

SENATE BILL No. 76

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-1.5; IC 5-2-18.2; IC 12-8-1.5-21; IC 22-5-9; IC 32-30-7-7; IC 36-2-13-9.

Synopsis: Immigration matters. Provides that if a law enforcement officer, governmental body, or a postsecondary educational institution is made a party to a civil suit and the attorney general determines that the suit has arisen out of certain acts, the attorney general shall defend the law enforcement officer, the governmental body, or the postsecondary educational institution throughout the action. Clarifies that the enforcement of federal immigration laws may be carried out by federal, state, or local law enforcement. Removes the mens rea standard in the statute concerning governmental entities or postsecondary institutions violating the citizenship and immigration status information and enforcement of federal laws chapter. Provides that a governmental body that has the custody of an individual who is the subject of an immigration detainer request shall: (1) provide the judge authorized to grant or deny the individual's release on bail notice that the individual is subject to an immigration detainer request; (2) record in the individual's case file that the individual is subject to an immigration detainer request; (3) comply with the immigration detainer request; and (4) inform the individual that the individual is being held pursuant to an immigration detainer request. Requires a judge who receives notice that an individual is subject to an immigration detainer request to ensure that the notice of the immigration detainer request is recorded in the court's record. Prohibits an employer from recklessly or intentionally hiring or employing an unauthorized alien. Requires the office of the secretary to submit a report to the legislative council concerning certain information. Provides that if the attorney general, an agency, or a law enforcement agency determines that probable cause
(Continued next page)

Effective: Upon passage; July 1, 2026.

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December 8, 2025, read first time and referred to Committee on Judiciary.



exists that an employer has hired or employed an unauthorized alien the agency, attorney general, or law enforcement agency shall provide notice to the United States Department of Homeland Security. Provides that a governmental entity that employs a prosecuting official is entitled to investigative costs and costs in an indecent nuisance action. Requires the department of correction to provide training to all sheriffs-elect concerning cooperation with the United States Immigration and Customs Enforcement.



Introduced

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 76

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

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

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



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

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

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

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

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

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

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

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



any such civil action for damages.

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

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

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

SECTION 4. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 5. (a) If the attorney general determines that probable cause exists that a governmental body or a postsecondary educational institution has violated this chapter, the attorney general shall bring an action to compel the governmental body or postsecondary educational institution to comply with this chapter.**

(b) If the attorney general determines that probable cause exists that a governmental body has not complied with section 9 of this chapter, the attorney general may bring an action to:

- (1) enjoin an act or a practice constituting a violation; and**
- (2) impose a civil penalty of ten thousand dollars (\$10,000) for each violation.**

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

(d) If in an action taken under subsection (b), a governmental body is found to have violated section 9 of this chapter, the governor may, upon the advice of the attorney general, withhold any grants or state funding to the governmental body for a period not to exceed one (1) year.

SECTION 5. IC 5-2-18.2-6, AS AMENDED BY P.L.76-2024, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) If a court finds by a preponderance of the evidence that a governmental body or postsecondary educational**



1 institution knowingly or intentionally violated this chapter, the court
2 shall enjoin the violation.

3 **(b) This section expires June 30, 2026.**

4 SECTION 6. IC 5-2-18.2-6.1 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2026]: **Sec. 6.1. (a) If a court finds by a
7 preponderance of the evidence that a governmental body or
8 postsecondary educational institution violated section 3 or 4 of this
9 chapter, the court shall enjoin the violation.**

10 **(b) If a court finds by a preponderance of the evidence that a
11 governmental body or a postsecondary educational institution
12 violated section 9 of this chapter, the court shall:**

13 **(1) enjoin the violation; and**

14 **(2) grant the relief for a violation provided by section 5(b) of
15 this chapter.**

16 SECTION 7. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2026]: **Sec. 9. (a) Except as provided in subsection (b), a
19 governmental body that has custody of an individual who is the
20 subject of an immigration detainer request shall:**

21 **(1) provide to the judge authorized to grant or deny the
22 individual's release on bail under IC 35-33-8-3.2 notice that
23 the individual is subject to an immigration detainer request;**

24 **(2) record in the individual's case file that the individual is
25 subject to an immigration detainer request;**

26 **(3) comply with all requests made in the immigration detainer
27 request; and**

28 **(4) inform the individual that the individual is being held
29 pursuant to an immigration detainer request issued by an
30 authorized immigration officer.**

31 **(b) If an individual who is the subject of an immigration
32 detainer request presents to the governmental body a United States
33 passport or a birth certificate issued in the United States, the
34 governmental body shall contact the authorized immigration
35 officer to determine whether the individual is a citizen of the
36 United States.**

37 SECTION 8. IC 5-2-18.2-10 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2026]: **Sec. 10. A judge who receives notice under section 9 of
40 this chapter that an individual is subject to an immigration
41 detainer request shall ensure that the notice of the immigration
42 detainer request is recorded in the court's record, regardless of**



whether the notice was received before or after a judgment in a case.

SECTION 9. IC 12-8-1.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 21. (a) The office of the secretary shall submit a report to the legislative council, in an electronic format under IC 5-14-6, that provides:**

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

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

(B) are enrolled in or receiving benefits under:

(i) IC 12-10-6;

(ii) IC 12-13;

(iii) IC 12-14;

(iv) IC 12-15; and

(v) IC 12-19; and

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

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

SECTION 10. IC 22-5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 9. Employment of Unauthorized Aliens

Sec. 1. As used in this chapter, "agency" means any state or local administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of government created or established by law that issues any form of operating authorization that is used to engage in commerce in Indiana or in a county, city, town, or township located in Indiana.

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

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

Sec. 4. As used in this chapter, "employer" means a person, including an agent, that employs at least ten (10) employees in Indiana.

Sec. 5. As used in this chapter, "law enforcement agency" has



the meaning set forth in IC 5-2-17-2.

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

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

(b) For purposes of this chapter, "reasonable diligence to confirm the work eligibility of an individual" includes utilizing an electronic verification of work authorization program operated by the United States Department of Homeland Security to verify the work eligibility of an employee, except where the circumstances under which the verification was made would have put a reasonable person on notice that the verification was unreliable or of limited reliability.

(c) An employer is not in violation of subsection (a) if the employer engaged in reasonable diligence to confirm the work eligibility of an individual before hiring or employing the individual.

Sec. 8. If:

- (1) an agency;
- (2) the attorney general; or
- (3) a law enforcement agency;

determines that probable cause exists that an employer has violated section 7 of this chapter, the agency, attorney general, or law enforcement agency shall provide notice to the United States Department of Homeland Security.

Sec. 9. (a) An employer may not discharge an employee or in any way discriminate against any employee because the employee communicated or cooperated with the United States Department of Homeland Security concerning the employer's or another employer's compliance with section 7 of this chapter.

(b) Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of this section may, within thirty (30) calendar days after the violation occurs, file a complaint with the commissioner of labor alleging the discrimination. The complaint shall be received and acted upon as provided in IC 22-8-1.1-38.1.

Sec. 10. This chapter shall be enforced without regard to race, color, or national origin.

SECTION 11. IC 32-30-7-7 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If an indecent
 2 nuisance exists, a prosecuting official or any resident of the county in
 3 which the indecent nuisance exists may bring an action to abate the
 4 indecent nuisance and to perpetually enjoin the maintenance of the
 5 indecent nuisance.

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

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

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

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

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

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

42 SECTION 12. IC 36-2-13-9, AS AMENDED BY P.L.127-2017,



SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) After election and before assuming the duties of office, the sheriff-elect may attend the sessions of a training school that:

- (1) offers courses of instruction for sheriffs;
- (2) is established by Indiana University, Purdue University, Indiana University and Purdue University, the state police department, or the Indiana sheriffs' association; and
- (3) teaches methods of crime detection and offers courses from the state board of accounts on office routine and accounting.

(b) On presentation of proper charges or receipts and with the approval of the county executive, the county auditor may issue the auditor's warrant for the following expenses of the sheriff-elect in attending a school under this section:

- (1) Any tuition charged by the school.
- (2) A sum for mileage, lodging, and meals, equal to the sum allowed county officers under IC 5-11-14-1.

(c) The department of correction shall provide training to all sheriffs-elect concerning cooperation with the United States Immigration and Customs Enforcement.

SECTION 13. An emergency is declared for this act.

