



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

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

- 1           Page 2, line 21, delete "Whenever" and insert "**Beginning July 1,**
- 2           **2028, whenever**".
- 3           Page 3, line 8, after "0.5." insert "**(a) This section is effective**
- 4           **beginning July 1, 2028.**
- 5           **(b)**".
- 6           Page 3, line 12, after "1.7." insert "**(a) This section is effective**
- 7           **beginning July 1, 2028.**
- 8           **(b)**".
- 9           Page 3, delete lines 17 through 42, begin a new paragraph and
- 10          insert:
- 11          "SECTION 4. IC 5-2-18.2-3, AS AMENDED BY P.L.265-2017,
- 12          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13          JULY 1, 2026]: Sec. 3. **(a)** A governmental body or a postsecondary
- 14          educational institution may not enact or implement an ordinance, a
- 15          resolution, a rule, or a policy that prohibits or in any way restricts
- 16          another governmental body or employee of a postsecondary educational
- 17          institution, including a law enforcement officer, a state or local official,
- 18          or a state or local government employee, from taking the following
- 19          actions with regard to information of the citizenship or immigration
- 20          status, lawful or unlawful, of an individual:
- 21                 (1) Communicating or cooperating with federal officials.

- 1 (2) Sending to or receiving information from the United States
- 2 Department of Homeland Security.
- 3 (3) Maintaining information.
- 4 (4) Exchanging information with another federal, state, or local
- 5 government entity.

6 **(b) This section expires June 30, 2028.**  
 7 SECTION 5. IC 5-2-18.2-3.1 IS ADDED TO THE INDIANA  
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2026]: **Sec. 3.1. (a) This section is effective**  
 10 **beginning July 1, 2028.**

11 **(b) A governmental body or a postsecondary educational**  
 12 **institution may not enact or implement an ordinance, a resolution,**  
 13 **a rule, or a policy, whether written or unwritten, that prohibits or**  
 14 **in any way restricts another governmental body or employee of a**  
 15 **governmental body or postsecondary educational institution,**  
 16 **including a law enforcement officer, a state or local official, or a**  
 17 **state or local government employee, from taking the following**  
 18 **actions with regard to information of the citizenship or**  
 19 **immigration status, lawful or unlawful, of an individual:**

- 20 **(1) Communicating or cooperating with federal officials.**
- 21 **(2) Sending to or receiving information from the United States**
- 22 **Department of Homeland Security.**
- 23 **(3) Maintaining information.**
- 24 **(4) Exchanging information with another federal, state, or**
- 25 **local government entity.**
- 26 **(5) Gathering information.**

27 SECTION 6. IC 5-2-18.2-4, AS AMENDED BY P.L.265-2017,  
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: **Sec. 4. (a) A governmental body or a postsecondary**  
 30 **educational institution may not limit or restrict the enforcement of**  
 31 **federal immigration laws to less than the full extent permitted by**  
 32 **federal law.**

33 **(b) This section expires June 30, 2028.**  
 34 SECTION 7. IC 5-2-18.2-4.1 IS ADDED TO THE INDIANA  
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2026]: **Sec. 4.1. (a) This section is effective**  
 37 **beginning July 1, 2028.**

38 **(b) A governmental body or a postsecondary educational**  
 39 **institution may not in any way limit or restrict the enforcement of**  
 40 **federal immigration laws, regardless of whether the enforcement**  
 41 **is carried out by a federal, state, or local law enforcement agency,**  
 42 **to less than the full extent permitted by federal law.**

43 SECTION 8. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024,  
 44 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 45 JULY 1, 2026]: **Sec. 5. (a) If the attorney general determines that**  
 46 **probable cause exists that a governmental body or a postsecondary**

1 educational institution has violated this chapter, the attorney general  
2 shall bring an action to compel the governmental body or  
3 postsecondary educational institution to comply with this chapter.

4 **(b) This section expires June 30, 2028.**

5 SECTION 9. IC 5-2-18.2-5.1 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2026]: Sec. 5.1. (a) **This section is effective  
8 beginning July 1, 2028.**

9 **(b) If the attorney general determines that probable cause exists  
10 that a governmental body or a postsecondary educational  
11 institution has violated this chapter, the attorney general shall  
12 bring an action to compel the governmental body or postsecondary  
13 educational institution to comply with this chapter and to seek the  
14 relief authorized under subsection (c).**

15 **(c) Except as provided in subsection (d), in an action brought  
16 under subsection (b), the attorney general may seek to:**

- 17 **(1) enjoin an act or a practice constituting a violation;**
- 18 **(2) impose a civil penalty of not more than ten thousand  
19 dollars (\$10,000) for each knowing or intentional violation;  
20 and**
- 21 **(3) obtain such other relief as is necessary to ensure future  
22 compliance with this chapter.**

23 **(d) In an action against a county jail for a violation of section 9  
24 of this chapter, the attorney general shall not impose a civil penalty  
25 under subsection (c)(2) if, during the most recent inspection under  
26 IC 11-12-4-2.1, the department of correction determines that the  
27 county jail was in compliance under IC 11-12-4-1.1.**

28 **(e) Before bringing an action against a county jail for a violation  
29 of section 9 of this chapter, the attorney general shall:**

- 30 **(1) consult with the department of correction concerning the  
31 most recent inspection report under IC 11-12-4-2.1; and**
- 32 **(2) provide the county jail with notice of the attorney  
33 general's probable cause determination.**

34 **If, within thirty (30) days of receiving the notice, the county jail  
35 provides to the attorney general sufficient evidence that the county  
36 jail no longer engages in acts or practices that violate section 9 of  
37 this chapter, the attorney general may not initiate an action under  
38 subsection (c).**

39 **(f) The attorney general shall transfer all penalties collected  
40 under this chapter to the treasurer of state for deposit in the state  
41 general fund.**

42 SECTION 10. IC 5-2-18.2-6, AS AMENDED BY P.L.76-2024,  
43 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
44 JULY 1, 2026]: Sec. 6. (a) **If a court finds by a preponderance of the  
45 evidence that a governmental body or postsecondary educational  
46 institution knowingly or intentionally violated this chapter, the court**

1 shall enjoin the violation.  
2 **(b) This section expires June 30, 2028.**  
3 SECTION 11. IC 5-2-18.2-6.1 IS ADDED TO THE INDIANA  
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2026]: **Sec. 6.1. (a) This section is effective**  
6 **beginning July 1, 2028.**  
7 **(b) If a court finds by a preponderance of the evidence that a**  
8 **governmental body or postsecondary educational institution**  
9 **violated this chapter, the court shall enjoin the violation and grant**  
10 **other relief that is authorized for a violation under section 5.1(c) of**  
11 **this chapter."**  
12 Delete page 4.  
13 Page 5, line 3, after "(a)" insert "**This section is effective beginning**  
14 **July 1, 2028.**  
15 **(b)\"**.  
16 Page 5, line 3, after "subsection" delete "(b)," and insert "(c)".  
17 Page 5, line 17, delete "(b)" and insert "(c)".  
18 Page 5, line 23, delete "(c)" and insert "(d)".  
19 Page 5, line 29, after "10." insert "**(a) This section is effective**  
20 **beginning July 1, 2028.**  
21 **(b)\"**.  
22 Page 5, line 37, after "11." insert "**(a) This section is effective**  
23 **beginning July 1, 2028.**  
24 **(b)\"**.  
25 Page 6, delete lines 2 through 42, begin a new paragraph and insert:  
26 "SECTION 14. IC 11-12-4-1, AS AMENDED BY P.L.56-2023,  
27 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2026]: Sec. 1. (a) The department shall adopt under IC 4-22-2  
29 minimum standards for county jails governing:  
30 (1) general physical and environmental conditions;  
31 (2) services and programs to be provided to confined persons;  
32 (3) procedures for the care and control of confined persons that  
33 are necessary to ensure the health and safety of confined persons,  
34 the security of the jail, and public safety; and  
35 (4) the restraint of pregnant inmates. Rules adopted under this  
36 subdivision must be consistent with IC 11-10-3.5.  
37 However, the department may not adopt any standard that prohibits the  
38 placement of more than one (1) prisoner in a prisoner cell that has  
39 thirty-five (35) square feet or more of floor space per prisoner.  
40 (b) The standards must be sufficiently flexible to foster the  
41 development of new and improved practices and to accommodate local  
42 needs and circumstances. The standards must be consistent with the  
43 laws of Indiana and the rules of the Indiana department of health and  
44 the fire prevention and building safety commission.  
45 (c) The commissioner shall select a committee of not less than five  
46 (5) county sheriffs to consult with the department before and during the

1 drafting of the proposed minimum standards. County sheriffs shall be  
 2 selected from the various classes of counties to ensure that densely,  
 3 moderately, and sparsely populated counties are represented. Each  
 4 county sheriff is entitled to the minimum salary per diem as provided  
 5 in IC 4-10-11-2.1 for each day engaged in the official business of the  
 6 committee and to reimbursement for traveling and other expenses, as  
 7 provided in the state travel policies and procedures established by the  
 8 Indiana department of administration and approved by the budget  
 9 agency.

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

14 **(e) This section expires June 30, 2028.**

15 SECTION 15. IC 11-12-4-1.1 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2026]: **Sec. 1.1. (a) This section is effective**  
 18 **beginning July 1, 2028.**

19 **(b) The department shall adopt under IC 4-22-2 minimum**  
 20 **standards for county jails governing the following:**

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

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

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

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

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

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

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

41 **(d) The commissioner shall select a committee of not less than**  
 42 **five (5) county sheriffs to consult with the department before and**  
 43 **during the drafting of the proposed minimum standards. County**  
 44 **sheriffs shall be selected from the various classes of counties to**  
 45 **ensure that densely, moderately, and sparsely populated counties**  
 46 **are represented. Each county sheriff is entitled to the minimum**

1 salary per diem as provided in IC 4-10-11-2.1 for each day engaged  
 2 in the official business of the committee and to reimbursement for  
 3 traveling and other expenses, as provided in the state travel  
 4 policies and procedures established by the Indiana department of  
 5 administration and approved by the budget agency.

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

11 (f) Compliance with standards described in subsection (b)(5)  
 12 and the results of an inspection under IC 11-12-4 do not preclude  
 13 and are not a defense to the attorney general bringing an action  
 14 under IC 5-2-18.2 for violations of IC 5-2-18.2-9.

15 SECTION 16. IC 11-12-4-2, AS AMENDED BY P.L.84-2016,  
 16 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2026]: Sec. 2. (a) The department shall inspect each county  
 18 jail at least one (1) time each year to determine whether it is complying  
 19 with the standards adopted under section 1 of this chapter. If the  
 20 department determines that a jail is not complying with the standards,  
 21 the commissioner shall give written notice of this determination to the  
 22 county sheriff, the board of county commissioners, the prosecuting  
 23 attorney, the circuit court, superior court, or probate court, and all  
 24 courts having criminal or juvenile jurisdiction in that county. This  
 25 notice must specify which standards are not being met and state the  
 26 commissioner's recommendations regarding compliance.

27 (b) If after six (6) months from the date of the written notice the  
 28 department determines that the county is not making a good faith effort  
 29 toward compliance with the standards specified in the notice, the  
 30 commissioner may:

31 (1) petition the circuit court, superior court, or probate court for  
 32 an injunction prohibiting the confinement of persons in all or any  
 33 part of the jail, or otherwise restricting the use of the jail; or

34 (2) recommend, in writing, to the prosecuting attorney and each  
 35 court with criminal or juvenile jurisdiction that a grand jury be  
 36 convened to tour and examine the county jail under  
 37 IC 35-34-2-11.

38 (c) Upon receipt of notice by the commissioner that the jail does not  
 39 comply with standards adopted under section 1 of this chapter, the  
 40 sheriff may bring an action in the circuit court, superior court, or  
 41 probate court against the board of county commissioners or county  
 42 council for appropriate mandatory or injunctive relief.

43 (d) **This section expires June 30, 2028.**

44 SECTION 17. IC 11-12-4-2.1 IS ADDED TO THE INDIANA  
 45 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 46 [EFFECTIVE JULY 1, 2026]: **Sec. 2.1. (a) This section is effective**

- 1 beginning July 1, 2028.
- 2 (b) The department shall inspect each county jail at least one (1)  
3 time each year to determine whether it is complying with the  
4 standards adopted under section 1.1 of this chapter.
- 5 (c) If the department determines that a jail is not complying  
6 with the standards, the commissioner shall give written notice of  
7 this determination to the county sheriff, the board of county  
8 commissioners, the prosecuting attorney, the circuit court, superior  
9 court, or probate court, and all courts having criminal or juvenile  
10 jurisdiction in that county. This notice must specify which  
11 standards are not being met and state the commissioner's  
12 recommendations regarding compliance.
- 13 (d) If the department determines that a jail is not complying  
14 with standards described in section 1.1(b)(5) of this chapter, the  
15 commissioner shall give written notice of this determination to the  
16 county sheriff and the attorney general.
- 17 (e) If after six (6) months from the date of the written notice  
18 issued under subsection (c), the department determines that the  
19 county is not making a good faith effort toward compliance with  
20 the standards specified in the notice, the commissioner may:
- 21 (1) petition the circuit court, superior court, or probate court  
22 for an injunction prohibiting the confinement of persons in all  
23 or any part of the jail, or otherwise restricting the use of the  
24 jail; or
- 25 (2) recommend, in writing, to the prosecuting attorney and  
26 each court with criminal or juvenile jurisdiction that a grand  
27 jury be convened to tour and examine the county jail under  
28 IC 35-34-2-11.
- 29 (f) Upon receipt of notice by the commissioner under subsection  
30 (c) that the jail does not comply with standards adopted under  
31 section 1.1 of this chapter, the sheriff may bring an action in the  
32 circuit court, superior court, or probate court against the board of  
33 county commissioners or county council for appropriate  
34 mandatory or injunctive relief."
- 35 Page 7, delete lines 1 through 35.
- 36 Page 7, line 38, after "(a)" insert "**This section is effective**  
37 **beginning July 1, 2028.**
- 38 (b)".
- 39 Page 7, line 42, delete "(b)," and insert "(c)".
- 40 Page 8, line 11, delete "(b)" and insert "(c)".
- 41 Page 8, line 11, delete "(a)" and insert "(b)".
- 42 Page 9, line 17, after "1." insert "**This chapter is effective**  
43 **beginning July 1, 2028.**
- 44 **Sec. 2.**"
- 45 Page 9, line 24, delete "2." and insert "3.".
- 46 Page 9, line 27, delete "3." and insert "4.".

- 1 Page 9, line 30, delete "4." and insert "5."  
2 Page 9, line 32, delete "5." and insert "6."  
3 Page 9, line 38, delete "6." and insert "7."  
4 Page 9, line 40, delete "7." and insert "8."  
5 Page 9, line 42, delete "2026." and insert "2028."  
6 Page 10, line 20, delete "8." and insert "9."  
7 Page 10, line 21, delete "7" and insert "8".  
8 Page 10, line 23, delete "9(c)" and insert "10(c)".  
9 Page 10, line 26, delete "9" and insert "10".  
10 Page 10, line 29, delete "9" and insert "10".  
11 Page 10, line 30, delete "7" and insert "8".  
12 Page 11, line 16, delete "9." and insert "10".  
13 Page 11, line 17, delete "7" and insert "8".  
14 Page 11, line 25, delete "7" and insert "8".  
15 Page 11, line 30, delete "7" and insert "8".  
16 Page 11, line 36, delete "7" and insert "8".  
17 Page 12, line 4, delete "7" and insert "8".  
18 Page 12, line 16, delete "7" and insert "8".  
19 Page 12, line 28, delete "10." and insert "11".  
20 Page 12, line 37, delete "11." and insert "12".  
21 Page 12, line 41, delete "12." and insert "13".  
22 Page 12, after line 42, begin a new paragraph and insert:  
23 "SECTION 21. IC 32-30-7-1, AS AMENDED BY P.L.144-2018,  
24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2026]: Sec. 1. (a) As used in this chapter, "indecent nuisance"  
26 means a:  
27 (1) place in or upon which prostitution (as described in  
28 IC 35-45-4);  
29 (2) public place in or upon which other sexual conduct (as defined  
30 in IC 35-31.5-2-221.5) or sexual intercourse (as defined in  
31 IC 35-31.5-2-302);  
32 (3) public place in or upon which the fondling of the genitals of  
33 a person; or  
34 (4) public place in or upon which human trafficking (as described  
35 in IC 35-42-3.5-1 through IC 35-42-3.5-1.4);  
36 is conducted, permitted, continued, or exists, and the personal property  
37 and contents used in conducting and maintaining the place for such a  
38 purpose.  
39 (b) **This section expires June 30, 2028.**  
40 SECTION 22. IC 32-30-7-1.1 IS ADDED TO THE INDIANA  
41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2026]: **Sec. 1.1. (a) This section is effective**  
43 **beginning July 1, 2028.**  
44 (b) **As used in this chapter, "indecent nuisance" means a:**  
45 (1) **place in or upon which prostitution (as described in**  
46 **IC 35-45-4);**

- 1           **(2) public place in or upon which other sexual conduct (as**
- 2           **defined in IC 35-31.5-2-221.5) or sexual intercourse (as**
- 3           **defined in IC 35-31.5-2-302);**
- 4           **(3) public place in or upon which the fondling of the genitals**
- 5           **of a person; or**
- 6           **(4) place in or upon which human trafficking (as described in**
- 7           **IC 35-42-3.5-1 through IC 35-42-3.5-1.4);**
- 8           **is conducted, permitted, continued, or exists, and the personal**
- 9           **property and contents used in conducting and maintaining the**
- 10          **place for such a purpose.**

11           SECTION 23. IC 32-30-7-7 IS AMENDED TO READ AS  
 12           FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If an indecent  
 13           nuisance exists, a prosecuting official or any resident of the county in  
 14           which the indecent nuisance exists may bring an action to abate the  
 15           indecent nuisance and to perpetually enjoin the maintenance of the  
 16           indecent nuisance.

17           (b) If a person other than a prosecuting official institutes an action  
 18           under this chapter, the complainant shall execute a bond to the person  
 19           against whom complaint is made, with good and sufficient surety to be  
 20           approved by the court or clerk in a sum of at least one thousand dollars  
 21           (\$1,000) to secure to the party enjoined the damages the party may  
 22           sustain if:

- 23           (1) the action is wrongfully brought;
- 24           (2) the action is not prosecuted to final judgment;
- 25           (3) the action is dismissed;
- 26           (4) the action is not maintained; or
- 27           (5) it is finally decided that the injunction ought not to have been
- 28           granted.

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

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

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

- 43           (1) the state general fund, if the action is instituted by the attorney
- 44           general;
- 45           (2) the operating budget of the office of the prosecuting attorney,
- 46           if the action is instituted by a prosecuting attorney;

- 1 (3) the operating budget of the office of the corporation counsel
- 2 or city attorney, if the action is instituted by a corporation counsel
- 3 or city attorney; or
- 4 (4) the county general fund, if the action is instituted by an
- 5 attorney representing the county.

6 **(e) This section expires June 30, 2028.**

7 SECTION 24. IC 32-30-7-7.1 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2026]: **Sec. 7.1. (a) This section is effective**  
10 **beginning July 1, 2028.**

11 **(b) If an indecent nuisance exists, a prosecuting official or any**  
12 **resident of the county in which the indecent nuisance exists may**  
13 **bring an action to abate the indecent nuisance and to perpetually**  
14 **enjoin the maintenance of the indecent nuisance.**

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

- 21 **(1) the action is wrongfully brought;**
- 22 **(2) the action is not prosecuted to final judgment;**
- 23 **(3) the action is dismissed;**
- 24 **(4) the action is not maintained; or**
- 25 **(5) it is finally decided that the injunction ought not to have**  
26 **been granted.**

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

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

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

- 42 **(1) the state general fund, if the action is instituted by the**  
43 **attorney general;**
- 44 **(2) the operating budget of the office of the prosecuting**  
45 **attorney, if the action is instituted by a prosecuting attorney;**
- 46 **(3) the operating budget of the office of the corporation**  
47 **counsel or city attorney, if the action is instituted by a**

- 1           **corporation counsel or city attorney; or**
- 2           **(4) the county general fund, if the action is instituted by an**
- 3           **attorney representing the county."**
- 4           Delete page 13.
- 5           Page 14, delete lines 1 through 16.
- 6           Page 14, line 19, after "32.5." insert **"(a) This section is effective**
- 7           **beginning July 1, 2028.**
- 8           **(b)".**
- 9           Page 14, between lines 20 and 21, begin a new paragraph and insert:
- 10          **"SECTION 25 [EFFECTIVE UPON PASSAGE] (a) The legislative**
- 11          **council is urged to assign to the appropriate interim study**
- 12          **committee established under IC 2-5, during the 2026 legislative**
- 13          **interim session, the task of studying:**
- 14               **(1) whether SB 76-2026 violates the Constitution of the United**
- 15               **States; and**
- 16               **(2) the potential legal fees associated with the implementation**
- 17               **of SB 76-2026.**
- 18          **(b) This SECTION expires December 31, 2027."**  
              (Reference is to ESB 76 as printed February 3, 2026.)

---

Representative Garcia Wilburn