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# HOUSE BILL No. 1193

Proposed Changes to introduced printing by AM119302

## DIGEST OF PROPOSED AMENDMENT

Discriminatory practices. Amends the definition of "discriminatory practice". Removes provisions concerning unconstitutional practices. Makes conforming changes.

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  
20 ancestry through reasonable methods is the purpose of this chapter.

2026

IN 1193—LS 6691/DI 106



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

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

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

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

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

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

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

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

42 (a) "Person" means one (1) or more individuals, partnerships,



1        associations, organizations, limited liability companies, corporations,  
 2        labor organizations, cooperatives, legal representatives, trustees,  
 3        trustees in bankruptcy, receivers, and other organized groups of  
 4        persons.

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

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

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

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

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

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

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

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

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

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

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

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

32       (2) in the domestic service of any person.

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

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

39       (l) "Discriminatory practice" means:

40       (1) the exclusion of a person from equal opportunities because  
 41       of race, religion, color, sex, disability, national origin, ancestry,  
 42       or status as a veteran;



1 (2) a system that excludes persons from equal opportunities  
 2 because of race, religion, color, sex, disability, national origin,  
 3 ancestry, or status as a veteran;  
 4 (3) the promotion of racial segregation or separation in any  
 5 manner, including but not limited to the inducing of or the  
 6 attempting to induce for profit any person to sell or rent any  
 7 dwelling by representations regarding the entry or prospective  
 8 entry in the neighborhood of a person or persons of a particular  
 9 race, religion, color, sex, disability, national origin, or ancestry;  
 10 (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and  
 11 is committed by a covered entity (as defined in IC 22-9-5-4);  
 12 (5) the performance of an abortion solely because of the race,  
 13 color, sex, disability, national origin, or ancestry of the fetus;  
 14 ~~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~~;~~ [; or]  
 20 **(7) a violation of a person's rights protected by:**  
 21 **(A) the Constitution of the United States;**  
 22 **(B) the Constitution of the State of Indiana; or**  
 23 **(C) federal law and guaranteed through the Fourteenth**  
 24 **Amendment, including:**  
 25 **(i) Title VI of the federal Civil Rights Act of 1964;**  
 26 **(ii) Title VII of the federal Civil Rights Act of 1964;**  
 27 **and**  
 28 **(iii) Title IX of the Education Amendments of 1972.**  
 29 **[**Every discriminatory practice relating to the acquisition or sale of real  
 30 estate, education, public accommodations, employment, or the  
 31 extending of credit (as defined in IC 24-4.5-1-301.5) shall be  
 32 considered unlawful unless it is specifically exempted by this chapter.  
 33 (m) "Public accommodation" means any establishment that caters  
 34 or offers its services or facilities or goods to the general public.  
 35 (n) "Complainant" means:  
 36 (1) any individual charging on the individual's own behalf to  
 37 have been personally aggrieved by a discriminatory ~~practice or~~  
 38 ~~unconstitutional~~practice; or  
 39 (2) the director or deputy director of the commission charging  
 40 that a discriminatory ~~practice or unconstitutional~~practice  
 41 was committed against a person (other than the director or  
 42 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.

9 The original of any complaint filed under subdivision (1) shall be  
10 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.

27 No complaint shall be valid unless filed within one hundred eighty  
28 (180) days from the date of the occurrence of the alleged  
29 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



1 sex in those certain instances where sex is a bona fide  
2 occupational qualification reasonably necessary to the normal  
3 operation of that particular business or enterprise; and  
4 (3) it shall not be a discriminatory practice for a private or  
5 religious educational institution to continue to maintain and  
6 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.

13 (s) "Veteran" means:

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

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

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

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

42 (1) study the problems of discrimination in the areas covered by

2026

IN 1193—LS 6691/DI 106



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1                   section 2 of this chapter when based on race, religion, color, sex,  
2                   handicap, national origin, or ancestry; and

3 (2) foster through community effort, or otherwise, good will  
4 among the groups and elements of the population of the state.

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

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

31 (i) The commission may:

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

33 than commissioners, and  
34 (2) after June 30, 2020, request assignment of an administrative  
35 law judge (as defined in JC 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.

2026

JN 1193—LS 6691/DJ 106



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(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:

9 (1) to restore the complainant's losses incurred as a result of  
10 discriminatory ~~or unconstitutional~~ treatment, as the  
11 commission may deem necessary to assure justice; however,  
12 except in discriminatory practices involving veterans, this  
13 specific provision when applied to orders pertaining to  
14 employment shall include only wages, salary, or commissions;  
15 (2) to require the posting of notice setting forth the public policy  
16 of Indiana concerning civil rights and the respondent's  
17 compliance with the policy in places of public accommodations;  
18 (3) to require proof of compliance to be filed by the respondent  
19 at periodic intervals; and  
20 (4) to require a person who has been found to be in violation of  
21 this chapter and who is licensed by a state agency authorized to  
22 grant a license to show cause to the licensing agency why the  
23 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.

2026

IN 1193—LS 6691/DI 106



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1 and cause to be served on the complainant an order dismissing the  
 2 complaint as to the person.

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

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

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

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

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

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

2026

IN 1193—LS 6691/DI 106



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1 ~~removing of such discrimination.~~

2 > SECTION ~~↔[4]~~ IC 22-9-1-17, AS AMENDED BY  
 3 P.L.100-2012, SECTION 60, IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) If a timely  
 5 election is made under section 16 of this chapter, the complainant may  
 6 file a civil action in a circuit or superior court having jurisdiction in the  
 7 county in which a discriminatory~~practice or unconstitutional~~  
 8 practice allegedly occurred.

9 (b) If the court finds that a discriminatory~~practice or~~  
 10 ~~unconstitutional~~ practice has occurred the court may grant the relief  
 11 allowed under ~~IC 22-9-1-6(j)~~. **section 6(j) of this chapter.**

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

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

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

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

22 ~~(c) A proceeding under this section may not continue regarding an  
 23 alleged discriminatory~~practice or unconstitutional~~ practice after the  
 24 filing of a civil action.~~

25 ~~(d) IC 22-9-8 governs appeal of a final order issued under this  
 26 section.~~

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

30 ~~Chapter 15. Unconstitutional Practices~~

31 ~~Sec. 1. As used in this chapter, "commission" refers to the civil  
 32 rights commission.~~

33 ~~Sec. 2. As used in this chapter, "person" has the meaning set  
 34 forth in Section 701 of the Civil Rights Act of 1964 (42 U.S.C.  
 35 2000e).~~

36 ~~Sec. 3. As used in this chapter, "state agency" means an  
 37 authority, a board, a branch, a commission, a committee, a  
 38 department, a division, or another instrumentality of the executive,  
 39 including the administrative department of state government.~~

40 ~~Sec. 4. As used in this chapter, "unconstitutional practice"  
 41 means an action that violates a person's rights protected by the  
 42 Constitution of the United States or the Constitution of the State of~~



1       Indiana, including a right relating to parenting, education, religion,  
 2       and speech.

3       — See. 5. A person may not commit an unconstitutional practice.

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

7       — Sec. 7. (a) The commission may receive a complaint submitted  
 8       under section 6 of this chapter.

9       — (b) If another state agency has jurisdiction to investigate the  
 10      unconstitutional practice that is the subject of the complaint, the  
 11      commission:

12       — (1) shall transmit the complaint and any supporting  
 13      documentation to the appropriate state agency; and

14       — (2) may, after consulting with the state agency, enter into a  
 15      memorandum of understanding with the state agency to  
 16      grant the commission enforcement jurisdiction over the  
 17      complaint.

18       — Sec. 8. The commission has the authority to investigate a  
 19      complaint that a person is the victim of an unconstitutional  
 20      practice even if another state agency has jurisdiction to investigate  
 21      the unconstitutional practice.

22       > SECTION ~~28~~<sup>51</sup>. IC 22-9.5-6-6 IS AMENDED TO READ AS  
 23      FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If the commission  
 24      concludes at any time following the filing of a complaint that prompt  
 25      judicial action is necessary to carry out the purposes of this article, the  
 26      commission may file a civil action for appropriate temporary or  
 27      preliminary relief pending final disposition of the complaint in a circuit  
 28      or superior court that is located in the county in which the alleged  
 29      discriminatory housing practice occurred.

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

33       (c) The filing of a civil action under this section does not affect the  
 34      initiation or continuation of administrative proceedings under section  
 35      14 of this chapter.

36       (d) The commission may not represent a private individual in  
 37      an action filed under this section.

38       SECTION ~~29~~<sup>6</sup>. IC 22-9.5-6-13, AS AMENDED BY  
 39      P.L.11-2023, SECTION 77, IS AMENDED TO READ AS FOLLOWS  
 40      [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) If a timely election is made  
 41      under section 12 of this chapter, the commission~~party that made the  
 42      election~~<sup>complainant</sup> shall, not later than thirty (30) days after the



1 election is made, file a civil action ~~on behalf of the aggrieved person~~  
 2 seeking relief under this section in a circuit or superior court that is  
 3 located in the county in which the alleged discriminatory housing  
 4 practice occurred.

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

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

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

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

19 ~~(1) Damages to restore the aggrieved party's losses incurred  
 20 as a result of the discriminatory housing practice.~~

21 ~~(2) Reasonable attorney's fees and court costs, and~~

22 ~~(3) Other injunctive or equitable relief.~~

23 ~~(b) To vindicate the public interest, the commission may assess a  
 24 civil penalty against the respondent in an amount that does not exceed  
 25 the following:~~

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

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

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

41 ~~(c) If the acts constituting the discriminatory housing practice that  
 42 is the object of the finding of reasonable cause are committed by the~~



1        same individual who has been previously adjudged to have committed  
 2        acts constituting a discriminatory housing practice, the civil penalties  
 3        in subsection (b)(2) and (b)(3) may be imposed without regard to the  
 4        period of time within which any other discriminatory housing practice  
 5        occurred.

6        ~~(d) The commission may sue to recover a civil penalty due under  
 7        this section.~~

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

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

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

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

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

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

37      SECTION ~~↔~~[8]. IC 22-9.5-8.1-1 IS AMENDED TO READ AS  
 38      FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. **(a)** The commission  
 39      may file a civil action for appropriate relief if the commission has  
 40      reasonable cause to believe that:

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



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

3 An action under this section may be filed in a circuit or superior court  
4 located in the county in which the alleged pattern, practice, or denial  
5 occurred.

8 SECTION ~~13~~ [9]. IC 22-9.5-8.1-2 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. In an action filed  
10 under section 1 of this chapter, the court may do the following:

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

15 (2) Award other appropriate relief, including monetary damages,  
16 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:

19 (A) Fifty thousand dollars (\$50,000) for a first violation.  
20 (B) One hundred thousand dollars (\$100,000) for a second

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

22 SECTION 1 ~~¶ 101~~ IC 22-9.5-9-1 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. **(a)** A court in a civil  
24 action brought under this article or the commission in an administrative  
25 hearing under IC 22-9.5-6-14 may award reasonable attorney's fees to  
26 the prevailing party and assess court costs against the nonprevailing  
27 party.

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

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IN 1193—LS 6691/DI 106

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