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## SENATE BILL No. 285

Proposed Changes to January 27, 2026 printing by AM028506

### DIGEST OF PROPOSED AMENDMENT

Private right of action. Removes the private right of action.

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
- 21 CODE AS A NEW SECTION TO READ AS FOLLOWS

SB 285—LS 7097/DI 147



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

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

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

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

12 **(b) If:**

- 13 **(1) a person violates subsection (a); and**
  - 14 **(2) the person has not previously violated subsection (a);**
- 15 **the law enforcement officer who discovers the violation shall first**  
16 **give the person a warning and provide the person with information**  
17 **regarding locations authorized by law to provide services or**  
18 **shelter.**

19 **(c) A person who knowingly or intentionally violates**  
20 **subsection (a) commits street camping, a Class C misdemeanor, if:**

- 21 **(1) the person has received a warning under subsection (b);**
- 22 **(2) at least forty-eight (48) hours have elapsed since the**  
23 **warning was issued; and**
- 24 **(3) the person is camping or sleeping on, or using for long**  
25 **term shelter, land owned by the state or a political**  
26 **subdivision that is located within a three hundred (300) foot**  
27 **radius of the location where the warning under subsection**  
28 **(b) was issued.**

29 **(d) A person charged with an offense under subsection (c) is**  
30 **eligible to participate in a diversion program, including:**

- 31 **(1) a prosecutorial diversion program under IC 33-39-1-8; or**
- 32 **(2) a forensic diversion program under IC 11-12-3.7.**

33 **(e) If a law enforcement officer has reasonable grounds to**  
34 **believe that a person is either dangerous or gravely disabled, and**  
35 **is in immediate need of hospitalization and treatment, an officer**  
36 **may initiate emergency detention procedures under IC 12-26-5.**

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

40 **Sec. 3. (a) A political subdivision shall not adopt or enforce any**  
41 **policy under which the political subdivision prohibits or**  
42 **discourages the enforcement of any order or ordinance prohibiting**

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1 public camping, sleeping, or other obstruction of a sidewalk.  
 2 (b) In compliance with subsection (a), a political subdivision  
 3 shall not prohibit or discourage a law enforcement officer who is  
 4 employed by or otherwise under the direction or control of the  
 5 political subdivision from enforcing any order or ordinance  
 6 prohibiting public camping, sleeping, or other obstruction of a  
 7 sidewalk.  
 8 (c) ~~←A resident of the political subdivision, an owner of a~~  
 9 ~~business located in the political subdivision, or ↗~~ [T]he attorney  
 10 general may bring a civil action in any court with jurisdiction  
 11 against any political subdivision to enjoin the political subdivision  
 12 from violating this section.  
 13 (d) The attorney general may recover reasonable expenses  
 14 incurred in any civil action brought under this section, including  
 15 court costs, reasonable attorney's fees, investigative costs, witness  
 16 fees, and deposition costs.  
 17 Sec. 4. Not later than March 1 of each year, each local law  
 18 enforcement agency shall provide to the state police department  
 19 the number of citations issued and arrests made for violations of  
 20 section 1 of this chapter by the law enforcement agency during the  
 21 preceding calendar year.  
 22 Sec. 5. (a) Subject to subsection (b), this chapter does not  
 23 prohibit a policy, program, or order of a political subdivision that:  
 24 (1) encourages a diversion program; or  
 25 (2) encourages or requires providing housing or shelter  
 26 services in lieu of a citation or arrest.  
 27 (b) A policy, program, or order described in subsection (a)  
 28 may not allow a person to remain in the area described in section  
 29 (1)(c)(3) of this chapter beyond the forty-eight (48) hour period of  
 30 time after receiving a warning under section (1)(b) of this chapter.

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