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SENATE BILL No. 285

Proposed Changes to January 27, 2026 printing by AM028509

DIGEST OF PROPOSED AMENDMENT

Emergency detention. Defines "gravely disabled". Provides that a law enforcement officer who has reasonable grounds for an emergency detention of the person shall proceed with the emergency detention and may not arrest the person for street camping. Makes technical corrections.

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
- 10 >578) 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**

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1 received under IC 36-1-31.5-4.

2 [SECTION 3. IC 12-26-1-1, AS AMENDED BY P.L.205-2023,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 1. (a) As used in this section, "gravely
5 disabled" means a condition in which an individual, as a result of
6 mental illness, is in danger of coming to harm because the
7 individual:

8 (1) is unable to provide for the individual's food, clothing,
9 shelter, or other essential human needs; or

10 (2) has a substantial impairment or an obvious deterioration
11 of judgment, reasoning, or behavior that results in the
12 individual being unable to function independently; or

13 (3) lacks a fixed, regular, and adequate shelter, resulting in
14 the individual remaining outdoors in places not designed for
15 or ordinarily used for sleeping during weather conditions
16 that are likely to result in death or serious physical injury, if:

17 (A) the individual has refused transportation to a shelter
18 or mental health service provider; and

19 (B) a shelter or mental health service provider was
20 reasonably offered and available.

21 (b) An individual who is mentally ill and either dangerous or
22 gravely disabled may be involuntarily detained or committed under any
23 of the following statutes:

24 (1) IC 12-26-5 (emergency detention).

25 (2) IC 12-26-6 (temporary commitment).

26 (3) IC 12-26-7 (regular commitment).

27] SECTION ~~4~~[4]. IC 35-52-36-0.5 IS ADDED TO THE
28 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: Sec. 0.5. IC 36-1-31.5-1 defines a
30 crime concerning the unauthorized use of land owned by the state
31 or a political subdivision to camp, sleep, or use for long term
32 shelter.

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

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

37 Sec. 1. (a) A person may not camp [on], sleep [on], or use for
38 long term shelter land owned by the state or a political subdivision,
39 unless the land has been authorized for that use by law.

40 [(b) If a person violates subsection (a), the law enforcement
41 officer who discovers the violation shall first determine if there are
42 reasonable grounds for an emergency detention of the person. If

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1 there are reasonable grounds for an emergency detention, the law
 2 enforcement officer shall proceed under IC 12-26-5 and not this
 3 chapter.

4 [([c]) If:

5 (1) a person violates subsection (a); <and>

6 (2) the person has not previously violated subsection (a); [

7 and]

8 [(3) subsection (b) does not apply;

9 [the law enforcement officer who discovers the violation shall first

10 give the person a warning and provide the person with information

11 regarding locations authorized by law to provide services or

12 shelter.

13 (<e>[d]) A person who knowingly or intentionally violates

14 subsection (a) commits street camping, a Class C misdemeanor, if:

15 [(1) subsection (b) does not apply;

16 [(<f>[2]) the person has received a warning under subsection

17 ([c]);

18 (<f>[3]) at least forty-eight (48) hours have elapsed since the

19 warning was issued; and

20 (<f>[4]) the person is camping or sleeping on, or using for

21 long term shelter, land owned by the state or a political

22 subdivision that is located within a three hundred (300) foot

23 radius of the location where the warning under subsection

24 ([c]) was issued.

25 (<f>[e]) A person charged with an offense under subsection

26 (<e>[d]) is eligible to participate in a diversion program, including:

27 (1) a prosecutorial diversion program under IC 33-39-1-8; or

28 (2) a forensic diversion program under IC 11-12-3.7. []

29 (c) If a law enforcement officer has reasonable grounds to believe

30 that a person is either dangerous or gravely disabled, and is in

31 immediate need of hospitalization and treatment, an officer may initiate

32 emergency detention procedures under IC 12-26-5.

33 >[] Sec. 2. The court may refer a person charged with an offense

34 under section 1 of this chapter for evaluation and treatment under

35 IC 33-23-18-6.

36 Sec. 3. (a) A political subdivision shall not adopt or enforce any

37 policy under which the political subdivision prohibits or

38 discourages the enforcement of any order or ordinance prohibiting

39 public camping, sleeping, or other obstruction of a sidewalk.

40 (b) In compliance with subsection (a), a political subdivision

41 shall not prohibit or discourage a law enforcement officer who is

42 employed by or otherwise under the direction or control of the

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

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