



Digest Correction  
December 11, 2025

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## SENATE BILL No. 76

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DIGEST OF SB 76 (Updated January 5, 2026 12:59 pm - DI 92)

**Citations Affected:** IC 4-6; IC 5-2; IC 11-12; IC 12-8; IC 22-5; IC 22-8; IC 32-30.

**Synopsis:** Immigration matters. Provides that if a certain law enforcement officer, governmental body, or 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 may defend the law enforcement officer, the governmental body, or the postsecondary educational institution throughout the action and shall defend such entities if required by statute. Provides that the prohibition on governmental bodies or postsecondary educational institutions limiting or restricting the enforcement of federal immigration law applies regardless of whether the enforcement is carried out by a federal, state, or local law enforcement agency. 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  
(Continued next page)

**Effective:** Upon passage; July 1, 2026.

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**Brown L, Garten, Johnson T,  
Alexander**

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December 8, 2025, read first time and referred to Committee on Judiciary.  
December 10, 2025, amended, reported favorably — Do Pass.

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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 department of correction to adopt minimum standards for county jails to ensure proper cooperation between a jail and the United States Immigration and Customs Enforcement, including enforcement of statutory requirements concerning immigration detainers. 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 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 and the commissioner of labor. Provides that a governmental entity that employs a prosecuting official is entitled to investigative costs and costs in an indecent nuisance action.



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

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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.

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(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:**

**(1) may defend a law enforcement officer, governmental body, or postsecondary educational institution, if:**

**(A) the law enforcement officer, governmental body, or postsecondary educational institution is not subject to subsection (a); and**

**(B) the law enforcement officer, governmental body, or postsecondary educational institution requests representation by the attorney general; and**

**(2) shall defend a law enforcement officer, governmental body, or postsecondary educational institution, if the law enforcement officer, governmental body, or postsecondary educational institution is subject to subsection (a);**

**throughout the action.**

**(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), (e), ~~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 5-2-18.2-6, 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 institution knowingly or intentionally violated this chapter, the court shall enjoin the violation.**

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

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

**(b) If a court finds by a preponderance of the evidence that a**



governmental body or a postsecondary educational institution violated section 9 of this chapter, the court shall:

- (1) enjoin the violation; and
- (2) impose a civil penalty of ten thousand dollars (\$10,000) for each violation.

SECTION 6. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) Except as provided in subsection (b), a governmental body that has custody of an individual who is the subject of an immigration detainer request shall:

- (1) provide to the judge authorized to grant or deny the individual's release on bail under IC 35-33-8-3.2 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 all requests made in the immigration detainer request; and
- (4) inform the individual that the individual is being held pursuant to an immigration detainer request issued by an authorized immigration officer.

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

SECTION 7. IC 5-2-18.2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. A judge who receives notice under section 9 of this chapter that an individual is subject to an immigration detainer request shall ensure that the notice of the immigration 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 8. IC 11-12-4-1, AS AMENDED BY P.L.56-2023, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department shall adopt under IC 4-22-2 minimum standards for county jails governing the following:

- (1) General physical and environmental conditions.
- (2) Services and programs to be provided to confined persons.
- (3) Procedures for the care and control of confined persons that are necessary to ensure the health and safety of confined persons,



the security of the jail, and public safety. ~~and~~

(4) The restraint of pregnant inmates. Rules adopted under this subdivision must be consistent with IC 11-10-3.5.

**(5) Procedures to ensure proper cooperation between the jail and the United States Immigration and Customs Enforcement, including enforcement of the requirements of IC 5-2-18.2-9.**

However, the department may not adopt any standard that prohibits the placement of more than one (1) prisoner in a prisoner cell that has thirty-five (35) square feet or more of floor space per prisoner.

(b) The standards must be sufficiently flexible to foster the development of new and improved practices and to accommodate local needs and circumstances. The standards must be consistent with the laws of Indiana and the rules of the Indiana department of health and the fire prevention and building safety commission.

(c) The commissioner shall select a committee of not less than five (5) county sheriffs to consult with the department before and during the drafting of the proposed minimum standards. County sheriffs shall be selected from the various classes of counties to ensure that densely, moderately, and sparsely populated counties are represented. Each county sheriff is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1 for each day engaged in the official business of the committee and to reimbursement for traveling and other expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) At least sixty (60) days before setting the date for a public hearing under IC 4-22-2, the department shall forward copies of the proposed minimum standards to each county sheriff and each board of county commissioners and shall solicit their views and suggestions.

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





1 reasonable person on notice that the verification was unreliable or  
2 of limited reliability.

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

7 Sec. 8. (a) If:

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

11 determines that probable cause exists that an employer has  
12 violated section 7 of this chapter, the agency, attorney general, or  
13 law enforcement agency shall provide notice to the United States  
14 Department of Homeland Security and to the commissioner of  
15 labor for inspection under IC 22-8-1.1.

16 (b) The commissioner of labor or the commissioner's designated  
17 representative shall:

- 18 (1) act upon a notice received under subsection (a); and
- 19 (2) issue a safety order and pursue all relevant enforcement  
20 actions under IC 22-8-1.1 if the commissioner of labor or the  
21 commissioner's designated representative determines there is  
22 a violation.

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

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

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

37 SECTION 11. IC 22-8-1.1-1, AS AMENDED BY P.L.32-2008,  
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2026]: Sec. 1. As used in this chapter, unless otherwise  
40 provided:

41 "Board" means the board of safety review created by this chapter.

42 "Commission" means the occupational safety standards commission



created by this chapter.

"Commissioner" means the commissioner of labor or the commissioner's duly designated representative.

"Department" means the department of labor.

"Employee" means a person permitted to work by an employer in employment.

"Employer" means any individual or type of organization, including the state and all its political subdivisions, that has in its employ one (1) or more individuals.

"INSafe" means the division of the department created by section 40 of this chapter.

"Safety order" refers to a notice issued to employers by the commissioner of labor for alleged violations of this chapter, including any health and safety standards.

"Standard" refers to:

(1) both health and safety standards; and

(2) **standards related to hiring practices described in IC 22-5-9-7.**

"Voluntary protection program" means a program offered by the United States Occupational Safety and Health Administration to employers subject to this chapter that exempts the employers from general scheduled inspections.

SECTION 12. IC 22-8-1.1-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 15.5. The commission shall adopt standards related to hiring practices described in IC 22-5-9-7.**

SECTION 13. IC 32-30-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If an indecent nuisance exists, a prosecuting official or any resident of the county in which the indecent nuisance exists may bring an action to abate the indecent nuisance and to perpetually enjoin the maintenance of the indecent nuisance.

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

(1) the action is wrongfully brought;

(2) the action is not prosecuted to final judgment;

(3) the action is dismissed;

(4) the action is not maintained; or



(5) it is finally decided that the injunction ought not to have been granted.

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

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

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

(1) the state general fund, if the action is instituted by the attorney general;

(2) the operating budget of the office of the prosecuting attorney, if the action is instituted by a prosecuting attorney;

(3) the operating budget of the office of the corporation counsel or city attorney, if the action is instituted by a corporation counsel or city attorney; or

(4) the county general fund, if the action is instituted by an attorney representing the county.

**SECTION 14. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 76, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 26, delete "general shall defend the" and insert **"general:**

**(1) may defend a law enforcement officer, governmental body, or postsecondary educational institution, if:**

**(A) the law enforcement officer, governmental body, or postsecondary educational institution is not subject to subsection (a); and**

**(B) the law enforcement officer, governmental body, or postsecondary educational institution requests representation by the attorney general; and**

**(2) shall defend a law enforcement officer, governmental body, or postsecondary educational institution, if the law enforcement officer, governmental body, or postsecondary educational institution is subject to subsection (a);**

**throughout the action."**

Page 2, delete lines 27 through 28.

Page 3, delete lines 18 through 38.

Page 4, delete lines 14 through 15, begin a new line block indented and insert:

**"(2) impose a civil penalty of ten thousand dollars (\$10,000) for each violation."**

Page 5, between lines 2 and 3, begin a new paragraph and insert:

**"SECTION 9. IC 11-12-4-1, AS AMENDED BY P.L.56-2023, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department shall adopt under IC 4-22-2 minimum standards for county jails governing **the following:****

**(1) General physical and environmental conditions.**

**(2) Services and programs to be provided to confined persons.**

**(3) Procedures for the care and control of confined persons that are necessary to ensure the health and safety of confined persons, the security of the jail, and public safety. ~~and~~**

**(4) The restraint of pregnant inmates. Rules adopted under this subdivision must be consistent with IC 11-10-3.5.**

**(5) Procedures to ensure proper cooperation between the jail and the United States Immigration and Customs Enforcement, including enforcement of the requirements of IC 5-2-18.2-9.**

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However, the department may not adopt any standard that prohibits the placement of more than one (1) prisoner in a prisoner cell that has thirty-five (35) square feet or more of floor space per prisoner.

(b) The standards must be sufficiently flexible to foster the development of new and improved practices and to accommodate local needs and circumstances. The standards must be consistent with the laws of Indiana and the rules of the Indiana department of health and the fire prevention and building safety commission.

(c) The commissioner shall select a committee of not less than five (5) county sheriffs to consult with the department before and during the drafting of the proposed minimum standards. County sheriffs shall be selected from the various classes of counties to ensure that densely, moderately, and sparsely populated counties are represented. Each county sheriff is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1 for each day engaged in the official business of the committee and to reimbursement for traveling and other expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) At least sixty (60) days before setting the date for a public hearing under IC 4-22-2, the department shall forward copies of the proposed minimum standards to each county sheriff and each board of county commissioners and shall solicit their views and suggestions."

Page 6, line 21, after "Sec. 8." insert "(a)".

Page 6, line 28, delete "Security." and insert "**Security and to the commissioner of labor for inspection under IC 22-8-1.1.**"

Page 6, between lines 28 and 29, begin a new paragraph and insert:

**"(b) The commissioner of labor or the commissioner's designated representative shall:**

**(1) act upon a notice received under subsection (a); and**

**(2) issue a safety order and pursue all relevant enforcement actions under IC 22-8-1.1 if the commissioner of labor or the commissioner's designated representative determines there is a violation."**

Page 6, line 32, after "Security" insert "**or the commissioner of labor**".

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 11. IC 22-8-1.1-1, AS AMENDED BY P.L.32-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. As used in this chapter, unless otherwise provided:

"Board" means the board of safety review created by this chapter.



"Commission" means the occupational safety standards commission created by this chapter.

"Commissioner" means the commissioner of labor or the commissioner's duly designated representative.

"Department" means the department of labor.

"Employee" means a person permitted to work by an employer in employment.

"Employer" means any individual or type of organization, including the state and all its political subdivisions, that has in its employ one (1) or more individuals.

"INSafe" means the division of the department created by section 40 of this chapter.

"Safety order" refers to a notice issued to employers by the commissioner of labor for alleged violations of this chapter, including any health and safety standards.

"Standard" refers to:

- (1) both health and safety standards; and
- (2) standards related to hiring practices described in IC 22-5-9-7.

"Voluntary protection program" means a program offered by the United States Occupational Safety and Health Administration to employers subject to this chapter that exempts the employers from general scheduled inspections.

SECTION 12. IC 22-8-1.1-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 15.5. The commission shall adopt standards related to hiring practices described in IC 22-5-9-7."**

Page 7, delete line 42.

Page 8, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 76 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 6, Nays 2.

