

HOUSE BILL No. 1123

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-27.3; IC 35-31.5-2-185; IC 35-42-4-15.

Synopsis: Police investigations relating to prostitution. Provides that, after June 30, 2026, a law enforcement agency may not authorize the use of public funds by a law enforcement officer to pay for or engage in sexual intercourse, other sexual conduct, or the fondling of the law enforcement officer's or another individual's genitals as part of an investigation of: (1) prostitution; (2) making an unlawful proposition; or (3) promoting prostitution as a Level 5 felony. Provides that a law enforcement officer who knowingly or intentionally: (1) engages in sexual intercourse or other sexual conduct with an individual; (2) has an individual fondle or agree to fondle the genitals of the law enforcement officer; or (3) fondles the genitals of an individual under certain circumstances relating to the law enforcement officer's official duties; commits unlawful sexual conduct by a law enforcement officer, a Level 5 felony. Makes exceptions.

Effective: July 1, 2026.

Bartlett

January 5, 2026, read first time and referred to Committee on Courts and Criminal Code.



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. 1123

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 5-2-27.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]:
- 4 **Chapter 27.3. Prohibition of the Use of Public Money in**
- 5 **Prostitution Investigations**
- 6 **Sec. 1. As used in this chapter, "law enforcement agency" has**
- 7 **the meaning set forth in IC 5-2-17-2.**
- 8 **Sec. 2. As used in this chapter, "law enforcement officer" has**
- 9 **the meaning set forth in IC 5-2-1-2.**
- 10 **Sec. 3. As used in this chapter, "other sexual conduct" has the**
- 11 **meaning set forth in IC 35-31.5-2-221.5.**
- 12 **Sec. 4. As used in this chapter, "public funds" has the meaning**
- 13 **set forth in IC 5-13-4-20.**
- 14 **Sec. 5. As used in this chapter, "sexual intercourse" has the**
- 15 **meaning set forth in IC 35-31.5-2-302.**
- 16 **Sec. 6. (a) Except as provided in subsection (b), after June 30,**
- 17 **2026, a law enforcement agency may not authorize the use of**



1 public funds by a law enforcement officer to pay for or engage in,
 2 sexual intercourse, other sexual conduct, or the fondling of the law
 3 enforcement officer's or another individual's genitals as part of an
 4 investigation of crimes committed under:

5 (1) IC 35-45-4-2 (prostitution);

6 (2) IC 35-45-4-3 (making an unlawful proposition); or

7 (3) IC 35-45-4-4 as a Level 5 felony (promoting prostitution).

8 (b) Subsection (a) does not apply to an investigation of human
 9 and sexual trafficking under IC 35-42-3.5.

10 SECTION 2. IC 35-31.5-2-185, AS AMENDED BY P.L.238-2025,
 11 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 185. (a) "Law enforcement officer" means:

13 (1) a police officer (including a tribal police officer, a correctional
 14 police officer, and a hospital police officer employed by a hospital
 15 police department established under IC 16-18-4), sheriff,
 16 constable, marshal, prosecuting attorney, special prosecuting
 17 attorney, special deputy prosecuting attorney, the securities
 18 commissioner, the state fire marshal, the executive director of the
 19 department of homeland security, or the inspector general;

20 (2) a deputy of any of those persons;

21 (3) an investigator for a prosecuting attorney or for the inspector
 22 general;

23 (4) a conservation officer;

24 (5) an enforcement officer of the alcohol and tobacco
 25 commission;

26 (6) an enforcement officer of the securities division of the office
 27 of the secretary of state;

28 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
 29 control officer employed by the gaming control division under
 30 IC 4-33-20; or

31 (8) a fire investigator of the department of homeland security.

32 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
 33 includes an alcoholic beverage enforcement officer, as set forth in
 34 IC 35-42-2-1.

35 (c) "Law enforcement officer", for purposes of IC 35-45-15,
 36 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

37 (d) "Law enforcement officer", for purposes of IC 35-42-4-15,
 38 IC 35-44.1-3-1, and IC 35-44.1-3-2, includes a school resource officer
 39 (as defined in IC 20-26-18.2-1) and a school corporation police officer
 40 appointed under IC 20-26-16.

41 (e) "Law enforcement officer", for purposes of IC 35-40.5, has the
 42 meaning set forth in IC 35-40.5-1-1.



SECTION 3. IC 35-42-4-15 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2026]: **Sec. 15. (a) Except as provided in subsection (d), a law**

enforcement officer who knowingly or intentionally:

**(1) engages in sexual intercourse or other sexual conduct (as
defined in IC 35-31.5-2-221.5) with an individual;**

**(2) has an individual fondle or agree to fondle the genitals of
the law enforcement officer; or**

(3) fondles the genitals of an individual;

**under any of the circumstances described in subsection (b)
commits unlawful sexual conduct by a law enforcement officer, a
Level 5 felony.**

**(b) To be considered unlawful sexual conduct by a law
enforcement officer, the acts described in subsection (a)(1) through
(a)(3) must occur under any of the following circumstances:**

**(1) In the same encounter in which an act described in
subsection (a)(1) through (a)(3) occurs, the law enforcement
officer contacts the individual for the purpose of law
enforcement or contacts the individual in the exercise of the
law enforcement officer's employment activities or duties.**

**(2) The law enforcement officer knows that the individual is,
or causes the individual to believe that the individual is, the
subject of an active investigation and the law enforcement
officer uses that knowledge to further engage in an act
described in subsection (a)(1) through (a)(3) with the
individual.**

**(3) In furtherance of an act described in subsection (a)(1)
through (a)(3), the law enforcement officer makes any show
of real or apparent law enforcement authority.**

**(c) It is not a defense to this section that the individual consented
to an act described in subsection (a)(1) through (a)(3).**

**(d) This section does not apply to an act described in subsection
(a)(3) that incurs incident to a lawful search.**

