teacher's duties in enforcing discipline policies
14 developed under IC 20-33-8-12, the attorney general shall defend the
15 teacher throughout the action.



(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by electronic mail to the listed electronic mail address of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and electronic mail addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and electronic mail addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(f) Whenever a law enforcement officer (as defined in IC 5-2-18.2-2), governmental body (as defined in IC 5-2-18.2-1), or postsecondary educational institution (as defined in IC 5-2-18.2-2.2) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized or required by IC 5-2-18.2, the attorney general shall defend the law enforcement officer, the governmental body, or the postsecondary educational institution throughout the action.

~~(f)~~ (g) As used in this subsection, "bridge authority" refers to the New Harmony and Wabash River bridge authority established by IC 8-16-15.5-2. Whenever:

- (1) the bridge authority;
- (2) a member of the bridge authority;
- (3) an officer of the bridge authority; or
- (4) an employee of the bridge authority;

is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act or omission of any person described in subdivision (1), (2), (3), or (4), that is authorized or required under IC 8-16-15.5 or any other law, the attorney general shall defend that person throughout the action.

~~(g)~~ (h) A determination by the attorney general under subsection (a), (b), (c), ~~or~~ (f), or (g) shall not be admitted as evidence in the trial of



any such civil action for damages.

~~(h)~~ **(i)** Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense.

SECTION 2. IC 5-2-18.2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. As used in this chapter, "alien" has the meaning set forth in 8 U.S.C. 1101(a).**

SECTION 3. IC 5-2-18.2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1.7. As used in this chapter, "immigration detainer request" means a request issued by an authorized immigration officer to a law enforcement agency to detain an individual pursuant to 8 CFR 287.7 or any successor provision or other applicable federal authority.**

SECTION 4. IC 5-2-18.2-3, AS AMENDED BY P.L.265-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3. A governmental body or a postsecondary educational institution may not enact or implement an ordinance, a resolution, a rule, or a policy, *whether written or unwritten*, that prohibits or in any way restricts another governmental body or employee of a **governmental body or** postsecondary educational institution, including a law enforcement officer, a state or local official, or a state or local government employee, from taking the following actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual:**

- (1) Communicating or cooperating with federal officials.
- (2) Sending to or receiving information from the United States Department of Homeland Security.
- (3) Maintaining information.
- (4) Exchanging information with another federal, state, or local government entity.

(5) Gathering information.

SECTION 5. IC 5-2-18.2-4, AS AMENDED BY P.L.265-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4. A governmental body or a postsecondary educational institution may not *engage in policies or practices that in any way* limit or restrict the enforcement of federal immigration laws, *regardless of whether the enforcement related activity is carried out by a federal, state, or local law enforcement agency*, to less than the full extent permitted by federal law.**

SECTION 6. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** If the attorney general determines that probable cause exists that a governmental body or a postsecondary educational institution has violated this chapter, the attorney general shall bring an action to compel the governmental body or postsecondary educational institution to comply with this chapter **and to seek the relief authorized under subsection (b).**

(b) In an action brought under subsection (a), the attorney general may seek to:

- (1)** enjoin an act or a practice constituting a violation;
- (2)** impose a civil penalty of not more than ten thousand dollars (\$10,000) for each violation; and
- (3)** obtain such other relief as is necessary to ensure future compliance with this chapter.

(c) The attorney general shall transfer all penalties collected under this chapter to the treasurer of state for deposit in the state general fund.

SECTION 7. IC 5-2-18.2-6, AS AMENDED BY P.L.76-2024, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If a court finds by a preponderance of the evidence that a governmental body or postsecondary educational institution ~~knowingly or intentionally~~ violated this chapter, the court shall enjoin the violation **and may grant the relief that is authorized for a violation under section 5(b) of this chapter.**

SECTION 8. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. **(a)** Except as provided in subsection (b), a governmental body that has custody of an individual who is the subject of an immigration detainer request shall:

- (1)** provide to the judge authorized to grant or deny the individual's release on bail under IC 35-33-8-3.2 notice that the individual is subject to an immigration detainer request;
- (2)** record in the individual's case file that the individual is subject to an immigration detainer request;
- (3)** comply with all requests made in the immigration detainer request; and
- (4)** inform the individual that the individual is being held pursuant to an immigration detainer request issued by an authorized immigration officer.

(b) If an individual who is the subject of an immigration detainer request presents to the governmental body a United States passport or a birth certificate issued in the United States, the



1 governmental body shall contact the authorized immigration
 2 officer to determine whether the individual is a citizen of the
 3 United States.

4 (c) A governmental body or an employee of a governmental
 5 body is not criminally or civilly liable for any action taken in
 6 compliance with an immigration detainer request under this
 7 section.

8 SECTION 9. IC 5-2-18.2-10 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2026]: Sec. 10. A judge who receives notice under section 9 of
 11 this chapter that an individual is subject to an immigration
 12 detainer request shall ensure that the notice of the immigration
 13 detainer request is recorded in the court's record, regardless of
 14 whether the notice was received before or after a judgment in a
 15 case.

16 SECTION 10. IC 5-2-18.2-11 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Except as provided in
 19 subsection (b), a political subdivision (as defined in
 20 IC 4-2-6-1(a)(14)) may not aid, assist, incentivize, or facilitate the
 21 migration of an alien or a class of aliens into Indiana by doing any
 22 of the following:

23 (1) Using facilities or equipment, including mail and
 24 messaging systems, owned by the political subdivision for the
 25 purpose of aiding, assisting, incentivizing, or facilitating the
 26 migration of an alien or a class of aliens into Indiana.

27 (2) Making an expenditure of money from a fund controlled
 28 by the political subdivision for the purpose of aiding, assisting,
 29 incentivizing, or facilitating the migration of an alien or a
 30 class of aliens into Indiana.

31 (3) Using an employee for the purpose of aiding, assisting,
 32 incentivizing, or facilitating the migration of an alien or a
 33 class of aliens into Indiana during the employee's normal
 34 working hours or paid overtime, or otherwise compelling an
 35 employee to aid, assist, incentivize, or facilitate the migration
 36 of an alien or a class of aliens into Indiana.

37 (b) This section does not prohibit a political subdivision from
 38 doing the following:

39 (1) Using facilities or equipment, making expenditures from
 40 a fund controlled by the political subdivision, or using an
 41 employee in ways that may aid, assist, incentivize, or attract
 42 the migration of individuals into Indiana when the political



subdivision's activities are designed or intended to aid, assist, incentivize, or facilitate the migration of any and all individuals into Indiana, regardless of immigration status.

(2) Engaging in an activity described in subsection (a), if the political subdivision has obtained the prior, written approval of the family and social services administration to engage in such activity. An approval granted under this subdivision may be revoked by the family and social services administration at any time and expires two (2) years after the date the approval is granted, unless the family and social services administration grants an extension of the approval.

(c) The family and social services administration may, in consultation with the office of the attorney general, grant an approval or extension described in subsection (b)(2) if the family and social services administration determines that an activity in which a political subdivision proposes to engage:

(1) is consistent with the objectives, requirements, and operation of a plan submitted by the state under 8 U.S.C. 1522(a)(6); and

(2) will advance the interests of the state.

SECTION 11. IC 12-8-1.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. (a) Upon the request of a member of the general assembly or a state officer (as defined in IC 4-2-6-1(a)(19)), the office of the secretary shall provide:

(1) except as provided in subsection (b), data regarding the number of individuals in Indiana who:

(A) are not citizens of the United States; and

(B) are enrolled in or receiving benefits under:

(i) IC 12-10-6;

(ii) IC 12-13;

(iii) IC 12-14;

(iv) IC 12-15; or

(v) IC 12-19; and

(2) the immigration status of each individual described in subdivision (1).

(b) The data described in subsection (a) does not include individually identifiable health information as defined in 42 U.S.C. 1320d-6.

SECTION 12. IC 16-21-6-6, AS AMENDED BY P.L.156-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. In addition to the report filed under section 3 of



1 this chapter, each hospital shall, not more than one hundred twenty
 2 (120) days after the end of each calendar quarter, file with the state
 3 department, or the state department's designated contractor, inpatient
 4 and outpatient discharge information at the patient level, in a format
 5 prescribed by the state health commissioner, including the following:

6 (1) The patient's:

7 (A) length of stay;

8 (B) diagnoses and surgical procedures performed during the
 9 patient's stay;

10 (C) date of:

11 (i) admission;

12 (ii) discharge; and

13 (iii) birth;

14 (D) type of admission;

15 (E) admission source;

16 (F) gender;

17 (G) race;

18 (H) discharge disposition; and

19 (I) payor, including:

20 (i) Medicare;

21 (ii) Medicaid;

22 (iii) a local government program;

23 (iv) commercial insurance;

24 (v) self-pay; and

25 (vi) charity care.

26 (2) The total charge for the patient's stay.

27 (3) The ZIP code of the patient's residence.

28 (4) Beginning October 1, 2013, all diagnosed external causes of
 29 injury codes.

30 **(5) Beginning July 1, 2026, in cases where Medicaid is the**
 31 **patient's payor, the form of identification, if any, used by the**
 32 **patient when the patient was admitted, including whether the**
 33 **patient used an Indiana driver's license or identification card,**
 34 **a temporary Indiana driver's license or identification card, a**
 35 **driver's license or identification card issued by another state,**
 36 **a form of identification issued by a foreign government, or no**
 37 **identification.**

38 SECTION 13. IC 22-5-9 IS ADDED TO THE INDIANA CODE AS
 39 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2026]:

41 **Chapter 9. Employment of Unauthorized Aliens**

42 **Sec. 1. As used in this chapter, "agency" means any state or**



1 local administration, agency, authority, board, bureau,
 2 commission, committee, council, department, division, institution,
 3 office, service, or other similar body of government created or
 4 established by law that issues any form of operating authorization
 5 that is used to engage in commerce in Indiana or in a county, city,
 6 town, or township located in Indiana.

7 Sec. 2. As used in this chapter, "employ" means to engage the
 8 services or labor of an individual for wages or other remuneration,
 9 including to suffer or permit to work.

10 Sec. 3. As used in this chapter, "employee" means an individual
 11 who is employed by an employer, including an individual who is
 12 suffered or permitted to work.

13 Sec. 4. As used in this chapter, "employer" means a person,
 14 including an agent, that employs employees in Indiana.

15 Sec. 5. As used in this chapter, "operating authorization" means
 16 a license, permit, certificate, approval, registration, charter, article
 17 of incorporation, or other form of authorization that is:

18 (1) issued by an agency; and

19 (2) used by a person to engage in commerce in Indiana or in
 20 a county, city, town, or township located in Indiana.

21 Sec. 6. As used in this chapter, "unauthorized alien" has the
 22 meaning set forth in 8 U.S.C. 1324a(h)(3).

23 Sec. 7. (a) This subsection does not apply to the hiring,
 24 recruitment, or employment of an unauthorized alien that
 25 occurred before July 1, 2026. Except as provided in subsection (c),
 26 it is unlawful for an employer to knowingly or intentionally recruit,
 27 hire, or employ an unauthorized alien in Indiana.

28 (b) For purposes of this chapter, "reasonable diligence to
 29 confirm the work eligibility of an individual" includes:

30 (1) utilizing an electronic verification of work authorization
 31 program operated by the United States Department of
 32 Homeland Security to verify the work eligibility of an
 33 employee, except where the circumstances under which the
 34 verification was made would have put a reasonable person on
 35 notice that the verification was unreliable or of limited
 36 reliability; or

37 (2) engaging in diligence as may be prescribed by the attorney
 38 general through guidance that shall be consistent with
 39 industry standard best practices for confirming work
 40 eligibility.

41 (c) An employer is not in violation of subsection (a) if the
 42 employer engaged in reasonable diligence to confirm the work



1 eligibility of an individual before recruiting, hiring, or employing
2 the individual.

3 Sec. 8. (a) If the attorney general determines that probable
4 cause exists that an employer has violated section 7 of this chapter
5 at any point in the preceding three (3) year period or has violated
6 the terms of its probationary status under section 9(c) of this
7 chapter, the attorney general is, except as provided in subsection
8 (b), authorized to bring an action against the employer to enjoin
9 the violation and for other relief authorized by section 9 of this
10 chapter.

11 (b) In the case of an employer that has never previously been
12 found under section 9 of this chapter to have committed a violation
13 of section 7 of this chapter and has never previously submitted an
14 affidavit under subsection (c), the attorney general shall provide
15 the employer notice of the attorney general's probable cause
16 determination before the attorney general initiates an action under
17 subsection (a). If, within fifteen (15) business days of receiving the
18 attorney general's notice, the employer provides evidence to the
19 attorney general and the attorney general:

20 (1) determines that the employer has engaged in reasonable
21 diligence to confirm the work eligibility of the employer's
22 employees; and

23 (2) either:

24 (A) determines that all the employer's employees are
25 eligible to work or that the employer has terminated any
26 unauthorized alien employees; or

27 (B) the employer submits to the attorney general an
28 affidavit under subsection (c);

29 the attorney general may not initiate an action under subsection
30 (a).

31 (c) An employer described in subsection (b) that receives notice
32 of the attorney general's probable cause determination under
33 subsection (b) may, within fifteen (15) business days of receiving
34 the notice, submit to the attorney general an affidavit signed by an
35 authorized representative attesting that the employer has
36 terminated the employment of any and all unauthorized aliens,
37 engaged in reasonable diligence to confirm the work eligibility of
38 all of its employees, and will not knowingly employ any
39 unauthorized aliens in the future.

40 Sec. 9. (a) If a court determines by a preponderance of the
41 evidence that an employer has violated section 7 of this chapter, the
42 court shall enjoin the violation and shall order the relief provided



1 in subsection (b) or (c), or both, as the court determines
2 appropriate.

3 (b) A court may order the following for violations of this
4 chapter:

5 (1) In the case of a single violation by an employer that has
6 never previously been determined to be in violation of section
7 7 of this chapter, the court may order the suspension of all of
8 the employer's operating authorization at the location of the
9 violation for five (5) business days.

10 (2) In the case of more than one (1) violation by an employer
11 that has never previously been determined to be in violation
12 of section 7 of this chapter, the court may order the
13 suspension of all of the employer's operating authorizations
14 at the location or locations where the violations occurred for
15 a period of ten (10) business days.

16 (3) In the case of one (1) or more violations by an employer
17 that have previously been determined to be in violation of
18 section 7 of this chapter, the court may order the suspension
19 of all of the employer's operating authorizations at the
20 location or locations where the violation or violations
21 occurred for a period of one hundred eighty (180) days.

22 (4) In the case of one (1) or more violations by an employer
23 previously subject to the penalty provided in subdivision (3),
24 the court may order the permanent revocation of all of the
25 employer's operating authorizations at the location or
26 locations where the violation or violations occurred.

27 (5) In the case of an employer that:

28 (A) willfully violated section 7 of this chapter;

29 (B) committed previous or current violations at three (3) or
30 more locations at which the employer engages or
31 previously engaged in commerce; and

32 (C) has previously been subject to the penalty provided in
33 subdivision (4);

34 the court may order the permanent revocation of all of the
35 employer's operating authorizations in Indiana.

36 (c) A court may place an employer on probationary status for
37 a period of between six (6) months to two (2) years. During the
38 probationary period, the employer shall file with the attorney
39 general quarterly reports describing the employer's hiring
40 practices and efforts to comply with section 7 of this chapter and
41 containing the work eligibility documentation for the employer's
42 employees. Each report must be accompanied by an affidavit



1 attesting to the report's accuracy.

2 (d) If a court determines that an employer has violated the
3 terms of its probationary status under subsection (c), the court
4 shall order the applicable relief provided in subsection (b).

5 (e) If an employer does not hold an operating authorization
6 specific to the location at which a violation occurred, but uses other
7 operating authorizations at other locations, the court shall, in
8 ordering the relief provided under subsection (b), suspend or
9 revoke those other operating authorizations.

10 Sec. 10. (a) An employer may not discharge or discriminate
11 against an employee because the employee communicated or
12 cooperated with the attorney general concerning compliance with
13 this chapter.

14 (b) An employee who believes that the employee was discharged
15 or discriminated against in violation of subsection (a) may, within
16 thirty (30) calendar days after the violation occurs, file a complaint
17 with the commissioner of labor. The complaint shall be handled as
18 provided in IC 22-8-1.1-38.1.

19 Sec. 11. The suspension or revocation of a license under this
20 chapter does not relieve an employer from the employer's
21 obligations to withhold, collect, or pay income tax on wages paid to
22 employees.

23 Sec. 12. This chapter shall be enforced without regard to race,
24 color, or national origin.

25 SECTION 14. IC 32-30-7-1, AS AMENDED BY P.L.144-2018,
26 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 1. As used in this chapter, "indecent nuisance"
28 means a:

29 (1) place in or upon which prostitution (as described in
30 IC 35-45-4);

31 (2) public place in or upon which other sexual conduct (as defined
32 in IC 35-31.5-2-221.5) or sexual intercourse (as defined in
33 IC 35-31.5-2-302);

34 (3) public place in or upon which the fondling of the genitals of
35 a person; or

36 (4) ~~public~~ public place in or upon which human trafficking (as described
37 in IC 35-42-3.5-1 through IC 35-42-3.5-1.4);

38 is conducted, permitted, continued, or exists, and the personal property
39 and contents used in conducting and maintaining the place for such a
40 purpose.

41 SECTION 15. IC 32-30-7-7 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If an indecent



1 nuisance exists, a prosecuting official or any resident of the county in
 2 which the indecent nuisance exists may bring an action to abate the
 3 indecent nuisance and to perpetually enjoin the maintenance of the
 4 indecent nuisance.

5 (b) If a person other than a prosecuting official institutes an action
 6 under this chapter, the complainant shall execute a bond to the person
 7 against whom complaint is made, with good and sufficient surety to be
 8 approved by the court or clerk in a sum of at least one thousand dollars
 9 (\$1,000) to secure to the party enjoined the damages the party may
 10 sustain if:

- 11 (1) the action is wrongfully brought;
- 12 (2) the action is not prosecuted to final judgment;
- 13 (3) the action is dismissed;
- 14 (4) the action is not maintained; or
- 15 (5) it is finally decided that the injunction ought not to have been
 16 granted.

17 The party aggrieved by the issuance of the injunction has recourse
 18 against the bond for all damages suffered, including damages to the
 19 aggrieved party's property, person, or character and including
 20 reasonable attorney's fees incurred in defending the action.

21 (c) A person who institutes an action and executes a bond may
 22 recover the bond and reasonable attorney's fees incurred in trying the
 23 action if the existence of an indecent nuisance is admitted or
 24 established in an action as provided in this chapter.

25 (d) If a prosecuting official institutes an action under this chapter (or
 26 IC 34-1-52.5 or IC 34-19-2 before their repeal) and the existence of an
 27 indecent nuisance is admitted or established in the action, the
 28 governmental entity that employs the prosecuting official is entitled to
 29 all **investigative costs, court costs, and** reasonable attorney's fees
 30 incurred by the entity in instituting the action. The fees shall be
 31 deposited in:

- 32 (1) the state general fund, if the action is instituted by the attorney
 33 general;
- 34 (2) the operating budget of the office of the prosecuting attorney,
 35 if the action is instituted by a prosecuting attorney;
- 36 (3) the operating budget of the office of the corporation counsel
 37 or city attorney, if the action is instituted by a corporation counsel
 38 or city attorney; or
- 39 (4) the county general fund, if the action is instituted by an
 40 attorney representing the county.

41 SECTION 16. IC 34-30-2.1-32.5 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: **Sec. 32.5. IC 5-2-18.2-9 (Concerning**
2 **federal immigration detention orders).**
3 SECTION 17. **An emergency is declared for this act.**

