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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

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1 ancestry through reasonable methods is the purpose of this chapter.
 2 (c) It is also the public policy of this state to protect employers,
 3 labor organizations, employment agencies, property owners, real estate
 4 brokers, builders, and lending institutions from unfounded charges of
 5 discrimination.

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

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

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

28 (1) refusing to employ an applicant for employment on the basis
 29 that the applicant is a veteran of the armed forces of the United
 30 States; or
 31 (2) refusing to employ an applicant for employment on the basis
 32 that the applicant is a member of the Indiana National Guard or
 33 member of a reserve component.

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

38 **(g) (h)** This chapter shall be construed broadly to effectuate its
 39 purpose.

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

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(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.

(1) "Discriminatory practice" means:

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



1 or status as a veteran;

2 (2) a system that excludes persons from equal opportunities

3 because of race, religion, color, sex, disability, national origin,

4 ancestry, or status as a veteran;

5 (3) the promotion of racial segregation or separation in any

6 manner, including but not limited to the inducing of or the

7 attempting to induce for profit any person to sell or rent any

8 dwelling by representations regarding the entry or prospective

9 entry in the neighborhood of a person or persons of a particular

10 race, religion, color, sex, disability, national origin, or ancestry;

11 (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and

12 is committed by a covered entity (as defined in IC 22-9-5-4);

13 (5) the performance of an abortion solely because of the race,

14 color, sex, disability, national origin, or ancestry of the fetus; or

15 (6) a violation of any of the following statutes protecting the

16 right of conscience regarding abortion:

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

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

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

20 Every discriminatory practice relating to the acquisition or sale of real

21 estate, education, public accommodations, employment, or the

22 extending of credit (as defined in IC 24-4.5-1-301.5) shall be

23 considered unlawful unless it is specifically exempted by this chapter.

24 (m) "Public accommodation" means any establishment that caters

25 or offers its services or facilities or goods to the general public.

26 (n) "Complainant" means:

27 (1) any individual charging on the individual's own behalf to

28 have been personally aggrieved by a discriminatory **practice or**

29 **unconstitutional** practice; or

30 (2) the director or deputy director of the commission charging

31 that a discriminatory **practice or unconstitutional** practice was

32 committed against a person (other than the director or deputy

33 director) or a class of people, in order to vindicate the public

34 policy of the state (as defined in section 2 of this chapter).

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

36 (1) sufficiently complete and filed by a complainant with the

37 commission; or

38 (2) filed by a complainant as a civil action in the circuit or

39 superior court having jurisdiction in the county in which the

40 alleged discriminatory **practice or unconstitutional** practice

41 occurred.

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



1 signed and verified by the complainant.

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

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

4 (2) the name and address of the respondent against whom the

5 complaint is made;

6 (3) the alleged discriminatory **practice or unconstitutional**

7 practice and a statement of particulars thereof;

8 (4) the date or dates and places of the alleged discriminatory

9 **practice or unconstitutional** practice and if the alleged

10 discriminatory **practice or unconstitutional** practice is of a

11 continuing nature the dates between which continuing acts of

12 discrimination **or unconstitutional practices** are alleged to have

13 occurred; and

14 (5) a statement as to any other action, civil or criminal, instituted

15 in any other form based upon the same grievance alleged in the

16 complaint, together with a statement as to the status or

17 disposition of the other action.

18 No complaint shall be valid unless filed within one hundred eighty

19 (180) days from the date of the occurrence of the alleged

20 discriminatory **practice or unconstitutional** practice.

21 (q) "Sex" as it applies to segregation or separation in this chapter

22 applies to all types of employment, education, public accommodations,

23 and housing. However:

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

25 restrooms;

26 (2) it shall not be an unlawful employment practice for an

27 employer to hire and employ employees, for an employment

28 agency to classify or refer for employment any individual, for a

29 labor organization to classify its membership or to classify or

30 refer for employment any individual, or for an employer, labor

31 organization, or joint labor management committee controlling

32 apprenticeship or other training or retraining programs to admit

33 or employ any other individual in any program on the basis of

34 sex in those certain instances where sex is a bona fide

35 occupational qualification reasonably necessary to the normal

36 operation of that particular business or enterprise; and

37 (3) it shall not be a discriminatory practice for a private or

38 religious educational institution to continue to maintain and

39 enforce a policy of admitting students of one (1) sex only.

40 (r) "Disabled" or "disability" means the physical or mental

41 condition of a person that constitutes a substantial disability. In

42 reference to employment under this chapter, "disabled or disability"



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

4 (s) "Veteran" means:

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

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

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

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

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

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

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

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

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



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

22 (i) The commission may:

23 (1) before July 1, 2020, appoint administrative law judges other
24 than commissioners; and
25 (2) after June 30, 2020, request assignment of an administrative
26 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.

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

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1 discriminatory or unconstitutional treatment, as the commission
 2 may deem necessary to assure justice; however, except in
 3 discriminatory practices involving veterans, this specific
 4 provision when applied to orders pertaining to employment shall
 5 include only wages, salary, or commissions;
 6 (2) to require the posting of notice setting forth the public policy
 7 of Indiana concerning civil rights and the respondent's
 8 compliance with the policy in places of public accommodations;
 9 (3) to require proof of compliance to be filed by the respondent
 10 at periodic intervals; and
 11 (4) to require a person who has been found to be in violation of
 12 this chapter and who is licensed by a state agency authorized to
 13 grant a license to show cause to the licensing agency why the
 14 person's license should not be revoked or suspended.

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

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

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

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

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



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

35 SECTION 5. IC 22-9-1-17, AS AMENDED BY P.L.100-2012,
36 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 17. (a) If a timely election is made under section
38 16 of this chapter, the complainant may file a civil action in a circuit or
39 superior court having jurisdiction in the county in which a
40 discriminatory **practice or unconstitutional** practice allegedly
41 occurred.

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

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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~~1~~:**

33 **(1) the Constitution of the United States~~or~~~~1~~;**

34 **(2) the Constitution of the State of Indiana~~1~~; or**

35 **(3) federal law and guaranteed through the Fourteenth
 36 Amendment**, including~~1~~:

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 [or**
 14 **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



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



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



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

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

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

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

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

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

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

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

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

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

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