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SENATE BILL No. 285

Proposed Changes to introduced printing by AM028503

DIGEST OF PROPOSED AMENDMENT

Prosecuting attorney. Removes a prosecuting attorney as an entity described as being employed by or under the direction or control of a political subdivision.

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 5-20-1-28 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2026]: Sec. 28. (a) The authority shall establish eligibility
4 criteria, in accordance with federal law, for a potential recipient to
5 be included in the authority's application for funding under the
6 federal Continuum of Care program (24 CFR Part 578).

7 (b) On an annual basis and in a manner prescribed by the
8 authority, each recipient of funds distributed by the authority
9 under the federal Continuum of Care program (24 CFR Part 578)
10 shall submit a report to the authority summarizing:

11 (1) information concerning the recipient's efforts to address
12 unsheltered homelessness; and
13 (2) whether the recipient reduced unsheltered homelessness.

14 SECTION 2. IC 10-11-2-36 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2026]: Sec. 36. Not later than July 1 of each
17 year, the state police department shall provide to the Indiana
18 housing and community development authority the information
19 received under IC 36-1-31.5-4.

20 SECTION 3. IC 35-52-36-0.5 IS ADDED TO THE INDIANA

2026

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2026]: Sec. 0.5. IC 36-1-31.5-1 defines a
 3 crime concerning the unauthorized use of land owned by the state
 4 or a political subdivision to camp, sleep, or use for long term
 5 shelter.

6 SECTION 4. IC 36-1-31.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2026]:

9 **Chapter 31.5. Prohibition of Street Camping**

10 **Sec. 1. (a) A person may not camp, sleep, or use for long term**
 11 **shelter land owned by the state or a political subdivision, unless the**
 12 **land has been authorized for that use by law.**

13 **(b) If:**

14 **(1) a person violates subsection (a); and**

15 **(2) the person has not previously violated subsection (a);**

16 **the law enforcement officer who discovers the violation shall first**
 17 **give the person a warning and offer to transport the person to a**
 18 **location authorized by law to receive services or shelter, including**
 19 **a facility authorized to receive an individual under IC 12-26-5.**

20 **(c) A person who knowingly or intentionally violates**
 21 **subsection (a) after:**

22 **(1) having first received a warning under subsection (b); and**

23 **(2) twenty-four (24) hours have elapsed since the warning**
 24 **was given under subsection (b);**

25 **commits a Class C misdemeanor.**

26 **(d) A person charged with an offense under subsection (c) is**
 27 **eligible to participate in a diversion program, including a forensic**
 28 **diversion program under IC 11-12-3.7.**

29 **Sec. 2. The court may refer a person charged with an offense**
 30 **under section 1 of this chapter for evaluation and treatment under**
 31 **IC 33-23-18-6.**

32 **Sec. 3. (a) A political subdivision shall not adopt or enforce any**
 33 **policy under which the political subdivision prohibits or**
 34 **discourages the enforcement of any order or ordinance prohibiting**
 35 **public camping, sleeping, or other obstruction of a sidewalk.**

36 **(b) In compliance with subsection (a), a political subdivision**
 37 **shall not prohibit or discourage a law enforcement officer ~~or~~**
 38 **~~prosecuting attorney~~****>who is employed by or otherwise under the**
 39 **direction or control of the political subdivision from enforcing any**
 40 **order or ordinance prohibiting public camping, sleeping, or other**
 41 **obstruction of a sidewalk.**

42 **(c) A resident of the political subdivision, an owner of a**



1 business located in the political subdivision, or the attorney general
2 may bring a civil action in any court with jurisdiction against any
3 political subdivision to enjoin the political subdivision from
4 violating this section.

5 (d) The attorney general may recover reasonable expenses
6 incurred in any civil action brought under this section, including
7 court costs, reasonable attorney's fees, investigative costs, witness
8 fees, and deposition costs.

9 Sec. 4. Not later than March 1 of each year, each local law
10 enforcement agency shall provide to the state police department
11 the number of arrests made for violations of section 1 of this
12 chapter by the law enforcement agency during the preceding
13 calendar year.

14 Sec. 5. This chapter does not prohibit a policy of any political
15 subdivision that encourages diversion programs or offering of
16 services in lieu of a citation or arrest.1

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