



January 16, 2026

SENATE BILL No. 87

DIGEST OF SB 87 (Updated January 14, 2026 10:05 am - DI 153)

Citations Affected: IC 22-5; IC 34-30.

Synopsis: E-Verify requirements for public works projects. Provides that a public agency may not enter into or renew a contract for a public works project with a contractor unless, among other requirements, the contractor signs a notarized affidavit affirming that the contractor does not knowingly employ an unauthorized alien. Provides that a contractor for a public works project must take certain actions with respect to the immigration status of employees. Provides that a contractor may not employ an individual for a public works project if the person has no E-verification number, except under certain circumstances. Provides civil immunity for a contractor that in good faith misidentifies the immigration status of a worker to comply with certain provisions of this bill. Makes conforming changes.

Effective: July 1, 2026.

**Goode, Dernulc, Koch, Pol Jr.,
Niezgodski**

December 8, 2025, read first time and referred to Committee on Pensions and Labor.
January 15, 2026, amended, reported favorably — Do Pass.

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January 16, 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. 87

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

- 1 SECTION 1. IC 22-5-1.7-11.1, AS ADDED BY P.L.252-2015,
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 11.1. **(a)** This section applies only to a contract for
4 a public works project entered into or renewed after June 30, 2015, **and**
5 **before July 1, 2026.** A public agency may not enter into or renew a
6 contract for a public works project with a contractor unless:
7 (1) the contract contains:
8 (A) a provision requiring the contractor to enroll in and verify
9 the work eligibility status of all newly hired employees of the
10 contractor through the E-Verify program; and
11 (B) a provision that provides that a contractor is not required
12 to verify the work eligibility status of all newly hired
13 employees of the contractor through the E-Verify program if
14 the E-Verify program no longer exists; and
15 (2) the contractor signs an affidavit affirming that the contractor
16 does not knowingly employ an unauthorized alien.
17 **(b) This section applies only to a contract for a public works**

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project under IC 4-13.6, IC 5-16, IC 5-23-4, IC 5-30, or IC 5-32 entered into or renewed after June 30, 2026. A public agency may not enter into or renew a contract for a public works project with a contractor unless:

(1) the contract contains:

(A) a provision requiring the contractor to enroll in and verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program; and

(B) a provision that provides that a contractor is not required to verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program if the E-Verify program no longer exists; and

(2) the contractor signs a notarized affidavit affirming that the contractor does not knowingly employ an unauthorized alien.

SECTION 2. IC 22-5-1.7-11.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.2. (a) This section applies only to a public contract for services that is:

(1) entered into or renewed after June 30, 2026; and

(2) for a public works project under:

(A) IC 4-13.6;

(B) IC 5-16;

(C) IC 5-23-4;

(D) IC 5-30;

(E) IC 5-32; or

(F) any other statute applicable to the public works of the public agency.

(b) A contractor for a public works project, including the general contractor, a construction manager, or CMc (as defined in IC 5-32-2-5), shall do the following:

(1) Before a contractor's employees begin work on a public works project do the following:

(A) Provide the person who hired the contractor a notarized affidavit affirming that the contractor does not knowingly employ an unauthorized alien.

(B) Enroll in and verify the work eligibility of all employees of the contractor working on the public works project through the E-Verify program.

(2) Upon request of the person who hired the contractor, provide an E-verification number for an individual who is:



- 1 (A) employed by the contractor; and
 2 (B) working on the public works project;
 3 within three (3) business days of the request.
 4 (c) A contractor, including the general contractor, a
 5 construction manager, or CMc (as defined in IC 5-32-2-5), may not
 6 employ an individual for a public works project if:
 7 (1) the contractor has verified the individual's work eligibility
 8 through the E-verify program; and
 9 (2) the individual has no E-verification number.
 10 However, an individual may work on the project if the individual
 11 provides the contractor with a valid E-verification number any
 12 time after the initial verification.
 13 (d) A contractor, including the general contractor, a
 14 construction manager, or CMc (as defined in IC 5-32-2-5), acting
 15 in good faith who falsely identifies:
 16 (1) an unauthorized worker as an authorized worker; or
 17 (2) an authorized worker as an unauthorized worker;
 18 to comply with the provisions of this section is immune from civil
 19 liability with respect to the false identification.
 20 SECTION 3. IC 34-30-2.1-298.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2026]: Sec. 298.5. IC 22-5-1.7-11.2
 23 (Concerning a contractor that discloses false information about an
 24 employee).



COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 87, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 22-5-1.7-11.1, AS ADDED BY P.L.252-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.1. **(a)** This section applies only to a contract for a public works project entered into or renewed after June 30, 2015, **and before July 1, 2026.** A public agency may not enter into or renew a contract for a public works project with a contractor unless:

(1) the contract contains:

(A) a provision requiring the contractor to enroll in and verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program; and

(B) a provision that provides that a contractor is not required to verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program if the E-Verify program no longer exists; and

(2) the contractor signs an affidavit affirming that the contractor does not knowingly employ an unauthorized alien.

(b) This section applies only to a contract for a public works project under IC 4-13.6, IC 5-16, IC 5-23-4, IC 5-30, or IC 5-32 entered into or renewed after June 30, 2026. A public agency may not enter into or renew a contract for a public works project with a contractor unless:

(1) the contract contains:

(A) a provision requiring the contractor to enroll in and verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program; and

(B) a provision that provides that a contractor is not required to verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program if the E-Verify program no longer exists; and

(2) the contractor signs a notarized affidavit affirming that the contractor does not knowingly employ an unauthorized alien."

Page 2, delete lines 12 through 29, begin a new paragraph and insert:

"(b) A contractor for a public works project, including the

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general contractor, a construction manager, or CMc (as defined in IC 5-32-2-5), shall do the following:

- (1) Before a contractor's employees begin work on a public works project do the following:
 - (A) Provide the person who hired the contractor a notarized affidavit affirming that the contractor does not knowingly employ an unauthorized alien.
 - (B) Enroll in and verify the work eligibility of all employees of the contractor working on the public works project through the E-Verify program.
- (2) Upon request of the person who hired the contractor, provide an E-verification number for an individual who is:
 - (A) employed by the contractor; and
 - (B) working on the public works project;
 within three (3) business days of the request.
- (c) A contractor, including the general contractor, a construction manager, or CMc (as defined in IC 5-32-2-5), may not employ an individual for a public works project if:
 - (1) the contractor has verified the individual's work eligibility through the E-verify program; and
 - (2) the individual has no E-verification number.

However, an individual may work on the project if the individual provides the contractor with a valid E-verification number any time after the initial verification.

(d) A contractor, including the general contractor, a construction manager, or CMc (as defined in IC 5-32-2-5), acting in good faith who falsely identifies:

- (1) an unauthorized worker as an authorized worker; or
 - (2) an authorized worker as an unauthorized worker;
- to comply with the provisions of this section is immune from civil liability with respect to the false identification.

SECTION 3. IC 34-30-2.1-298.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 298.5. IC 22-5-1.7-11.2 (Concerning a contractor that discloses false information about an employee)."**

and when so amended that said bill do pass.

(Reference is to SB 87 as introduced.)

ROGERS, Chairperson

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Committee Vote: Yeas 10, Nays 0.

