

# SENATE BILL No. 428

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-18.2; IC 34-30-2.1-32.5.

**Synopsis:** Immigration matters. Clarifies that the enforcement of federal immigration laws may be carried out by federal, state, or local law enforcement. Removes the mens rea standard in the statute concerning governmental entities or postsecondary institutions violating the citizenship and immigration status information and enforcement of federal laws. Provides that a governmental body that has the custody of an individual who is the subject of an immigration detainer request shall: (1) provide the judge authorized to grant or deny the individual's release on bail notice that the individual is subject to an immigration detainer request; (2) record in the individual's case file that the individual is subject to an immigration detainer request; (3) comply with the immigration detainer request; and (4) inform the individual that the individual is being held pursuant to an immigration detainer request. Provides immunity to a governmental body or an employee of a governmental body for any action taken concerning an immigration detainer request. Provides that if the attorney general determines that probable cause exists that a governmental entity has not complied with an immigration detention request, the attorney general may: (1) issue a cease and desist order; (2) bring a court action to enjoin an action or practice constituting a violation of an immigration detention request or compel compliance with the immigration detention request; and (3) impose a civil penalty for noncompliance with an immigration detention request. Provides that if the attorney general determines a governmental body did not comply with an immigration detention order, upon the advice of the attorney general, the governor may order that state funding and grants

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**Effective:** Upon passage; July 1, 2025.

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January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.

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Digest Continued

be withheld from the governmental body. Requires a judge, who receives notice that an individual is subject to an immigration detainer request, to ensure that the notice of the immigration detainer request is recorded in the court's record. Requires a judge to report to the United States Immigration and Customs Enforcement Agency an individual who has been convicted in the judge's court of a felony or misdemeanor.



Introduced

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

## SENATE BILL No. 428

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-18.2-1.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2025]: **Sec. 1.7. As used in this chapter,**  
4 **"immigration detainer request" means a request issued by a**  
5 **federal authority to a law enforcement agency to detain an**  
6 **individual pursuant to 8 CFR 287.7.**

7 SECTION 2. IC 5-2-18.2-4, AS AMENDED BY P.L.265-2017,  
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: **Sec. 4. A governmental body or a postsecondary**  
10 **educational institution may not limit or restrict the enforcement of**  
11 **federal immigration laws, regardless of whether the enforcement is**  
12 **carried out by a federal, state, or local law enforcement agency, to**  
13 **less than the full extent permitted by federal law.**

14 SECTION 3. IC 5-2-18.2-5, AS AMENDED BY P.L.76-2024,  
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2025]: Sec. 5. (a) If the attorney general determines that  
 2 probable cause exists that a governmental body or a postsecondary  
 3 educational institution has violated this chapter, the attorney general  
 4 shall bring an action to compel the governmental body or  
 5 postsecondary educational institution to comply with this chapter.

6 **(b) If the attorney general determines that probable cause exists  
 7 that a governmental body has not complied with an immigration  
 8 detainer request, the attorney general may:**

9 **(1) issue a cease and desist order, with or without a hearing;  
 10 and**

11 **(2) bring an action in the circuit court of the county in which  
 12 a violation of section 9 of this chapter has occurred to:**

13 **(A) enjoin an act or a practice constituting a violation;**

14 **(B) enforce compliance with section 9 of this chapter; or**

15 **(C) impose a civil penalty of ten thousand dollars (\$10,000)  
 16 for each violation.**

17 **(c) The attorney general shall transfer all penalties collected  
 18 under this chapter to the treasurer of state for deposit in the state  
 19 general fund.**

20 **(d) If the attorney general determines that a governmental body  
 21 has violated an immigration detainer request, the governor, upon  
 22 the advice of the attorney general, may withhold:**

23 **(1) any grants administered by the state; or**

24 **(2) state funding;**

25 **from the governmental body.**

26 SECTION 4. IC 5-2-18.2-6, AS AMENDED BY P.L.76-2024,  
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 6. If a court finds by a preponderance of the  
 29 evidence that a governmental body or postsecondary educational  
 30 institution knowingly or intentionally violated this chapter, the court  
 31 shall enjoin the violation.

32 SECTION 5. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 34 1, 2025]: Sec. 9. (a) Except as provided in subsection (b), a  
 35 governmental body that has custody of an individual who is the  
 36 subject an immigration detainer request shall:

37 **(1) provide to the judge authorized to grant or deny the  
 38 individual's release on bail under IC 35-33-8-3.2 notice that  
 39 the individual is subject to an immigration detainer request;**

40 **(2) record in the individual's case file that the individual is  
 41 subject to an immigration detainer request;**

42 **(3) comply with all requests made in the immigration detainer**



1 request; and

2 (4) inform the individual that the individual is being held  
3 pursuant to an immigration detainer request issued by a  
4 federal authority.

5 (b) If an individual who is the subject of an immigration  
6 detainer request presents a United States passport or a birth  
7 certificate issued in the United States to the governmental body, the  
8 governmental body shall contact the federal immigration agency  
9 to determine whether the individual is a citizen of the United  
10 States.

11 (c) A governmental body or an employee of a governmental  
12 body is not criminally or civilly liable for any action taken in  
13 compliance with an immigration detainer request under this  
14 section.

15 SECTION 6. IC 5-2-18.2-10 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2025]: **Sec. 10. (a)** A judge who receives notice that an individual  
18 is subject to an immigration detainer request under section 9 of  
19 this chapter shall ensure that the notice of the immigration  
20 detainer request is recorded in the court's record, regardless of  
21 whether the notice was received before or after a judgment in a  
22 case.

23 (b) A judge shall report to the United States Immigration and  
24 Customs Enforcement Agency an individual who is not a citizen of  
25 the United States who has been convicted in the judge's  
26 court of a felony or misdemeanor.

27 SECTION 7. IC 34-30-2.1-32.5 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2025]: **Sec. 32.5. IC 5-2-18.2-9 (Concerning  
30 federal immigration detention orders).**

31 SECTION 8. An emergency is declared for this act.

