

# PROPOSED AMENDMENT

## SB 76 # 6

### DIGEST

Various changes. Removes the mens rea standard in the statute concerning governmental bodies or postsecondary institutions violating the citizenship and immigration status information and enforcement of federal laws chapter. Provides immunity to a governmental body or an employee of a governmental body for any action taken concerning an immigration detainer request. Provides, with certain exceptions, that if the attorney general determines that probable cause exists that a governmental entity has not complied with an immigration detention request, the attorney general may bring a court action to: (1) enjoin an act or practice constituting a violation of an immigration detention request; and (2) impose a civil penalty for noncompliance with an immigration detention request. Provides that before bringing an action against a county jail for certain violations, the attorney general shall consult with the department of correction concerning the most recent inspection report and provide the county jail with notice of the attorney general's probable cause determination. Provides that compliance with certain standards and the results of an inspection do not preclude the attorney general from bringing an action under IC 5-2-18.2. Provides that the department of correction shall, in consultation with the attorney general, identify options for training concerning minimum standards for county jails. Provides that each hospital shall, not more than one hundred twenty (120) days after the end of each calendar quarter, file with the state department beginning January 1, 2027, in cases where Medicaid is the patient's payor, the form of identification, if any, used by the patient when the patient was admitted. Removes provisions concerning the occupational safety standards commission immunity for completing training. Makes conforming changes. Makes technical changes.

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- 1       Page 2, line 23, after "IC 5-2-18.2-2.2" insert ")".
  - 2       Page 3, between lines 5 and 6, begin a new paragraph and insert:
  - 3       "SECTION 2. IC 5-2-18.2-0.5 IS ADDED TO THE INDIANA
  - 4       CODE AS A **NEW** SECTION TO READ AS FOLLOWS
  - 5       [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. As used in this chapter,**
  - 6       **"alien" has the meaning set forth in 8 U.S.C. 1101(a)."**
  - 7       Page 3, line 11, delete "8 CFR 287.7." and insert "**8 CFR 287.7 or**
  - 8       **any successor provision or other applicable federal authority."**
  - 9       Page 3, between lines 11 and 12, begin a new paragraph and insert:
  - 10       "SECTION 4. IC 5-2-18.2-3, AS AMENDED BY P.L.265-2017,
  - 11       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
  - 12       JULY 1, 2026]: **Sec. 3. A governmental body or a postsecondary**
  - 13       **educational institution may not enact or implement an ordinance, a**
  - 14       **resolution, a rule, or a policy, whether written or unwritten, that**

prohibits or in any way restricts another governmental body or employee of a **governmental body or** postsecondary educational institution, including a law enforcement officer, a state or local official, or a state or local government employee, from taking the following actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual:

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

Page 3, line 15, after "not" insert "**in any way**".

Page 3, delete lines 19 through 29, begin a new paragraph and insert:

"SECTION 6. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 **and to seek the relief authorized under subsection (b).**

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

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

**(c) In an action against a county jail for a violation of section 9 of this chapter, the attorney general shall not impose a civil penalty under subsection (b)(2) if, during the most recent inspection under IC 11-12-4-2, the department of correction determines that the county jail was in compliance under IC 11-12-4-1.**

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

- (1) consult with the department of correction concerning the**

1           most recent inspection report under IC 11-12-4-2; and

2           (2) provide the county jail with notice of the attorney  
3           general's probable cause determination.

4       **If, within thirty (30) days of receiving the notice, the county jail**  
5       **provides to the attorney general sufficient evidence that the county**  
6       **jail no longer engages in acts or practices that violate section 9 of**  
7       **this chapter, the attorney general may not initiate an action under**  
8       **subsection (a).**

9           (e) The attorney general shall transfer all penalties collected  
10          under this chapter to the treasurer of state for deposit in the state  
11          general fund."

12          Page 3, line 32, delete "(a)".

13          Page 3, line 34, strike "knowingly or intentionally".

14          Page 3, line 35, strike "violation." and insert "**violation and grant**  
15          **other relief that is authorized for a violation under section 5(b) of**  
16          **this chapter.**".

17          Page 3, delete lines 36 through 42.

18          Page 4, between lines 21 and 22, begin a new paragraph and insert:

19          "**(c) A governmental body or an employee of a governmental**  
20          **body is not criminally or civilly liable for any action taken in**  
21          **compliance with an immigration detainer request under this**  
22          **section.**".

23          Page 4, between lines 29 and 30, begin a new paragraph and insert:

24          "**SECTION 9. IC 5-2-18.2-11 IS ADDED TO THE INDIANA**  
25          **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
26          **[EFFECTIVE JULY 1, 2026]: Sec. 11. The department of correction**  
27          **shall, in consultation with the attorney general, identify options for**  
28          **training concerning:**

29               (1) **cooperation between county jails and the United States**  
30               **Immigration and Customs Enforcement; and**

31               (2) **procedures for the implementation of section 9 of this**  
32               **chapter.**".

33          Page 5, line 24, strike "sheriff and" and insert "sheriff".

34          Page 5, line 25, after "commissioners" insert ", **and the attorney**  
35          **general**".

36          Page 5, delete lines 26 through 30, begin a new paragraph and  
37          insert:

38          "**(e) Compliance with standards described in subsection (a)(5)**  
39          **and the results of an inspection under IC 11-12-4 do not preclude**  
40          **the attorney general from bringing an action under IC 5-2-18.2 for**

**violations of IC 5-2-18.2-9.**

SECTION 10. IC 11-12-4-2, AS AMENDED BY P.L.84-2016, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The department shall inspect each county jail at least one (1) time each year to determine whether it is complying with the standards adopted under section 1 of this chapter.

(b) If the department determines that a jail is not complying with the standards, the commissioner shall give written notice of this determination to the county sheriff, the board of county commissioners, the prosecuting attorney, the circuit court, superior court, or probate court, and all courts having criminal or juvenile jurisdiction in that county. This notice must specify which standards are not being met and state the commissioner's recommendations regarding compliance.

**(c) If the department determines that a jail is not complying with standards described in section 1(a)(5) of this chapter, the commissioner shall give written notice of this determination to the county sheriff and the attorney general.**

~~(b)~~ (d) If after six (6) months from the date of the written notice issued under subsection (b), the department determines that the county is not making a good faith effort toward compliance with the standards specified in the notice, the commissioner may:

- (1) petition the circuit court, superior court, or probate court for an injunction prohibiting the confinement of persons in all or any part of the jail, or otherwise restricting the use of the jail; or
- (2) recommend, in writing, to the prosecuting attorney and each court with criminal or juvenile jurisdiction that a grand jury be convened to tour and examine the county jail under IC 35-34-2-11.

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

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 11. IC 16-21-6-6, AS AMENDED BY P.L.156-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2027]: Sec. 6. In addition to the report filed under section 3 of this chapter, each hospital shall, not more than one hundred twenty (120) days after the end of each calendar quarter, file

with the state department, or the state department's designated contractor, inpatient and outpatient discharge information at the patient level, in a format prescribed by the state health commissioner, including the following:

(1) The patient's:

(A) length of stay;

(B) diagnoses and surgical procedures performed during the patient's stay;

(C) date of:

(i) admission;

(ii) discharge; and

(iii) birth;

(D) type of admission;

(E) admission source;

(F) gender;

(G) race;

(H) discharge disposition; and

(I) payor, including:

(i) Medicare;

(ii) Medicaid;

(iii) a local government program;

(iv) commercial insurance;

(v) self-pay; and

(vi) charity care.

(2) The total charge for the patient's stay.

(3) The ZIP code of the patient's residence.

(4) Beginning October 1, 2013, all diagnosed external causes of injury codes.

**(5) Beginning January 1, 2027, in cases where Medicaid is the patient's payor, the form of identification, if any, used by the patient when the patient was admitted, including whether the patient used an Indiana driver's license or identification card, a temporary Indiana driver's license or identification card, a driver's license or identification card issued by another state, a form of identification issued by a foreign government, or no identification."**

Page 7, line 8, delete "to confirm work eligibility of an" and insert "as may be prescribed by the attorney general through guidance that shall be".

Page 7, line 9, delete "individual in a manner that is".

1 Page 7, line 10, delete "practices." and insert "**practices for**  
2 **confirming work eligibility.**".

3 Page 7, line 25, after "submitted" insert "**to the attorney general**".

4 Page 7, line 26, delete "(c)," and insert "**(c) or evidence under this**  
5 **subsection,**".

6 Page 9, delete lines 37 through 42, begin a new paragraph and  
7 insert:

8 "SECTION 14. IC 32-30-7-1, AS AMENDED BY P.L.144-2018,  
9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 UPON PASSAGE]: Sec. 1. As used in this chapter, "indecent nuisance"  
11 means a:

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

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

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

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

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

24 Delete page 10.

25 Page 12, delete lines 1 through 6, begin a new paragraph and insert:

26 "SECTION 16. IC 34-30-2.1-32.5 IS ADDED TO THE INDIANA  
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2026]: **Sec. 32.5. IC 5-2-18.2-9 (Concerning**  
29 **federal immigration detention orders).**".

30 Renumber all SECTIONS consecutively.

(Reference is to SB 76 Digest Correction as reprinted January 23,  
2026.)