



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:

- 1 Page 2, line 26, delete "general shall defend the" and insert
- 2 **"general:**
- 3 **(1) may defend a law enforcement officer, governmental body,**
- 4 **or postsecondary educational institution, if:**
- 5 **(A) the law enforcement officer, governmental body, or**
- 6 **postsecondary educational institution is not subject to**
- 7 **subsection (a); and**
- 8 **(B) the law enforcement officer, governmental body, or**
- 9 **postsecondary educational institution requests**
- 10 **representation by the attorney general; and**
- 11 **(2) shall defend a law enforcement officer, governmental**
- 12 **body, or postsecondary educational institution, if the law**
- 13 **enforcement officer, governmental body, or postsecondary**
- 14 **educational institution is subject to subsection (a);**
- 15 **throughout the action."**
- 16 Page 2, delete lines 27 through 28.
- 17 Page 3, delete lines 18 through 38.
- 18 Page 4, delete lines 14 through 15, begin a new line block indented
- 19 and insert:
- 20 **"(2) impose a civil penalty of ten thousand dollars (\$10,000)**

1 **for each violation."**

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

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

7 (1) General physical and environmental conditions.

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

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

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

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

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

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

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

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

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

42 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

- 1 [EFFECTIVE JULY 1, 2026]: **Sec. 15.5. The commission shall adopt**
- 2 **standards related to hiring practices described in IC 22-5-9-7."**
- 3 Page 7, delete line 42.
- 4 Page 8, delete lines 1 through 20.
- 5 Renumber all SECTIONS consecutively.
(Reference is to SB 76 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 2.

Senator Brown L, Chairperson