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SENATE BILL No. 76

Proposed Changes to January 23, 2026 printing by AM007604

DIGEST OF PROPOSED AMENDMENT

Report. Removes provisions requiring the office of the secretary to submit a report to the legislative council.

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.55-2025,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1.5. (a) Whenever any state governmental official
4 or employee, whether elected or appointed, is made a party to a suit,
5 and the attorney general determines that said suit has arisen out of an
6 act which such official or employee in good faith believed to be within
7 the scope of the official's or employee's duties as prescribed by statute
8 or duly adopted regulation, the attorney general shall defend such
9 person throughout such action.
10 (b) Whenever a teacher (as defined in IC 20-18-2-22) is made a
11 party to a civil suit, and the attorney general determines that the suit
12 has arisen out of an act that the teacher in good faith believed was
13 within the scope of the teacher's duties in enforcing discipline policies
14 developed under IC 20-33-8-12, the attorney general shall defend the
15 teacher throughout the action.
16 (c) Not later than July 30 of each year, the attorney general, in
17 consultation with the Indiana education employment relations board
18 established in IC 20-29-3-1, shall draft and disseminate a letter by
19 electronic mail to the listed electronic mail address of teachers
20 providing a summary of the teacher's rights and protections under state

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and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and electronic mail addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and electronic mail addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(f) Whenever a law enforcement officer (as defined in IC 5-2-18.2-2), governmental body (as defined in IC 5-2-18.2-1), or postsecondary educational institution (as defined in IC 5-2-18.2-2.2 is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized or required by IC 5-2-18.2, the attorney general may defend the law enforcement officer, governmental body, or postsecondary educational institution throughout the action if the entity has requested representation by the attorney general.

~~(f)~~ (g) As used in this subsection, "bridge authority" refers to the New Harmony and Wabash River bridge authority established by IC 8-16-15.5-2. Whenever:

- (1) the bridge authority;
- (2) a member of the bridge authority;
- (3) an officer of the bridge authority; or
- (4) an employee of the bridge authority;

is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act or omission of any person described in subdivision (1), (2), (3), or (4), that is authorized or required under IC 8-16-15.5 or any other law, the attorney general shall defend that person throughout the action.

~~(g)~~ (h) A determination by the attorney general under subsection (a), (b), (c), ~~(e)~~, ~~or~~ (f), **or** (g) shall not be admitted as evidence in the trial of any such civil action for damages.

~~(h)~~ (i) Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense.

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SECTION 2. IC 5-2-18.2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1.7. As used in this chapter, "immigration detainer request" means a request issued by an authorized immigration officer to a law enforcement agency to detain an individual pursuant to 8 CFR 287.7.**

SECTION 3. IC 5-2-18.2-4, AS AMENDED BY P.L.265-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. A governmental body or a postsecondary educational institution may not limit or restrict the enforcement of federal immigration laws, regardless of whether the enforcement is carried out by a federal, state, or local law enforcement agency, to less than the full extent permitted by federal law.**

SECTION 4. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **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.**

(b) If a governmental body is found to have violated section 9 of this chapter, the governor may withhold any grants or state funding to the governmental body for a period not to exceed one (1) year.

SECTION 5. IC 5-2-18.2-6, AS AMENDED BY P.L.76-2024, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) If a court finds by a preponderance of the evidence that a governmental body or postsecondary educational institution knowingly or intentionally violated this chapter, the court shall enjoin the violation.**

(b) This section expires June 30, 2026.

SECTION 6. IC 5-2-18.2-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 6.1. If a court finds by a preponderance of the evidence that a governmental body or postsecondary educational institution violated section 3, 4, or 9 of this chapter, the court shall enjoin the violation.**

SECTION 7. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 9. (a) Except as provided in subsection (b), a governmental body that has custody of an individual who is the subject of an immigration detainer request shall:**

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(1) provide to the judge authorized to grant or deny the individual's release on bail under IC 35-33-8-3.2 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 all requests made in the immigration detainer request; and (4) inform the individual that the individual is being held pursuant to an immigration detainer request issued by an authorized immigration officer.

(b) If an individual who is the subject of an immigration detainer request presents to the governmental body a United States passport or a birth certificate issued in the United States, the governmental body shall contact the authorized immigration officer to determine whether the individual is a citizen of the United States.

SECTION 8. IC 5-2-18.2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 10. A judge who receives notice under section 9 of this chapter that an individual is subject to an immigration detainer request shall ensure that the notice of the immigration detainer request is recorded in the court's record, regardless of whether the notice was received before or after a judgment in a case.**

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

- (1) General physical and environmental conditions.
- (2) Services and programs to be provided to confined persons.
- (3) Procedures for the care and control of confined persons that are necessary to ensure the health and safety of confined persons, the security of the jail, and public safety. ~~and~~
- (4) The restraint of pregnant inmates. Rules adopted under this subdivision must be consistent with IC 11-10-3.5.
- (5) Procedures to ensure proper cooperation between the jail and the United States Immigration and Customs Enforcement, including enforcement of the requirements of IC 5-2-18.2-9.**

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

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

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

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

(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).

~~← SECTION 10. IC 12-8-1.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. (a) Not later than October 31 of each year, the office of the secretary shall submit a report to the legislative council, in an electronic format under IC 5-14-6, that provides:~~

~~— (1) except as provided in subsection (b), data regarding the number of individuals in Indiana who:~~

~~— (A) are not citizens of the United States; and~~

~~— (B) are enrolled in or receiving benefits under:~~

~~— (i) IC 12-10-6;~~

~~— (ii) IC 12-13;~~

~~— (iii) IC 12-14;~~

~~— (iv) IC 12-15; and~~

~~— (v) IC 12-19; and~~

~~— (2) the immigration status of each individual described in subdivision (1).~~

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~~—(b) The data described in subsection (a) does not include individually identifiable health information as defined in 42 U.S.C. 1320d(6).~~

> SECTION 1<1>^[0]. 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

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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

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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.

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(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.

SECTION 1  [1]. 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

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1 employment.

2 "Employer" means any individual or type of organization,
3 including the state and all its political subdivisions, that has in its
4 employ one (1) or more individuals.

5 "INSafe" means the division of the department created by section
6 40 of this chapter.

7 "Safety order" refers to a notice issued to employers by the
8 commissioner of labor for alleged violations of this chapter, including
9 any health and safety standards.

10 "Standard" refers to:

- 11 (1) both health and safety standards; **and**
- 12 (2) **standards related to hiring practices described in**
13 **IC 22-5-9-7.**

14 "Voluntary protection program" means a program offered by the
15 United States Occupational Safety and Health Administration to
16 employers subject to this chapter that exempts the employers from
17 general scheduled inspections.

18 SECTION 1 ~~↔~~ [2]. IC 22-8-1.1-15.5 IS ADDED TO THE
19 INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2026]: **Sec. 15.5. The commission shall adopt**
21 **standards related to hiring practices described in IC 22-5-9-7.**

22 SECTION 1 ~~↔~~ [3]. IC 32-30-7-1, AS AMENDED BY
23 P.L.144-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2026]: Sec. 1. As used in this chapter, "indecent
25 nuisance" means a:

- 26 (1) place in or upon which prostitution (as described in
27 IC 35-45-4);
- 28 (2) public place in or upon which other sexual conduct (as
29 defined in IC 35-31.5-2-221.5) or sexual intercourse (as defined
30 in IC 35-31.5-2-302);
- 31 (3) public place in or upon which the fondling of the genitals of
32 a person; or
- 33 (4) ~~public~~ place in or upon which human trafficking (as
34 described in IC 35-42-3.5-1 through IC 35-42-3.5-1.4);

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

38 SECTION 1 ~~↔~~ [4]. IC 32-30-7-7 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If an indecent
40 nuisance exists, a prosecuting official or any resident of the county in
41 which the indecent nuisance exists may bring an action to abate the
42 indecent nuisance and to perpetually enjoin the maintenance of the

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1 indecent nuisance.

2 (b) If a person other than a prosecuting official institutes an action
3 under this chapter, the complainant shall execute a bond to the person
4 against whom complaint is made, with good and sufficient surety to be
5 approved by the court or clerk in a sum of at least one thousand dollars
6 (\$1,000) to secure to the party enjoined the damages the party may
7 sustain if:

- 8 (1) the action is wrongfully brought;
- 9 (2) the action is not prosecuted to final judgment;
- 10 (3) the action is dismissed;
- 11 (4) the action is not maintained; or
- 12 (5) it is finally decided that the injunction ought not to have been
13 granted.

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

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

22 (d) If a prosecuting official institutes an action under this chapter
23 (or IC 34-1-52.5 or IC 34-19-2 before their repeal) and the existence of
24 an indecent nuisance is admitted or established in the action, the
25 governmental entity that employs the prosecuting official is entitled to
26 all **investigative costs, court costs, and** reasonable attorney's fees
27 incurred by the entity in instituting the action. The fees shall be
28 deposited in:

- 29 (1) the state general fund, if the action is instituted by the
30 attorney general;
- 31 (2) the operating budget of the office of the prosecuting attorney,
32 if the action is instituted by a prosecuting attorney;
- 33 (3) the operating budget of the office of the corporation counsel
34 or city attorney, if the action is instituted by a corporation
35 counsel or city attorney; or
- 36 (4) the county general fund, if the action is instituted by an
37 attorney representing the county.

38 SECTION 1 ~~<6>~~ [5]. IC 34-30-2.1-127.5 IS ADDED TO THE
39 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2026]: **Sec. 127.5. IC 11-12-4-1(e)**
41 **(Concerning law enforcement training for minimum jail standards**
42 **of cooperation between a jail and the United States Immigration**

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1 **and Customs Enforcement).**
2 SECTION 1 ~~<7>~~ [6]. An emergency is declared for this act.

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