



SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 76 be amended to read as follows:

- 1 Page 2, delete lines 21 through 39, begin a new paragraph and
- 2 insert:
- 3 **"(f) Whenever a law enforcement officer (as defined in**
- 4 **IC 5-2-18.2-2), governmental body (as defined in IC 5-2-18.2-1), or**
- 5 **postsecondary educational institution (as defined in IC 5-2-18.2-2.2**
- 6 **is made a party to a civil suit and the attorney general determines**
- 7 **that the suit has arisen out of an act authorized or required by**
- 8 **IC 5-2-18.2, the attorney general may defend the law enforcement**
- 9 **officer, governmental body, or postsecondary educational**
- 10 **institution throughout the action if the entity has requested**
- 11 **representation by the attorney general."**
- 12 Page 3, between lines 28 and 29, begin a new paragraph and insert:
- 13 **"SECTION 4. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024,**
- 14 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 15 **JULY 1, 2026]: Sec. 5. (a) If the attorney general determines that**
- 16 **probable cause exists that a governmental body or a postsecondary**
- 17 **educational institution has violated this chapter, the attorney general**
- 18 **shall bring an action to compel the governmental body or**
- 19 **postsecondary educational institution to comply with this chapter.**
- 20 **(b) If a governmental body is found to have violated section 9 of**
- 21 **this chapter, the governor may withhold any grants or state**
- 22 **funding to the governmental body for a period not to exceed one (1)**
- 23 **year."**
- 24 Page 3, line 33, reset in roman "knowingly or intentionally".
- 25 Page 3, line 38, delete "(a)".
- 26 Page 3, line 40, delete "3 or 4" and insert **"3, 4, or 9"**.
- 27 Page 3, delete line 42.

Page 4, delete lines 1 through 5.

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"(e) It is an affirmative defense to a civil cause of action that a law enforcement officer has completed a training approved by the department concerning the minimum standards regarding cooperation between a jail and the United States Immigration and Customs Enforcement required under subsection (a)(5)."

Page 5, line 33, delete "The" and insert **"Not later than October 31 of each year, the"**.

Page 6, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 11. 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 employees in Indiana.

Sec. 5. As used in this chapter, "operating authorization" means a license, permit, certificate, approval, registration, charter, article of incorporation, or other form of authorization that is:

(1) issued by an agency; and

(2) used by a person to engage in commerce in Indiana or in a county, city, town, or township located in Indiana.

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, recruitment, 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 knowingly or intentionally recruit, 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:

(1) 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; or

(2) engaging in diligence to confirm work eligibility of an individual in a manner that is consistent with industry standard best practices.

(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 recruiting, hiring, or employing the individual.

Sec. 8. (a) If the attorney general determines that probable cause exists that an employer has violated section 7 of this chapter at any point in the preceding three (3) year period or has violated the terms of its probationary status under section 9(c) of this chapter, the attorney general is, except as provided in subsection (b), authorized to bring an action against the employer to enjoin the violation and for other relief authorized by section 9 of this chapter.

(b) In the case of an employer that has never previously been found under section 9 of this chapter to have committed a violation of section 7 of this chapter and has never previously submitted an affidavit under subsection (c), the attorney general shall provide the employer notice of the attorney general's probable cause determination before the attorney general initiates an action under subsection (a). If, within fifteen (15) business days of receiving the attorney general's notice, the employer provides evidence to the attorney general and the attorney general:

(1) determines that the employer has engaged in reasonable diligence to confirm the work eligibility of the employer's employees; and

(2) either:

(A) determines that all the employer's employees are eligible to work or that the employer has terminated any unauthorized alien employees; or

(B) the employer submits to the attorney general an affidavit under subsection (c);

the attorney general may not initiate an action under subsection (a).

(c) An employer described in subsection (b) that receives notice of the attorney general's probable cause determination under subsection (b) may, within fifteen (15) business days of receiving the notice, submit to the attorney general an affidavit signed by an authorized representative attesting that the employer has terminated the employment of any and all unauthorized aliens, engaged in reasonable diligence to confirm the work eligibility of

all of its employees, and will not knowingly employ any unauthorized aliens in the future.

Sec. 9. (a) If a court determines by a preponderance of the evidence that an employer has violated section 7 of this chapter, the court shall enjoin the violation and shall order the relief provided in subsection (b) or (c), or both, as the court determines appropriate.

(b) A court may order the following for violations of this chapter:

(1) In the case of a single violation by an employer that has never previously been determined to be in violation of section 7 of this chapter, the court may order the suspension of all of the employer's operating authorization at the location of the violation for five (5) business days.

(2) In the case of more than one (1) violation by an employer that has never previously been determined to be in violation of section 7 of this chapter, the court may order the suspension of all of the employer's operating authorizations at the location or locations where the violations occurred for a period of ten (10) business days.

(3) In the case of one (1) or more violations by an employer that has previously been determined to be in violation of section 7 of this chapter, the court may order the suspension of all of the employer's operating authorizations at the location or locations where the violation or violations occurred for a period of one hundred eighty (180) days.

(4) In the case of one (1) or more violations by an employer previously subject to the penalty provided in subdivision (3), the court may order the permanent revocation of all of the employer's operating authorizations at the location or locations where the violation or violations occurred.

(5) In the case of an employer that:

(A) willfully violated section 7 of this chapter;

(B) committed previous or current violations at three (3) or more locations at which the employer engages or previously engaged in commerce; and

(C) has previously been subject to the penalty provided in subdivision (4);

the court may order the permanent revocation of all of the employer's operating authorizations in Indiana.

(c) A court may place an employer on probationary status for a period of between six (6) months to two (2) years. During the probationary period, the employer shall file with the attorney general quarterly reports describing the employer's hiring practices and efforts to comply with section 7 of this chapter and containing the work eligibility documentation for the employer's employees. Each report must be accompanied by an affidavit

attesting to the report's accuracy.

(d) If a court determines that an employer has violated the terms of its probationary status under subsection (c), the court shall order the applicable relief provided in subsection (b).

(e) If an employer does not hold an operating authorization specific to the location at which a violation occurred, but uses other operating authorizations at other locations, the court shall, in ordering the relief provided under subsection (b), suspend or revoke those other operating authorizations.

Sec. 10. (a) An employer may not discharge or discriminate against an employee because the employee communicated or cooperated with the attorney general concerning compliance with this chapter.

(b) An employee who believes that the employee was discharged or discriminated against in violation of subsection (a) may, within thirty (30) calendar days after the violation occurs, file a complaint with the commissioner of labor. The complaint shall be handled as provided in IC 22-8-1.1-38.1.

Sec. 11. The suspension or revocation of a license under this chapter does not relieve an employer from the employer's obligations to withhold, collect, or pay income tax on wages paid to employees.

Sec. 12. This chapter shall be enforced without regard to race, color, or national origin."

Page 7, delete lines 1 through 36.

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 1. IC 32-30-7-1, AS AMENDED BY P.L.144-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. As used in this chapter, "indecent nuisance" means a:

(1) place in or upon which prostitution (as described in IC 35-45-4);

(2) public place in or upon which other sexual conduct (as defined in IC 35-31.5-2-221.5) or sexual intercourse (as defined in IC 35-31.5-2-302);

(3) public place in or upon which the fondling of the genitals of a person; or

(4) ~~public~~ place in or upon which human trafficking (as described in IC 35-42-3.5-1 through IC 35-42-3.5-1.4);

is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose."

Page 9, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 1. IC 34-30-2.1-127.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 127.5. IC 11-12-4-1(e)**

1 **(Concerning law enforcement training for minimum jail standards**
2 **of cooperation between a jail and the United States Immigration**
3 **and Customs Enforcement).".**

4 Renumber all SECTIONS consecutively.

 (Reference is to SB 76 Digest Correction as printed December 11,
2025.)

Senator BROWN L