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## **SENATE BILL No. 76**

**AM007606 has been incorporated into January 23, 2026 printing.**

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**Synopsis:** Immigration matters.

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Reprinted  
January 23, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## SENATE BILL No. 76

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

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1 teacher throughout the action.

2 (c) Not later than July 30 of each year, the attorney general, in  
3 consultation with the Indiana education employment relations board  
4 established in IC 20-29-3-1, shall draft and disseminate a letter by  
5 electronic mail to the listed electronic mail address of teachers  
6 providing a summary of the teacher's rights and protections under state  
7 and federal law, including a teacher's rights and protections relating to  
8 the teacher's performance evaluation under IC 20-28-11.5.

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

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

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

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

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

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

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

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

7                   SECTION 2. IC 5-2-18.2-0.5 IS ADDED TO THE INDIANA  
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. As used in this chapter,**  
 10 **"alien" has the meaning set forth in 8 U.S.C. 1101(a).**

11                  SECTION 3. IC 5-2-18.2-1.7 IS ADDED TO THE INDIANA  
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2026]: **Sec. 1.7. As used in this chapter,**  
 14 **"immigration detainer request"** means a request issued by an  
 15 authorized immigration officer to a law enforcement agency to  
 16 detain an individual pursuant to 8 CFR 287.7 or any successor  
 17 provision or other applicable federal authority.

18                  SECTION 4. IC 5-2-18.2-3, AS AMENDED BY P.L.265-2017,  
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2026]: Sec. 3. A governmental body or a postsecondary  
 21 educational institution may not enact or implement an ordinance, a  
 22 resolution, a rule, or a policy, **whether written or unwritten**, that  
 23 prohibits or in any way restricts another governmental body or  
 24 employee of a **governmental body or postsecondary educational**  
 25 **institution**, including a law enforcement officer, a state or local official,  
 26 or a state or local government employee, from taking the following  
 27 actions with regard to information of the citizenship or immigration  
 28 status, lawful or unlawful, of an individual:

29                   (1) Communicating or cooperating with federal officials.  
 30                   (2) Sending to or receiving information from the United States  
 31                   Department of Homeland Security.  
 32                   (3) Maintaining information.  
 33                   (4) Exchanging information with another federal, state, or local  
 34                   government entity.

35                   **(5) Gathering information.**

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

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1 law.

2 SECTION 6. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 5. **(a)** If the attorney general determines that  
5 probable cause exists that a governmental body or a postsecondary  
6 educational institution has violated this chapter, the attorney general  
7 shall bring an action to compel the governmental body or  
8 postsecondary educational institution to comply with this chapter **and**  
9 **to seek the relief authorized under subsection (b).**

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

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

18 **(c) In an action against a county jail for a violation of section  
19 9 of this chapter, the attorney general shall not impose a civil  
20 penalty under subsection (b)(2) if, during the most recent  
21 inspection under IC 11-12-4-2, the department of correction  
22 determines that the county jail was in compliance under  
23 IC 11-12-4-1.**

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

26 **(1) consult with the department of correction concerning the  
27 most recent inspection report under IC 11-12-4-2; and**  
28 **(2) provide the county jail with notice of the attorney  
29 general's probable cause determination.**

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

35 **(e) The attorney general shall transfer all penalties collected  
36 under this chapter to the treasurer of state for deposit in the state  
37 general fund.**

38 SECTION 7. IC 5-2-18.2-6, AS AMENDED BY P.L.76-2024,  
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: Sec. 6. If a court finds by a preponderance of the  
41 evidence that a governmental body or postsecondary educational  
42 institution **knowingly or intentionally** violated this chapter, the court



1 shall enjoin the ~~violation~~ violation and grant other relief that is  
 2 authorized for a violation under section 5(b) of this chapter.

3 SECTION 8. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE  
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 5 1, 2026]: Sec. 9. (a) Except as provided in subsection (b), a  
 6 governmental body that has custody of an individual who is the  
 7 subject of an immigration detainer request shall:

- 8 (1) provide to the judge authorized to grant or deny the  
 9 individual's release on bail under IC 35-33-8-3.2 notice that  
 10 the individual is subject to an immigration detainer request;
- 11 (2) record in the individual's case file that the individual is  
 12 subject to an immigration detainer request;
- 13 (3) comply with all requests made in the immigration  
 14 detainer request; and
- 15 (4) inform the individual that the individual is being held  
 16 pursuant to an immigration detainer request issued by an  
 17 authorized immigration officer.

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

24 (c) A governmental body or an employee of a governmental  
 25 body is not criminally or civilly liable for any action taken in  
 26 compliance with an immigration detainer request under this  
 27 section.

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

36 SECTION 10. IC 5-2-18.2-11 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2026]: Sec. 11. The department of correction  
 39 shall, in consultation with the attorney general, identify options for  
 40 training concerning:

- 41 (1) cooperation between county jails and the United States  
 42 Immigration and Customs Enforcement; and

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3 SECTION 11. 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**:

### (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.**

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.

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.

42 (e) Compliance with standards described in subsection (a)(5)

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1       **and the results of an inspection under IC 11-12-4 do not preclude**  
 2       **the attorney general from bringing an action under IC 5-2-18.2 for**  
 3       **violations of IC 5-2-18.2-9.**

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

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

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

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

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

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

37       SECTION 13. IC 12-8-1.5-21 IS ADDED TO THE INDIANA  
 38       CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39       [EFFECTIVE JULY 1, 2026]: Sec. 21. (a) **Not later than October 31**  
 40       **of each year, the office of the secretary shall submit a report to the**  
 41       **legislative council, in an electronic format under IC 5-14-6, that**  
 42       **provides:**

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**(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).**

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

SECTION 14. 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

(v) self-pay; and

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(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.

SECTION 15. 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  
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

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1       occurred before July 1, 2026. Except as provided in subsection (c),  
2       it is unlawful for an employer to knowingly or intentionally recruit,  
3       hire, or employ an unauthorized alien in Indiana.

4           (b) For purposes of this chapter, "reasonable diligence to  
5       confirm the work eligibility of an individual" includes:

6           (1) utilizing an electronic verification of work authorization  
7       program operated by the United States Department of  
8       Homeland Security to verify the work eligibility of an  
9       employee, except where the circumstances under which the  
10      verification was made would have put a reasonable person  
11      on notice that the verification was unreliable or of limited  
12      reliability; or

13           (2) engaging in diligence as may be prescribed by the  
14       attorney general through guidance that shall be consistent  
15       with industry standard best practices for confirming work  
16       eligibility.

17           (c) An employer is not in violation of subsection (a) if the  
18       employer engaged in reasonable diligence to confirm the work  
19       eligibility of an individual before recruiting, hiring, or employing  
20       the individual.

21           Sec. 8. (a) If the attorney general determines that probable  
22       cause exists that an employer has violated section 7 of this chapter  
23       at any point in the preceding three (3) year period or has violated  
24       the terms of its probationary status under section 9(c) of this  
25       chapter, the attorney general is, except as provided in subsection  
26       (b), authorized to bring an action against the employer to enjoin  
27       the violation and for other relief authorized by section 9 of this  
28       chapter.

29           (b) In the case of an employer that has never previously been  
30       found under section 9 of this chapter to have committed a violation  
31       of section 7 of this chapter and has never previously submitted to  
32       the attorney general an affidavit under subsection (c) or evidence  
33       under this subsection, the attorney general shall provide the  
34       employer notice of the attorney general's probable cause  
35       determination before the attorney general initiates an action under  
36       subsection (a). If, within fifteen (15) business days of receiving the  
37       attorney general's notice, the employer provides evidence to the  
38       attorney general and the attorney general:

39           (1) determines that the employer has engaged in reasonable  
40       diligence to confirm the work eligibility of the employer's  
41       employees; and  
42       (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 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),

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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.

(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,**

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1       **color, or national origin.**

2           SECTION 16. IC 32-30-7-1, AS AMENDED BY P.L.144-2018,  
 3           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4           UPON PASSAGE]: Sec. 1. As used in this chapter, "indecent nuisance"  
 5           means a:

- 6           (1) place in or upon which prostitution (as described in  
 7           IC 35-45-4);
- 8           (2) public place in or upon which other sexual conduct (as  
 9           defined in IC 35-31.5-2-221.5) or sexual intercourse (as defined  
 10           in IC 35-31.5-2-302);
- 11           (3) public place in or upon which the fondling of the genitals of  
 12           a person; or
- 13           (4) ~~public~~ place in or upon which human trafficking (as  
 14           described in IC 35-42-3.5-1 through IC 35-42-3.5-1.4);

15           is conducted, permitted, continued, or exists, and the personal property  
 16           and contents used in conducting and maintaining the place for such a  
 17           purpose.

18           SECTION 17. IC 32-30-7-7 IS AMENDED TO READ AS  
 19           FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If an indecent  
 20           nuisance exists, a prosecuting official or any resident of the county in  
 21           which the indecent nuisance exists may bring an action to abate the  
 22           indecent nuisance and to perpetually enjoin the maintenance of the  
 23           indecent nuisance.

24           (b) If a person other than a prosecuting official institutes an action  
 25           under this chapter, the complainant shall execute a bond to the person  
 26           against whom complaint is made, with good and sufficient surety to be  
 27           approved by the court or clerk in a sum of at least one thousand dollars  
 28           (\$1,000) to secure to the party enjoined the damages the party may  
 29           sustain if:

- 30           (1) the action is wrongfully brought;
- 31           (2) the action is not prosecuted to final judgment;
- 32           (3) the action is dismissed;
- 33           (4) the action is not maintained; or
- 34           (5) it is finally decided that the injunction ought not to have been  
 35           granted.

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

40           (c) A person who institutes an action and executes a bond may  
 41           recover the bond and reasonable attorney's fees incurred in trying the  
 42           action if the existence of an indecent nuisance is admitted or

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1       established in an action as provided in this chapter.

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

9           (1) the state general fund, if the action is instituted by the  
10 attorney general;  
11           (2) the operating budget of the office of the prosecuting attorney,  
12 if the action is instituted by a prosecuting attorney;  
13           (3) the operating budget of the office of the corporation counsel  
14 or city attorney, if the action is instituted by a corporation  
15 counsel or city attorney; or  
16           (4) the county general fund, if the action is instituted by an  
17 attorney representing the county.

18       SECTION 18. IC 34-30-2.1-32.5 IS ADDED TO THE INDIANA  
19 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
20 **[EFFECTIVE JULY 1, 2026]: Sec. 32.5. IC 5-2-18.2-9 (Concerning**  
21 **federal immigration detention orders).**

22       SECTION 19. **An emergency is declared for this act.**

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