

SENATE BILL No. 279

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-21.

Synopsis: Private credit funds. Provides that after June 30, 2026, the responsible party or fund manager for a private credit fund (fund) shall deliver to: (1) an Indiana investor that has invested capital in the fund; and (2) the securities commissioner (commissioner); an investor report on at least a quarterly basis. Sets forth certain disclosures that an investor report must include. Provides that any investment information that is delivered or communicated to an Indiana investor after June 30, 2026, may not include language that positively describes the fund's risk profile unless a disclaimer is provided or the fund's assets are rated by an outside credit rating agency. Provides that the responsible party or fund manager for a fund shall, upon the written request of an Indiana investor or the commissioner, make available in writing the fund manager's policies with respect to specified investment and management practices. Requires the commissioner to adopt rules to implement and administer these provisions. Authorizes the commissioner to use any lawful means within the commissioner's authority to enforce these provisions.

Effective: July 1, 2026.

Charbonneau, Bassler

January 12, 2026, read first time and referred to Committee on Insurance and Financial Institutions.



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. 279

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

1 SECTION 1. IC 23-21 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2026]:

4 **ARTICLE 21. PRIVATE CREDIT FUNDS**

5 **Chapter 1. Applicability**

6 **Sec. 1. This article applies to investment information that is**
7 **delivered or communicated to an Indiana investor or the**
8 **commissioner after June 30, 2026.**

9 **Chapter 2. Definitions**

10 **Sec. 1. "Commissioner" means the securities commissioner**
11 **appointed under IC 23-19-6-1(a).**

12 **Sec. 2. "Deliver" or "delivery" means any method of delivery**
13 **used in conventional commercial practice, including delivery by**
14 **hand, mail, commercial delivery, and electronic transmission.**

15 **Sec. 3. "Disclosure", with respect to a private credit fund,**
16 **means information that:**

17 **(1) is included in investment information; and**



(2) sets forth information as to terms, objectives, risks, performance, investment strategy, management, fees, and other information:

(A) related to the private credit fund; and

(B) necessary for investors or potential investors to make informed investment decisions.

Sec. 4. "Fund manager" means a firm or organization that manages a private credit fund.

Sec. 5. "Indiana investor", with respect to a private credit fund, means:

(1) an individual investor whose principal residence is in Indiana; or

(2) an institutional investor that is domiciled in Indiana.

Sec. 6. "Investment information" means:

(1) an investor report;

(2) a circular;

(3) a prospectus;

(4) marketing material; or

(5) any similar investment information or promotional material;

that concerns a private credit fund.

Sec. 7. "Private credit fund" means a fund that:

(1) pools capital from investors to make loans directly to private businesses, bypassing traditional financial institutions;

(2) earns income from:

(A) base interest rates;

(B) spread; and

(C) deal fees;

associated with the loans made;

(3) may not be available to the general investing public;

(4) may require investors to:

(A) be accredited or meet specified asset, income, net worth, or professional criteria;

(B) make substantial minimum investments; or

(C) commit their capital over substantial minimum time frames; and

(5) may make loans to borrowers that:

(A) have credit ratings that are below investment grade; or

(B) do not qualify for loans offered by financial institutions.

Chapter 3. Disclosure Requirements

Sec. 1. (a) After June 30, 2026, the responsible party or fund



manager for a private credit fund shall deliver to:

(1) an Indiana investor that has invested capital in the private credit fund; and

(2) the commissioner;

an investor report on at least a quarterly basis. The responsible party or fund manager shall deliver an investor report to the commissioner in the manner prescribed by the commissioner.

(b) An investor report required under this section must include, at a minimum, the following disclosures, current as of the end of the quarter to which the report pertains:

(1) The following investment returns for the private credit fund, reported both inclusive and exclusive of fees:

(A) One (1) month return.

(B) Three (3) month return.

(C) Rolling twelve (12) month return.

(D) Return since inception.

(2) The number of loans in the fund's portfolio.

(3) The number of loans with outstanding balances that represent more than five percent (5%) of the portfolio's value.

(4) A summary of the geographic spread of the portfolio's loans.

(5) The number of loans in arrears, broken down by the number of months in arrears.

(6) The number of loans with payment-in-kind interest arrangements, including the percentage of the portfolio's value those loans represent.

(7) The range of interest rates applicable to loans in the portfolio, including a breakdown of loans with fixed rates and floating interest rates.

(8) The types and amounts of fees paid by borrowers in the fund's loan portfolio, including:

(A) the percentage of those fees retained by the fund or fund manager; and

(B) the percentage of those fees distributed to investors.

(9) The proportion of investor distributions paid from:

(A) cash income from investments, including interest payments and fees paid by borrowers in the fund's loan portfolio; and

(B) other sources.

(10) The level of fund gearing, including both fund-level leverage and portfolio-level leverage, expressed as a:

(A) debt to equity ratio; or



- 1 (B) percentage.
- 2 (11) The proportion of loans in the portfolio that are
- 3 unsecured, including an assessment of the associated risks.
- 4 (12) For the secured portion of the portfolio:
- 5 (A) the nature of the security or collateral; and
- 6 (B) the percentage of the portfolio's value the secured
- 7 portion represents.
- 8 (13) Default and loss statistics for the portfolio's loans,
- 9 including a definition of what constitutes default under the
- 10 terms of the loans.
- 11 (14) An identification of, and contact information for, the
- 12 fund manager, including:
- 13 (A) legal name;
- 14 (B) any trade name under which the fund manager does
- 15 business;
- 16 (C) principal business address; and
- 17 (D) telephone number.
- 18 Sec. 2. (a) Any investment information that is delivered or
- 19 communicated to an Indiana investor after June 30, 2026, may not
- 20 include language or terms that positively describe the risk profile
- 21 of a private credit fund unless:
- 22 (1) a disclaimer is provided; or
- 23 (2) the fund's assets are rated by an outside credit rating
- 24 agency.
- 25 (b) Any information included on a publicly accessible web page
- 26 maintained by the fund manager is subject to the restrictions set
- 27 forth in subsection (a).
- 28 Sec. 3. The responsible party or fund manager for a private
- 29 credit fund shall, upon the written request of an Indiana investor
- 30 or the commissioner, make available in writing the fund manager's
- 31 policies on the following:
- 32 (1) Valuation practices with respect to the fund's loans,
- 33 including the frequency of valuations.
- 34 (2) Liquidity management.
- 35 (3) Credit risk assessment, including the frequency of
- 36 assessments.
- 37 (4) Borrower default management.
- 38 (5) Conflicts of interest.
- 39 Chapter 4. Administration and Enforcement
- 40 Sec. 1. The commissioner shall adopt rules under IC 4-22-2 to
- 41 implement and administer this article.
- 42 Sec. 2. The commissioner may use any lawful means within the



1 commissioner's authority to enforce this article.

2 **Sec. 3. In connection with the administration and enforcement**
3 **of this article, the attorney general shall provide all necessary**
4 **assistance to the commissioner upon the commissioner's request.**

5 **Sec. 4. IC 4-21.5 and any rules of practice adopted by the**
6 **securities division are applicable to any administrative proceeding**
7 **arising out of the administration or enforcement of this article.**

