

HOUSE BILL No. 1294

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-39-8-5; IC 21-39-9.

Synopsis: Antiterrorism policies of state universities. Requires the board of trustees of each state educational institution to adopt a policy that prohibits immigrant students, administrators, faculty members, and staff from doing any of the following at any time or place: (1) Espousing terrorist activity. (2) Persuading others to endorse or espouse terrorist activity. (3) Supporting a terrorist organization. Requires the policy to provide for enforcement through suspension, expulsion, or termination of employment. Requires state educational institutions to investigate suspected or alleged violations of the policies. Authorizes the attorney general to bring a cause of action to enforce the statute and compel a state educational institution to enforce its policy. Provides that if a court finds that a state educational institution is in violation of the statute, the court shall impose a civil judgment against the state educational institution in the amount of \$100,000 per violation.

Effective: Upon passage.

Speedy, Haggard

January 10, 2024, read first time and referred to Committee on Education.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1294

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

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

1 SECTION 1. IC 21-39-8-5, AS ADDED BY P.L.145-2022,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. (a) As used in this chapter, "protected
4 expressive activity" includes the following:

- 5 (1) Participating in speech or conduct protected by the First
- 6 Amendment to the Constitution of the United States.
- 7 (2) Communicating by any lawful verbal, written, audio visual, or
- 8 electronic means.
- 9 (3) Participating in peaceful assembly.
- 10 (4) Protesting.
- 11 (5) Making speeches, including speeches of guest speakers.
- 12 (6) Distributing literature.
- 13 (7) Carrying signs.
- 14 (8) Circulating petitions.

15 (b) **The term does not include conduct prohibited by a state**
16 **educational institution policy adopted under IC 21-39-9-7.**

17 SECTION 2. IC 21-39-9 IS ADDED TO THE INDIANA CODE AS



1 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
2 PASSAGE]:

3 **Chapter 9. Prohibited Support of Terrorism**

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

5 (1) That nonimmigrant and lawful permanent resident foreign
6 students and faculty and staff members of state educational
7 institutions are admitted to, and reside in, the United States in
8 a spirit of pluralism and peace.

9 (2) That student and employee visa holders and lawful
10 permanent residents must remain eligible to stay in the United
11 States.

12 (3) That an alien who endorses or espouses terrorist activity,
13 persuades others to endorse or espouse terrorist activity, or
14 supports a terrorist organization is inadmissible and subject
15 to deportation under federal immigration law.

16 **Sec. 2. As used in this chapter, "immigrant member of the
17 campus community" refers to a member of the campus community
18 who is a foreign national lawfully present in the United States as
19 any of the following:**

20 (1) A lawful permanent resident.

21 (2) An individual with permanent resident status on a
22 conditional basis under 8 U.S.C 1186a or 8 U.S.C. 1186b.

23 (3) An individual engaged to be married to a United States
24 citizen.

25 (4) An individual holding a family based immigrant visa.

26 (5) An individual holding a visa issued under the diversity
27 immigrant visa program.

28 (6) A permanent worker holding an employment based visa.

29 (7) A temporary worker holding a nonimmigrant work visa.

30 (8) An individual holding any of the following:

31 (A) F student visa.

32 (B) J exchange visa.

33 (C) M student visa.

34 (9) An individual granted admission to the United States as a
35 refugee.

36 (10) An individual holding a special immigrant visa.

37 (11) An individual granted asylum to stay in the United States.

38 **Sec. 3. As used in this chapter, "member of the campus
39 community" means:**

40 (1) a student enrolled in; or

41 (2) an individual employed as an administrator, a member of
42 the faculty, or a member of the staff by:



1 a state educational institution.

2 Sec. 4. As used in this chapter, "student" means an individual
3 who is enrolled on a full-time or part-time basis at a state
4 educational institution.

5 Sec. 5. As used in this chapter, "terrorist activity" has the
6 meaning set forth in 8 U.S.C. 1182, as in effect on January 1, 2024.

7 Sec. 6. As used in this chapter, "terrorist organization" has the
8 meaning set forth in 8 U.S.C. 1182, as in effect on January 1, 2024.

9 Sec. 7. Before September 1, 2024, the board of trustees of each
10 state educational institution shall adopt a policy that prohibits an
11 immigrant member of the campus community from doing any of
12 the following at any time or place:

13 (1) Espousing terrorist activity.

14 (2) Persuading others to endorse or espouse terrorist activity.

15 (3) Supporting a terrorist organization.

16 Sec. 8. The board of trustees of a state educational institution
17 shall include the following enforcement provisions in a policy
18 adopted under section 7 of this chapter:

19 (1) For the first time that an immigrant member of the
20 campus community is found to have violated the policy, a
21 provision providing that the member of the campus
22 community must be suspended from the member's enrollment
23 as a student of, or from the member's employment by, the
24 state educational institution for at least one (1) year.

25 (2) For a finding that the immigrant member of the campus
26 community has committed a second violation of the policy, a
27 provision providing that a member of the campus community
28 must be:

29 (A) expelled from the state educational institution, in the
30 case of a student; or

31 (B) terminated as an employee of the state educational
32 institution, in the case of an administrator, a member of
33 the faculty, or a member of the state educational institution
34 staff.

35 (3) A provision prohibiting an individual from transferring to,
36 enrolling at, or becoming employed by the state educational
37 institution if the individual has been suspended, expelled, or
38 terminated from another state educational institution in
39 accordance with a policy adopted by that state educational
40 institution under section 7 of this chapter.

41 Sec. 9. If a state educational institution suspects or receives a
42 credible allegation that an individual has violated the policy



1 adopted under section 7 of this chapter, the state educational
 2 institution shall investigate the alleged violation. If warranted by
 3 the factual results of the investigation, the state educational
 4 institution shall conduct a disciplinary hearing to determine
 5 whether the individual has committed the alleged violation of the
 6 policy. If the state educational institution determines by clear and
 7 convincing evidence that the individual has violated the policy, the
 8 state educational institution shall discipline the individual in
 9 accordance with the policy and section 8 of this chapter.

10 **Sec. 10.** Immediately after suspending, expelling, or terminating
 11 the employment of an immigrant member of the campus
 12 community in an enforcement action described in section 8 of this
 13 chapter, the state educational institution shall update the
 14 individual's record in the Department of Homeland Security's
 15 Student Exchange Visitor Information System (SEVIS) or a
 16 successor system to show that the individual is no longer:

- 17 (1) enrolled as a student of; or
- 18 (2) employed by;

19 the state educational institution.

20 **Sec. 11. (a) If:**

- 21 (1) the attorney general suspects or receives a credible
- 22 allegation that an individual has violated the policy of a state
- 23 educational institution adopted under section 7 of this
- 24 chapter; and

- 25 (2) the state educational institution has failed to investigate
- 26 the allegation as required by section 9 of this chapter;

27 the attorney general may bring an action in an appropriate circuit
 28 or superior court to enforce this chapter and compel the state
 29 educational institution to enforce its policy.

30 (b) In accordance with all applicable trial rules, the attorney
 31 general may compel the production of documents and other
 32 evidence from a state educational institution suspected of violating
 33 section 9 of this chapter, including all education records,
 34 employment records, and other relevant records that are not
 35 otherwise considered confidential under applicable law.

36 (c) If a court finds by a preponderance of the evidence that a
 37 state educational institution is in violation of section 9 of this
 38 chapter, the court shall impose a civil judgment against the state
 39 educational institution in the amount of one hundred thousand
 40 dollars (\$100,000) per violation.

41 **Sec. 12.** The provisions of this chapter are severable in the
 42 manner provided under IC 1-1-1-8(b).



1 **SECTION 3. An emergency is declared for this act.**

