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

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

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

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

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

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

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

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

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

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

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

14 SECTION 4. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 5. **(a)** If the attorney general determines that
 17 probable cause exists that a governmental body or a postsecondary
 18 educational institution has violated this chapter, the attorney general
 19 shall bring an action to compel the governmental body or
 20 postsecondary educational institution to comply with this chapter.

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

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

31 **(b) This section expires June 30, 2026.**

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

37 SECTION 7. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2026]: **Sec. 9. (a) Except as provided in subsection (b), a**
 40 **governmental body that has custody of an individual who is the**
 41 **subject of an immigration detainer request shall:**

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

25 SECTION 9. IC 11-12-4-1, AS AMENDED BY P.L.56-2023,
26 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2026]: Sec. 1. (a) The department shall adopt under IC 4-22-2
28 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

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

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

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

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

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

35 _____ (B) are enrolled in or receiving benefits under:

36 ~~(i) IC 12-10-6;~~

37 ~~(ii) IC 12-13;~~

38

 (iii) IC 12-14;

39 _____ (iv) IC 12-15; and

40 ~~(v) IC 12-19; and~~

41 (2) the immigration status of each individual described in
42 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[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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1 on notice that the verification was unreliable or of limited
2 reliability; or

3 (2) engaging in diligence to confirm work eligibility of an
4 individual in a manner that is consistent with industry
5 standard best practices.

6 (c) An employer is not in violation of subsection (a) if the
7 employer engaged in reasonable diligence to confirm the work
8 eligibility of an individual before recruiting, hiring, or employing
9 the individual.

10 Sec. 8. (a) If the attorney general determines that probable
11 cause exists that an employer has violated section 7 of this chapter
12 at any point in the preceding three (3) year period or has violated
13 the terms of its probationary status under section 9(c) of this
14 chapter, the attorney general is, except as provided in subsection
15 (b), authorized to bring an action against the employer to enjoin
16 the violation and for other relief authorized by section 9 of this
17 chapter.

18 (b) In the case of an employer that has never previously been
19 found under section 9 of this chapter to have committed a violation
20 of section 7 of this chapter and has never previously submitted an
21 affidavit under subsection (c), the attorney general shall provide
22 the employer notice of the attorney general's probable cause
23 determination before the attorney general initiates an action under
24 subsection (a). If, within fifteen (15) business days of receiving the
25 attorney general's notice, the employer provides evidence to the
26 attorney general and the attorney general:

27 (1) determines that the employer has engaged in reasonable
28 diligence to confirm the work eligibility of the employer's
29 employees; and

30 (2) either:

31 (A) determines that all the employer's employees are
32 eligible to work or that the employer has terminated any
33 unauthorized alien employees; or

34 (B) the employer submits to the attorney general an
35 affidavit under subsection (c);

36 the attorney general may not initiate an action under subsection
37 (a).

38 (c) An employer described in subsection (b) that receives
39 notice of the attorney general's probable cause determination
40 under subsection (b) may, within fifteen (15) business days of
41 receiving the notice, submit to the attorney general an affidavit
42 signed by an authorized representative attesting that the employer

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1 **has terminated the employment of any and all unauthorized aliens,**
 2 **engaged in reasonable diligence to confirm the work eligibility of**
 3 **all of its employees, and will not knowingly employ any**
 4 **unauthorized aliens in the future.**

5 **Sec. 9. (a) If a court determines by a preponderance of the**
 6 **evidence that an employer has violated section 7 of this chapter, the**
 7 **court shall enjoin the violation and shall order the relief provided**
 8 **in subsection (b) or (c), or both, as the court determines**
 9 **appropriate.**

10 **(b) A court may order the following for violations of this**
 11 **chapter:**

12 **(1) In the case of a single violation by an employer that has**
 13 **never previously been determined to be in violation of section**
 14 **7 of this chapter, the court may order the suspension of all of**
 15 **the employer's operating authorization at the location of the**
 16 **violation for five (5) business days.**

17 **(2) In the case of more than one (1) violation by an employer**
 18 **that has never previously been determined to be in violation**
 19 **of section 7 of this chapter, the court may order the**
 20 **suspension of all of the employer's operating authorizations**
 21 **at the location or locations where the violations occurred for**
 22 **a period of ten (10) business days.**

23 **(3) In the case of one (1) or more violations by an employer**
 24 **that has previously been determined to be in violation of**
 25 **section 7 of this chapter, the court may order the suspension**
 26 **of all of the employer's operating authorizations at the**
 27 **location or locations where the violation or violations**
 28 **occurred for a period of one hundred eighty (180) days.**

29 **(4) In the case of one (1) or more violations by an employer**
 30 **previously subject to the penalty provided in subdivision (3),**
 31 **the court may order the permanent revocation of all of the**
 32 **employer's operating authorizations at the location or**
 33 **locations where the violation or violations occurred.**

34 **(5) In the case of an employer that:**

35 **(A) willfully violated section 7 of this chapter;**
 36 **(B) committed previous or current violations at three (3)**
 37 **or more locations at which the employer engages or**
 38 **previously engaged in commerce; and**
 39 **(C) has previously been subject to the penalty provided**
 40 **in subdivision (4);**

41 **the court may order the permanent revocation of all of the**
 42 **employer's operating authorizations in Indiana.**



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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