

SENATE BILL No. 145

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-13; IC 33-39.

Synopsis: Law enforcement services in Indianapolis downtown. Establishes a downtown district (district) within the city of Indianapolis. Provides that after December 31, 2026, the governor has the duty and responsibility to provide adequate law enforcement services within the district. Requires the governor and executive of the consolidated city and county to take steps to negotiate and execute a mutual assistance agreement. Provides that if an agreement is not executed, the state police department shall provide all law enforcement services within the district after December 31, 2026, and unless or until a mutual assistance agreement is executed. Requires the governor to appoint a district special prosecutor that has concurrent jurisdiction with the prosecuting attorney of the judicial district. Provides after December 31, 2026, the district special prosecutor has primary jurisdiction and the prosecuting attorney of the judicial district has secondary jurisdiction to prosecute a crime committed in the district. Requires the treasurer of state to deduct the state's costs in providing law enforcement services and offices and staff for the special prosecutor from revenue held by the state that would otherwise be available for distribution to the consolidated city.

Effective: July 1, 2026.

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January 5, 2026, read first time and referred to Committee on Corrections and Criminal Law.



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. 145

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

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

1 SECTION 1. IC 10-11-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]:

4 **Chapter 13. Downtown District Law Enforcement**

5 **Sec. 1. The general assembly finds the following:**

6 **(1) The downtown district of Indianapolis, Marion County,**
7 **occupies a unique position as:**

8 **(A) the seat of government for the State of Indiana and**
9 **Marion County; and**

10 **(B) a center for major sporting events and tourism that**
11 **drives economic development in Indianapolis and Indiana.**

12 **(2) The downtown district faces unique and distinct challenges**
13 **relating to public safety that negatively impact tourism and**
14 **economic development and are harmful to the health,**
15 **prosperity, economic stability, and general welfare of this**
16 **area.**

17 **(3) It is necessary and appropriate for the State of Indiana to**



1 take action to address the challenges set forth in subdivision
 2 (2) to serve the interests of Indianapolis and Indiana.

3 Sec. 2. The general assembly finds that the powers and
 4 responsibilities under this chapter are appropriate and necessary
 5 to carry out the public purposes of protecting the public health,
 6 safety, and welfare and fostering economic development within the
 7 downtown district.

8 Sec. 3. As used in this chapter, "consolidated city" means the
 9 city of Indianapolis, Marion County.

10 Sec. 4. As used in this chapter, "district" means the downtown
 11 district established in section 6 of this chapter.

12 Sec. 5. As used in this chapter, "executive" means the mayor of
 13 the consolidated city.

14 Sec. 6. (a) On January 1, 2027, the downtown district is
 15 established within the consolidated city.

16 (b) The district consists of the following:

17 (1) The area bounded on the:

18 (A) west by West Street;

19 (B) north by North Street;

20 (C) east by East Street; and

21 (D) south by South Street;

22 in the city of Indianapolis, including the boundary streets and
 23 rights-of-way as those streets were located on January 1,
 24 2027.

25 (2) The areas on which are located:

26 (A) Victory Field;

27 (B) Lucas Oil Stadium;

28 (C) Military Park;

29 (D) American Legion Mall; and

30 (E) the U.S.S. Indianapolis National Memorial;

31 in the city of Indianapolis, including the facilities or complex
 32 of facilities, parking lots, and any adjacent streets and the
 33 rights-of-way, as those streets were located on January 1,
 34 2027.

35 Any state real property that fronts on or abuts the boundary, as of
 36 January 1, 2027, is considered to be within the district.

37 (c) The district does not include the areas on which the following
 38 are located:

39 (1) The Eiteljorg Museum.

40 (2) The Indiana State Museum.

41 Sec. 7. After December 31, 2026, the governor has the duty and
 42 responsibility to provide adequate law enforcement services within



the district.

Sec. 8. The governor and the executive shall each take steps to negotiate and execute an agreement for mutual assistance between the state and the consolidated city regarding law enforcement services provided by the state police department and the Indianapolis metropolitan police department within the district.

Sec. 9. If a mutual aid agreement is not executed before January 1, 2027, the state police department shall provide all law enforcement services within the district after December 31, 2026, until and unless a mutual aid agreement is entered into by the state and consolidated city at a future date.

Sec. 10. This chapter contains full and complete authority for the governor, subject to the availability of funding, to take all actions necessary to carry out the purposes and provisions of this chapter, including establishing the qualifications for and employing necessary state police officers.

Sec. 11. (a) As used in this section, "state's costs" means the costs to the state to provide:

- (1) law enforcement services within the district; and
- (2) any necessary office and staff of the special prosecutor under IC 33-39-10.5-4.

(b) The treasurer of state shall deduct the state's costs from:

- (1) revenue held by the state that would otherwise be available for distribution to the consolidated city under any other law; and

- (2) the amount distributed to the consolidated city.

(c) A reduction under subsection (b) must be made as follows:

- (1) First, from local income tax distributions under IC 6-3.6-9 that would otherwise be distributed to the consolidated city.
- (2) Second, from any other revenues that:
 - (A) are held by the state; and
 - (B) would otherwise be available for distribution to the consolidated city under any other law.

Sec. 12. This chapter shall be liberally construed to effect the purposes of this chapter.

SECTION 2. IC 33-39-10-2, AS AMENDED BY P.L.147-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A person may be appointed as a special prosecutor:

- (1) as provided under this section; ~~or~~
- (2) in accordance with IC 4-2-7-7; ~~or~~
- (3) as provided by IC 33-39-10.5.



- (b) A circuit court or superior court judge:
- (1) shall appoint a special prosecutor if:
 - (A) any person, other than a prosecuting attorney or the prosecuting attorney's deputy, files a verified petition requesting the appointment of a special prosecutor; and
 - (B) the prosecuting attorney agrees that a special prosecutor is needed;
 - (2) may appoint a special prosecutor if:
 - (A) a person files a verified petition requesting the appointment of a special prosecutor; and
 - (B) the court, after:
 - (i) notice is given to the prosecuting attorney; and
 - (ii) an evidentiary hearing is conducted at which the prosecuting attorney is given an opportunity to be heard;

finds by clear and convincing evidence that the appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecuting attorney has committed a crime;
 - (3) may appoint a special prosecutor if:
 - (A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and
 - (B) the court finds that the appointment is necessary to avoid the appearance of impropriety;
 - (4) may appoint a special prosecutor if:
 - (A) an elected public official who is a defendant in a criminal proceeding files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and
 - (B) the court finds that the appointment of a special prosecutor is in the best interests of justice; and
 - (5) shall appoint a special prosecutor if:
 - (A) a previously appointed special prosecutor:
 - (i) files a motion to withdraw as special prosecutor; or
 - (ii) has become incapable of continuing to represent the interests of the state; and
 - (B) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist.

The elected prosecuting attorney who serves in the jurisdiction of the appointing court shall receive notice of all pleadings filed and orders issued under this subdivision.
- (c) A person appointed to serve as a special prosecutor:
- (1) must consent to the appointment; and



(2) must be:

(A) the prosecuting attorney or a deputy prosecuting attorney in a judicial circuit other than the judicial circuit in which the person is to serve as special prosecutor; or

(B) a senior prosecuting attorney as described in section 1 of this chapter. A senior prosecuting attorney may be appointed to serve as a special prosecutor in a judicial circuit in which the senior prosecuting attorney previously served if the court finds that the appointment would not create the appearance of impropriety.

(d) A person appointed to serve as a special prosecutor in a judicial circuit has the same powers as the prosecuting attorney of the judicial circuit. However, the appointing judge shall limit the scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.

(e) Upon making an appointment under this section, the court shall establish the length of the special prosecutor's term. At least one (1) time every six (6) months throughout the appointed term, a special prosecutor shall file a progress report with the appointing court. A progress report:

(1) must inform the court of the:

(A) status of the investigation; and

(B) estimated time for completion of the special prosecutor's duties; and

(2) may not:

(A) include substantive facts or legal issues; or

(B) offer preliminary conclusions.

The court may extend the term of appointment upon the request of the special prosecutor or terminate any appointment if the special prosecutor has failed to file reports or a request for an extended term under this subsection.

(f) If the target of an investigation by the special prosecutor is a public servant (as defined in IC 35-31.5-2-261), the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. A report filed under this subsection is a public record under IC 5-14-3.

(g) If a special prosecutor is not regularly employed as a full-time prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid, as incurred, to the special prosecutor following an application to the county auditor, from the unappropriated funds of the appointing county; and



(2) may not exceed:

(A) an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit;

(B) travel expenses and reasonable accommodation expenses actually incurred; and

(C) other reasonable expenses actually incurred, including the costs of investigation, trial and discovery preparation, and other trial expenses.

The amount of compensation a special prosecutor receives for services performed during a calendar day under subdivision (2)(A) may not exceed the amount of compensation a full-time prosecuting attorney would receive in salary for the calendar day.

(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and

(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.

SECTION 3. IC 33-39-10.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 10.5. Downtown District Special Prosecutor

Sec. 1. As used in this chapter, "district" means the downtown district established by IC 10-11-13-6.

Sec. 2. (a) The governor shall appoint a person to serve as the special prosecutor for the district. A person may be appointed as the special prosecutor for the district if the person was employed for at least eight (8) years as a:

(1) prosecuting attorney;

(2) chief deputy prosecuting attorney; or

(3) deputy prosecuting attorney appointed under IC 33-39-6-2.

(b) A person may not be appointed as the special prosecutor under this section if a disciplinary sanction has been imposed on the person by:

(1) the Indiana supreme court disciplinary commission; or

(2) a similar body in another state;

that restricts the person's ability to practice law.



1 **Sec. 3. (a)** The governor shall appoint the special prosecutor for
 2 a four (4) year term beginning January 1, 2027, and ending
 3 December 31, 2031. The special prosecutor may be reappointed for
 4 one (1) or more additional four (4) year terms. If a special
 5 prosecutor is appointed to fill a vacancy, the special prosecutor
 6 serves during the unexpired term of the special prosecutor's
 7 predecessor and may be reappointed for one (1) or more additional
 8 four (4) year terms.

9 **(b)** The special prosecutor may be removed by the court only for
 10 cause, including misfeasance, malfeasance, and nonfeasance.

11 **Sec. 4.** The governor shall:

12 (1) make available adequate office space and equipment for
 13 prosecutorial activities; and

14 (2) subject to the availability of funding, authorize the special
 15 prosecutor to employ staff, including one (1) or more deputy
 16 prosecuting attorneys, necessary to carry out the special
 17 prosecutor's responsibilities. A person employed as a special
 18 deputy prosecuting attorney must be an attorney licensed to
 19 practice law in Indiana.

20 **Sec. 5.** For a crime committed within the district, the special
 21 prosecutor has concurrent jurisdiction with the prosecuting
 22 attorney of the judicial district. However:

23 (1) the special prosecutor has primary jurisdiction; and

24 (2) the prosecuting attorney of the judicial district has
 25 secondary jurisdiction;

26 for prosecuting a crime committed in the district.

27 **Sec. 6. (a)** The special prosecutor has the same powers as the
 28 prosecuting attorney of the judicial circuit.

29 **(b)** The special prosecutor has the power to conduct an
 30 investigation outside the district with respect to a crime committed
 31 inside the district.

