

PRINTING CODE. Deletions appear in <this style type>. Insertions appear in [this style type]. Typeface changes are shown in <this > < style type > or in [this] [style] [type].

HOUSE BILL No. 1193

Proposed Changes to introduced printing by AM119301

DIGEST OF PROPOSED AMENDMENT

Unconstitutional practices. Amends the definition of "unconstitutional practice". Provides the procedure to follow if another federal agency has jurisdiction to investigate an unconstitutional practice.

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 22-9-1-2, AS AMENDED BY P.L.136-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 2. (a) It is the public policy of the state to provide
4 all of its citizens equal opportunity for education, employment, access
5 to public conveniences and accommodations, and acquisition through
6 purchase or rental of real property, including but not limited to housing,
7 and to eliminate segregation or separation based solely on race,
8 religion, color, sex, disability, national origin, or ancestry, since such
9 segregation is an impediment to equal opportunity. Equal education
10 and employment opportunities and equal access to and use of public
11 accommodations and equal opportunity for acquisition of real property
12 are hereby declared to be civil rights.

13 (b) The practice of denying these rights to properly qualified
14 persons by reason of the race, religion, color, sex, disability, national
15 origin, or ancestry of such person is contrary to the principles of
16 freedom and equality of opportunity and is a burden to the objectives
17 of the public policy of this state and shall be considered as
18 discriminatory practices. The promotion of equal opportunity without
19 regard to race, religion, color, sex, disability, national origin, or

2026

IN 1193—LS 6691/DI 106



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

ancestry through reasonable methods is the purpose of this chapter.

(c) It is also the public policy of this state to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

(d) It is hereby declared to be contrary to the public policy of the state and an unlawful practice for any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry.

(e) The general assembly recognizes that on February 16, 1972, there are institutions of learning in Indiana presently and traditionally following the practice of limiting admission of students to males or to females. It is further recognized that it would be unreasonable to impose upon these institutions the expense of remodeling facilities to accommodate students of both sexes, and that educational facilities of similar quality and type are available in coeducational institutions for those students desiring such facilities. It is further recognized that this chapter is susceptible of interpretation to prevent these institutions from continuing their traditional policies, a result not intended by the general assembly. Therefore, the amendment effected by Acts 1972, P.L.176, is desirable to permit the continuation of the policies described.

(f) It is against the public policy of the state and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

(1) refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or

(2) refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

(g) It is against the public policy of the state and an unconstitutional practice for any person to violate another person's rights protected by the Constitution of the United States or the Constitution of the State of Indiana.

~~(g)~~ (h) This chapter shall be construed broadly to effectuate its purpose.

SECTION 2. IC 22-9-1-3, AS AMENDED BY P.L.213-2016, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. As used in this chapter:



(a) "Person" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) "Commission" means the civil rights commission created under section 4 of this chapter.

(c) "Director" means the director of the civil rights commission.

(d) "Deputy director" means the deputy director of the civil rights commission.

(e) "Commission attorney" means the deputy attorney general, such assistants of the attorney general as may be assigned to the commission, or such other attorney as may be engaged by the commission.

(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing six (6) or more persons within the state, except that the term "employer" does not include:

(1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or

(3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

(1) by the individual's parents, spouse, or child; or

(2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

(1) the exclusion of a person from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry,



or status as a veteran;

(2) a system that excludes persons from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;

(3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry;

(4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4);

(5) the performance of an abortion solely because of the race, color, sex, disability, national origin, or ancestry of the fetus; or

(6) a violation of any of the following statutes protecting the right of conscience regarding abortion:

(A) IC 16-34-1-4.

(B) IC 16-34-1-5.

(C) IC 16-34-1-6.

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

(1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory **practice or unconstitutional** practice; or

(2) the director or deputy director of the commission charging that a discriminatory **practice or unconstitutional** practice was committed against a person (other than the director or deputy director) or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

(1) sufficiently complete and filed by a complainant with the commission; or

(2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory **practice or unconstitutional** practice occurred.

The original of any complaint filed under subdivision (1) shall be



M
a
r
k
u
p

signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

(1) the full name and address of the complainant;

(2) the name and address of the respondent against whom the complaint is made;

(3) the alleged discriminatory **practice or unconstitutional** practice and a statement of particulars thereof;

(4) the date or dates and places of the alleged discriminatory **practice or unconstitutional** practice and if the alleged discriminatory **practice or unconstitutional** practice is of a continuing nature the dates between which continuing acts of discrimination **or unconstitutional practices** are alleged to have occurred; and

(5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory **practice or unconstitutional** practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

(1) it shall not be a discriminatory practice to maintain separate restrooms;

(2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and

(3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment under this chapter, "disabled or disability"



also means the physical or mental condition of a person that constitutes a substantial disability unrelated to the person's ability to engage in a particular occupation.

(s) "Veteran" means:

- (1) a veteran of the armed forces of the United States;
- (2) a member of the Indiana National Guard; or
- (3) a member of a reserve component.

(t) **"Unconstitutional practice" has the meaning set forth in IC 22-9-15-4.**

SECTION 3. IC 22-9-1-6, AS AMENDED BY P.L.205-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The commission shall establish and maintain a permanent office in the city of Indianapolis.

(b) Except as it concerns judicial review, the commission may adopt rules under IC 4-22-2 to implement this chapter.

(c) The commission shall formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or local subdivisions thereof to effectuate such policies. The several departments, commissions, divisions, authorities, boards, bureaus, agencies, and officers of the state or any political subdivision or agency thereof shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any matter before the commission.

(d) The commission shall receive and investigate complaints alleging discriminatory **practices or unconstitutional** practices. The commission shall not hold hearings in the absence of a complaint. All investigations of complaints shall be conducted by staff members of the civil rights commission or their agents.

(e) The commission may create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this chapter. The commission may itself, or it may empower these agencies and councils to:

- (1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, handicap, national origin, or ancestry; and
- (2) foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

These agencies and councils may make recommendation to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for reasonable and necessary actual expenses.



M
a
r
k
u
p

(f) The commission may issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, handicap, national origin, or ancestry.

(g) The commission shall prevent any person from discharging, expelling, or otherwise discriminating **or retaliating** against any other person because the person filed a complaint, testified in any hearing before this commission, or in any way assisted the commission in any matter under its investigation.

(h) The commission may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena issued under this section shall constitute a contempt. All hearings shall be held within Indiana at a location determined by the commission. A citation of contempt may be issued upon application by the commission to the circuit or superior court in the county in which the hearing is held or in which the witness resides or transacts business.

(i) The commission may:

(1) before July 1, 2020, appoint administrative law judges other than commissioners; and

(2) after June 30, 2020, request assignment of an administrative law judge (as defined in IC 4-21.5-1-2);

when an appointment is deemed necessary by a majority of the commission. The administrative law judges shall be members in good standing before the bar of Indiana and shall be appointed by the chairman of the commission. An administrative law judge appointed under this subsection ~~shall have~~ **has** the same powers and duties as a commissioner sitting as an administrative law judge. However, the administrative law judge may not issue subpoenas.

(j) The commission shall state its findings of fact after a hearing and, if the commission finds a person has engaged in an unlawful discriminatory **practice or unconstitutional** practice, shall cause to be served on this person an order requiring the person to cease and desist from the unlawful discriminatory **practice or unconstitutional** practice and requiring the person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to the power:

(1) to restore the complainant's losses incurred as a result of



discriminatory **or unconstitutional** treatment, as the commission may deem necessary to assure justice; however, except in discriminatory practices involving veterans, this specific provision when applied to orders pertaining to employment shall include only wages, salary, or commissions;

(2) to require the posting of notice setting forth the public policy of Indiana concerning civil rights and the respondent's compliance with the policy in places of public accommodations;

(3) to require proof of compliance to be filed by the respondent at periodic intervals; and

(4) to require a person who has been found to be in violation of this chapter and who is licensed by a state agency authorized to grant a license to show cause to the licensing agency why the person's license should not be revoked or suspended.

When an employer has been found to have committed a discriminatory practice in employment by failing to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include placing the veteran in the employment position with the employer for which the veteran applied.

(k) Judicial review of a cease and desist order or other affirmative action as referred to in this chapter may be obtained under IC 22-9-8. If no proceeding to obtain judicial review is instituted within thirty (30) days from receipt of notice by a person that an order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of the order in circuit or superior court upon showing that the person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(l) If, upon all the evidence, the commission shall find that a person has not engaged in any unlawful practice or violation of this chapter, the commission shall state its findings of facts and shall issue and cause to be served on the complainant an order dismissing the complaint as to the person.

(m) The commission may furnish technical assistance requested by persons subject to this chapter to further compliance with this chapter or with an order issued under this chapter.

(n) The commission shall promote the creation of local civil rights agencies to cooperate with individuals, neighborhood associations, and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.



(o) The commission may reduce the terms of conciliation agreed to by the parties to writing (to be called a consent agreement) that the parties and a majority of the commissioners shall sign. When signed, the consent agreement shall have the same effect as a cease and desist order issued under subsection (j). If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement and the party is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(p) In lieu of investigating a complaint and holding a hearing under this section, the commission may issue an order based on findings and determinations by the federal Department of Housing and Urban Development or the federal Equal Employment Opportunity Commission concerning a complaint that has been filed with one (1) of these federal agencies and with the commission. The commission shall adopt by rule standards under which the commission may issue such an order.

(q) Upon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint.

SECTION 4. IC 22-9-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. In addition to its power to investigate the discriminatory **practices or unconstitutional** practices referred to in this chapter, the commission may receive written complaints of violation of this chapter or other discriminatory practices based upon race, religion, color, sex, national origin, or ancestry and to investigate such complaints as it deems meritorious, or to conduct such investigation in the absence of complaints whenever it deems it in the public interest. It may transmit to the general assembly its recommendations for legislation designed to aid in the removing of such discrimination.

SECTION 5. IC 22-9-1-17, AS AMENDED BY P.L.100-2012, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) If a timely election is made under section 16 of this chapter, the complainant may file a civil action in a circuit or superior court having jurisdiction in the county in which a discriminatory **practice or unconstitutional** practice allegedly occurred.

(b) If the court finds that a discriminatory **practice or**



1 **unconstitutional** practice has occurred the court may grant the relief
2 allowed under ~~IC 22-9-1-6(j)~~; **section 6(j) of this chapter.**

3 (c) A civil action filed under this section must be tried by the court
4 without benefit of a jury.

5 **(d) The commission may not represent the plaintiff in a civil**
6 **action filed under this section.**

7 SECTION 6. IC 22-9-1-18 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. (a) If a timely
9 election is not made under section 16 of this chapter, the commission
10 shall schedule a hearing on the finding of probable cause.

11 (b) Except as provided in subsection (c), IC 4-21.5 governs a
12 hearing under this section.

13 (c) A proceeding under this section may not continue regarding an
14 alleged discriminatory **practice or unconstitutional** practice after the
15 filing of a civil action.

16 (d) IC 22-9-8 governs appeal of a final order issued under this
17 section.

18 SECTION 7. IC 22-9-15 IS ADDED TO THE INDIANA CODE
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]:

21 **Chapter 15. Unconstitutional Practices**

22 **Sec. 1. As used in this chapter, "commission" refers to the civil**
23 **rights commission.**

24 **Sec. 2. As used in this chapter, "person" has the meaning set**
25 **forth in Section 701 of the Civil Rights Act of 1964 (42 U.S.C.**
26 **2000e).**

27 **Sec. 3. As used in this chapter, "state agency" means an**
28 **authority, a board, a branch, a commission, a committee, a**
29 **department, a division, or another instrumentality of the executive,**
30 **including the administrative department of state government.**

31 **Sec. 4. As used in this chapter, "unconstitutional practice"**
32 **means an action that violates a person's rights protected by**
33 **(1) the Constitution of the United States**~~<or>~~**;**

34 **(2) the Constitution of the State of Indiana****;** **or**
35 **(3) federal law and guaranteed through the Fourteenth**

36 **Amendment****], including**
37 **(A) Title VI of the federal Civil Rights Act of 1964;**

38 **(B) Title VII of the federal Civil Rights Act of 1964; and**
39 **(C) Title IX of the Education Amendments of 1972.**

40 **The term includes** a right relating to parenting, education,
41 religion, and speech.

42 **Sec. 5. A person may not commit an unconstitutional practice.**



1 **Sec. 6. A person who feels that the person is the victim of an**
 2 **unconstitutional practice under this chapter may submit a**
 3 **complaint to the civil rights commission under IC 22-9-1-6.**

4 **Sec. 7. (a) The commission may receive a complaint submitted**
 5 **under section 6 of this chapter.**

6 **(b) If another state or federal agency has jurisdiction to**
 7 **investigate the unconstitutional practice that is the subject of the**
 8 **complaint, the commission:**

9 **(1) shall transmit the complaint and any supporting**
 10 **documentation to the appropriate state or federal agency;**
 11 **and**

12 **(2) may, after consulting with the state or federal agency,**
 13 **enter into a memorandum of understanding with the state**
 14 **or federal agency to grant the commission enforcement**
 15 **jurisdiction over the complaint.**

16 **Sec. 8. The commission has the authority to investigate a**
 17 **complaint that a person is the victim of an unconstitutional**
 18 **practice even if another state or federal agency has jurisdiction**
 19 **to investigate the unconstitutional practice.**

20 **SECTION 8. IC 22-9.5-6-6 IS AMENDED TO READ AS**
 21 **FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If the commission**
 22 **concludes at any time following the filing of a complaint that prompt**
 23 **judicial action is necessary to carry out the purposes of this article, the**
 24 **commission may file a civil action for appropriate temporary or**
 25 **preliminary relief pending final disposition of the complaint in a circuit**
 26 **or superior court that is located in the county in which the alleged**
 27 **discriminatory housing practice occurred.**

28 **(b) A temporary restraining order or other order granting**
 29 **preliminary or temporary relief under this section is governed by the**
 30 **Indiana Rules of Trial Procedure.**

31 **(c) The filing of a civil action under this section does not affect the**
 32 **initiation or continuation of administrative proceedings under section**
 33 **14 of this chapter.**

34 **(d) The commission may not represent a private individual in**
 35 **an action filed under this section.**

36 **SECTION 9. IC 22-9.5-6-13, AS AMENDED BY P.L.11-2023,**
 37 **SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 38 **JULY 1, 2026]: Sec. 13. (a) If a timely election is made under section**
 39 **12 of this chapter, the ~~commission~~ party that made the election shall,**
 40 **not later than thirty (30) days after the election is made, file a civil**
 41 **action ~~on behalf of the aggrieved person~~ seeking relief under this**
 42 **section in a circuit or superior court that is located in the county in**



M
a
r
k
u
p

1 which the alleged discriminatory housing practice occurred.

2 (b) An aggrieved person may intervene in the action.

3 (c) If the court finds that a discriminatory housing practice has
4 occurred or is about to occur, the court may grant as relief any relief
5 that a court may grant in a civil action under IC 22-9.5-7.

6 (d) If monetary relief is sought for the benefit of an aggrieved
7 person who does not intervene in the civil action, the court may not
8 award the monetary relief if that aggrieved person has not complied
9 with discovery orders entered by the court.

10 SECTION 10. IC 22-9.5-6-15 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If the
12 commission determines at a hearing under section 14 of this chapter
13 that a respondent has engaged in or is about to engage in a
14 discriminatory housing practice, the commission may order the
15 appropriate following relief: ~~including actual~~

16 (1) Damages **to restore the aggrieved party's losses incurred**
17 **as a result of the discriminatory housing practice.**

18 (2) Reasonable attorney's fees **and** court costs. ~~and~~

19 (3) Other injunctive or equitable relief.

20 (b) To vindicate the public interest, the commission may assess a
21 civil penalty against the respondent in an amount that does not exceed
22 the following:

23 (1) Ten thousand dollars (\$10,000) if the respondent has not
24 been adjudged by order of the commission or a court to have
25 committed a prior discriminatory housing practice.

26 (2) Except as provided by subsection (c), twenty-five thousand
27 dollars (\$25,000) if the respondent has been adjudged by order
28 of the commission or a court to have committed one (1) other
29 discriminatory housing practice during the five (5) year period
30 ending on the date of the filing of the finding of reasonable
31 cause.

32 (3) Except as provided by subsection (c), fifty thousand dollars
33 (\$50,000) if the respondent has been adjudged by order of the
34 commission or a court to have committed two (2) or more
35 discriminatory housing practices during the seven (7) year period
36 ending on the date of the filing of the finding of reasonable
37 cause.

38 (c) If the acts constituting the discriminatory housing practice that
39 is the object of the finding of reasonable cause are committed by the
40 same individual who has been previously adjudged to have committed
41 acts constituting a discriminatory housing practice, the civil penalties
42 in subsection (b)(2) and (b)(3) may be imposed without regard to the



M
a
r
k
u
p

1 period of time within which any other discriminatory housing practice
2 occurred.

3 (d) The commission may sue to recover a civil penalty due under
4 this section.

5 SECTION 11. IC 22-9.5-7-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) An aggrieved
7 person may file a civil action in the circuit or superior court located in
8 the county in which the alleged discriminatory practice occurred not
9 later than one (1) year after the occurrence of the termination of an
10 alleged discriminatory housing practice or the breach of a conciliation
11 agreement entered into under this article, whichever occurs last, to
12 obtain appropriate relief with respect to the discriminatory housing
13 practice or breach.

14 (b) The one (1) year period does not include any time during
15 which an administrative hearing under this article is pending with
16 respect to a complaint or finding of reasonable cause under this article
17 based on the discriminatory housing practice. This subsection does not
18 apply to actions arising from a breach of a conciliation agreement.

19 (c) An aggrieved person may file an action under this section
20 whether or not a complaint has been filed under IC 22-9.5-6 and
21 without regard to the status of any complaint filed under IC 22-9.5-6.

22 (d) If the commission has obtained a conciliation agreement with
23 the consent of an aggrieved person, the aggrieved person may not file
24 an action under this section with respect to the alleged discriminatory
25 housing practice that forms the basis for the complaint except to
26 enforce the terms of the agreement.

27 (e) An aggrieved person may not file an action under this section
28 with respect to an alleged discriminatory housing practice that forms
29 the basis of a finding of reasonable cause issued by the commission if
30 the commission has begun a hearing on the record under this article
31 with respect to the finding of reasonable cause.

32 **(f) The commission may not represent the aggrieved person in**
33 **a civil action filed under this section.**

34 SECTION 12. IC 22-9.5-8.1-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. **(a)** The commission
36 may file a civil action for appropriate relief if the commission has
37 reasonable cause to believe that:

38 (1) a person is engaged in a pattern or practice of resistance to
39 the full enjoyment of any right granted by this article; or

40 (2) a person has been denied any right granted by this article and
41 that denial raises an issue of general public importance.

42 An action under this section may be filed in a circuit or superior court



located in the county in which the alleged pattern, practice, or denial occurred.

(b) The commission may only represent the state in a civil action filed under this section.

SECTION 13. IC 22-9.5-8.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. In an action filed under section 1 of this chapter, the court may do the following:

(1) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this article as necessary to assure the full enjoyment of the rights granted by this article.

(2) Award ~~other appropriate relief, including monetary damages,~~ reasonable attorney's fees and court costs.

(3) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:

(A) Fifty thousand dollars (\$50,000) for a first violation.

(B) One hundred thousand dollars (\$100,000) for a second or subsequent violation.

SECTION 14. IC 22-9.5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. **(a)** A court in a civil action brought under this article or the commission in an administrative hearing under IC 22-9.5-6-14 may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party.

(b) IC 4-21.5-3-27.5(b) and IC 4-21.5-3-27.5(c) (attorney's fee awards in judicial review cases) do not apply to a civil action brought in a trial court.

1



M
a
r
k
u
p