

LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT

LS 6446
BILL NUMBER: SB 76

NOTE PREPARED: Feb 3, 2026
BILL AMENDED: Feb 3, 2025

SUBJECT: Immigration Matters.

FIRST AUTHOR: Sen. Brown L
FIRST SPONSOR: Rep. Prescott

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill contains the following provisions:

Defense: The bill provides that if a 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 immigration matters, the Attorney General may defend the law enforcement officer, the governmental body, or the postsecondary educational institution if representation is requested.

Mens Rea: The bill 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.

Non-Compliance: The bill provides that if the AG determines that probable cause exists that a governmental entity has not complied with an immigration detention request, the AG 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.

It also 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. The bill 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.

Interference with Immigration Enforcement: It 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.

Immigration Detainer: The bill 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 that the individual is being held pursuant to an immigration detainer request.

The bill 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.

Department of Correction: The bill provides that the Department of Correction shall, in consultation with the Attorney General, identify options for training concerning minimum standards for county jails. It also 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. The bill 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.

Hiring Practices: The bill prohibits an employer from knowingly or intentionally hiring or employing an unauthorized alien.

The bill allows the Attorney General to bring an enforcement action against an employer if the Attorney General determines that probable cause exists that the employer has violated certain recruitment and hiring restrictions concerning an unauthorized alien. The bill prohibits an employer from discharging or discriminating against an employee because the employee communicated or cooperated with the Attorney General concerning compliance with certain recruitment or hiring practices and allows the employee to file a complaint with the Commissioner of Labor.

Family and Social Services Agency: The bill requires the Office of the Secretary to submit a report to the Legislative Council concerning certain immigration matters.

Hospital Reporting: This bill provides that each hospital shall, not more than one hundred twenty (120) days after the end of each calendar quarter, file with the Indiana Department of Health 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.

Indecent Nuisance Investigations: It provides that indecent nuisance means a place in which human trafficking conducted and is not limited to a public place. The bill provides that a governmental entity that employs a prosecuting official is entitled to investigative costs, court costs, and reasonable attorney's fees incurred in an indecent nuisance action if the existence of an indecent nuisance is admitted or established in the action.

Immunity: The bill provides immunity to a governmental body or an employee of a governmental body for any action taken concerning an immigration detainer request.

The bill makes technical changes.

Effective Date: (Amended) Upon passage; July 1, 2026; January 1, 2027

Explanation of State Expenditures: *Attorney General (AG):* This bill provides that the AG may conduct investigations, enforce compliance and impose civil penalties in support of the enforcement of immigration laws by federal, state or local law enforcement agencies. It also provides that employers must exercise "reasonable diligence to confirm the work eligibility of an individual," and that the AG may take a number of actions to enforce this requirement.

The bill specifies penalties in the forms of temporary or permanent suspension of business operating licenses. It also allows for the imposition of probationary periods during which a business will have to file quarterly reports with the AG. Managing the probation of businesses will increase AG workload.

The bill provides that, if requested, the AG may defend a law enforcement officer, governmental body, or postsecondary institution in a civil suit if the AG determines that the suit arises from an act authorized or required by this bill. These requirements are likely to result in an increase in workload for the AG's office, and the impact will vary depending on compliance with existing requirements regarding immigration enforcement. The AG can implement the bill's provisions within current resources.

(Revised) Department of Correction: The Department of Correction is required to develop procedures to ensure cooperation with immigration officials. This process entails selection of and consultation with a committee of at least five sheriffs each of which are entitled to per diem and travel expenses. Proposed standards are provided to each sheriff and each board of county commissioners in the state, who are solicited for feedback. The final proposal is subject to a public hearing. These requirements will increase the workload for the Department of Correction in the short term and may require additional resources.

The DOC is required to identify options for training regarding minimum standards for jails in implementing immigration enforcement provisions of this law. The DOC is also required to ensure compliance with those immigration enforcement provisions during routine inspections and to provide notice of failure to comply to the respective county sheriff and the AG.

(Revised) Family and Social Services Agency: The bill requires the Secretary of Family and Social Services to provide an annual report to the Legislative Council on benefits usage by non-citizens. The bill also requires the agency to evaluate the use of a political subdivision's resources for certain migration-related efforts. These requirements create a workload increase for the agency, but the requirements should be met within existing resources.

Mens Rea: This bill provides that a court will enjoin a government body or postsecondary educational institution that attempts to limit or restrict the enforcement of immigration law. Under current law, the body or institution must do so "knowingly or intentionally." This change could result in a greater number of injunctions than under current law, but any increase is likely to be small.

(Revised) Immunity Provision: The bill provides that governmental bodies and their employees may not be held criminally or civilly liable for their efforts to comply with an immigration detainer request. This immunity provision will prevent expenditures from increasing as a result of legal actions taken against a governmental body.

(Revised) Hospital Reporting: The Indiana Department of Health can make the necessary changes to

implement the bill by January 1, 2027, within existing resources.

Explanation of State Revenues: Indecent Nuisance Investigations: This bill expands the costs for which a governmental entity may be reimbursed to include the investigative costs and court costs associated with the successful prosecution of an indecent nuisance. If the case is prosecuted by the AG, these costs will be deposited in the state General Fund. The impact of this provision will depend on actions by investigators and the AG and is currently indeterminable.

(Revised) *Civil Penalties:* Governmental bodies that fail to comply with provisions of this bill pertaining to immigration detainer requests are subject to a civil penalty of \$10,000 per violation. This money will be deposited into the General Fund. [The AG does not pay court fees, so no additional court fee revenue will be generated.]

Explanation of Local Expenditures: (Revised) Immigration Detainer Requests: This bill requires government bodies to record, comply with and notify other entities of immigration detainer requests for people in their custody. The bill also includes additional notification requirements for courts and court officials. These requirements will increase the workload for all affected entities, but any increase should be able to be met within existing resources. Failure to comply with these provisions may result in the imposition of a civil penalty of \$10,000 per violation.

(Revised) *Immunity Provision:* See *Explanation of State Expenditures*

Explanation of Local Revenues: Indecent Nuisance Investigations: This bill expands the costs for which a governmental entity may be reimbursed to include the investigative costs and court costs associated with the successful prosecution of an indecent nuisance. Collected costs associated with each case will be deposited in the budget or general fund of the local unit that employs the prosecuting official that brings the case. The impact of this provision will depend on actions by investigators and prosecutors and is currently indeterminable.

State Agencies Affected: State educational institutions; Attorney General; state governmental bodies; Department of Correction; Family and Social Services Agency; Indiana Department of Health;

Local Agencies Affected: Trial courts, city and town courts; law enforcement agencies; local governmental bodies

Information Sources:

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