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BILL ANALYSIS | Homeland Security & Immigration

NEW LEGISLATION POSITIONS INDIANA AT THE FOREFRONT OF IMMIGRATION ENFORCEMENT

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TOPLINE POINTS

- ★ On March 5, 2026, Indiana Governor Mike Braun signed into law Senate Bill (SB) 76, one of the strongest immigration enforcement bills in the country.
- ★ SB 76 significantly improves immigration enforcement within Indiana by requiring all jurisdictions to honor U.S. Immigration and Customs Enforcement (ICE) detainers and by authorizing the state attorney general to enforce this requirement through injunctive relief and civil penalties.
- ★ SB 76 also protects American workers by banning employers from hiring illegal workers and by authorizing the state attorney general to enforce compliance through the revocation of business licenses.
- ★ SB 76 helps identify benefits fraud and abuse by aliens requiring the regular collection of and reporting of certain non-identifiable data of recipients.
- ★ With the enactment of Senate Bill (SB) 76, Indiana will join other enforcement-minded states in leading the fight to protect American wages and safety through increased cooperation and enforcement measures.

Overview

Indiana's Senate Bill (SB) 76 is a wide-ranging bill that strengthens immigration enforcement and cooperation statewide. The bill focuses on two main areas of immigration enforcement.



First, SB 76 amends Indiana's existing [anti-sanctuary law](#), originally adopted in 2011, to require all jurisdictions to honor immigration detainers and to close loopholes that impede enforcement. Second, the bill bars employers from hiring illegal workers. Finally, SB 76 helps identify benefits fraud and abuse through the collection and reporting of certain non-identifiable data of recipients.

As [originally introduced](#), SB 76 had weak enforcement measures, particularly regarding employer sanctions. However, it received a hearing in the Senate Judiciary Committee because the bill's main author was also the chairman of the committee. SB 76 passed out of committee and went to the Senate floor, where it was further weakened by several amendments. Still, SB 76 passed the Senate by a vote of 37-7 (with five legislators excused) and traveled to the House.

The House Judiciary Committee held a hearing on SB 76 on February 2, 2026. In the hearing, committee members adopted a broad amendment that closed many of the loopholes in the Senate language. Some of the critical changes included adding tougher enforcement measures for employers that hire illegal aliens and authorizing the attorney general to enforce compliance with U.S. Immigration and Customs Enforcement (ICE) detainers.

SB 76 was further amended on the House floor and, on February 12, was passed by a vote of [61-28](#) (with 11 members excused). Two weeks later, the Indiana Senate accepted all of the House amendments and passed SB 76 by [a vote of 37-11](#) (with one excused and one not voting). The bill then traveled to the desk of Governor Braun, who promptly signed the bill into law.

Indiana Attorney General Todd Rokita heralded the enactment of SB 76. Rokita had sought the passage of such legislation for two years, and his office testified multiple times in support of the bill during the legislative process. "This new law makes it easier for local law enforcement to do the right thing: remove criminal illegal aliens from our communities," [Rokita said](#).

As enacted, SB 76 does the following strengthen Indiana's immigration enforcement posture, prevent the employment of illegal workers, and protect taxpayers:

Strengthens Indiana's Anti-Sanctuary Law

SB 76 makes significant improvements to Indiana's anti-sanctuary law ([IC 5-2-18.2](#)). First, the legislation requires all governmental bodies to honor detainers issued by ICE and authorizes the state attorney general to sue violators and seek injunctive relief and civil penalties. The legislation also shields government employees from liability for actions taken in compliance with the law to assist in enforcing immigration laws. Finally, SB 76 closes loopholes in the current anti-sanctuary law to better reflect legislative intent, such as prohibiting unwritten sanctuary policies.

SB 76 makes the following changes:

- Closes loopholes in current law by providing that:



- Government bodies cannot limit or restrict employees *in any way* from cooperating with federal immigration authorities, including *through unwritten policies* or *prohibiting the collection of immigration information*, so long as the request for information does not conflict with federal or state law or policy.
 - Jurisdictions may not restrict the enforcement of federal immigration laws *regardless of whether the enforcement is done by a federal, state, or local official*.
- Improves the Indiana attorney general’s existing authority to ensure compliance with detainers by authorizing the attorney general to seek certain relief, including:
 - Injunctions against acts or practices that constitute a violation.
 - Civil penalties of up to \$10,000 for each knowing or intentional violation.
 - Other relief as necessary to ensure compliance.
- Requires the Department of Corrections (DOC) to adopt minimum procedural standards for county jails to ensure cooperation with ICE, including compliance with detainers. Requires the DOC to notify local jurisdictions when they are not complying with those standards.
- Requires the DOC, in consultation with the attorney general, to identify options for:
 - Cooperation between county jails and ICE; and
 - Procedures to honor detainers.
- If the DOC determines that a jail fails to comply with the minimum procedural standards, requires the DOC to provide written notice to the county sheriff and the attorney general.
- With respect to county jails, clarifies that satisfying DOC inspections and standards does not preclude the attorney general from bringing an action against an agency for failure to honor detainers.
- Before bringing a compliance action against a county jail, requires the attorney general to: (1) consult with the DOC regarding the jail’s most recent inspection and (2) provide the county jail with notice.
- Prohibits the attorney general from imposing civil penalties upon a jurisdiction for the knowing failure to honor a detainer if, during the most recent inspection, the DOC determined that the county jail complied with the relevant standards and processes.



- Requires state courts to enjoin ordinances, policies, actions, etc., that violate the requirement to honor a detainer, *regardless of whether the violation was knowing or intentional*.
- Requires jails and prisons that have custody of aliens subject to a detainer to:
 - Notify the judge authorized to grant bail that the alien is subject to a detainer request.
 - Record in the alien's file that the individual is subject to a detainer.
 - Inform the alien that he is being held pursuant to a detainer.
- Permits individuals subject to an immigration detainer to challenge the immigration detainer by claiming either that the individual has been misidentified or the individual is a U.S. citizen and not subject to removal.
- Shields governmental bodies or government employees from criminal or civil liability for any action taken to comply with a detainer under this law as long as the action does not violate federal or state law.
- Authorizes the attorney general to defend a governmental entity that is sued for its actions relating to immigration enforcement under state laws if the governmental entity requests and its actions did not violate state or federal law.

Prohibits Employers from Hiring Illegal Aliens

One of the greatest drivers of illegal immigration to the United States is the desire to work, even for substandard wages. While federal law already prohibits employers from hiring illegal workers, it is challenging to identify violations and enforce the law consistently. Some presidential administrations have abandoned worksite enforcement altogether. Thus, when a state government prohibits employers from hiring illegal workers and enforces the prohibition through effective sanctions, it helps both federal enforcement agencies and American workers, who are unfairly forced to compete with illegal workers willing to work for less.

SB 76 mirrors federal law by prohibiting Indiana employers from hiring illegal workers and by allowing the state attorney general to file suit against employers who violate the law. Depending on the severity of the violation, the attorney general can seek injunctive relief or the temporary or permanent suspension of a business's operating license. It also provides employers with a clear understanding of the consequences they face for hiring illegal workers, thereby improving deterrence.

SB 76 makes the following changes:

- Prohibits employers from knowingly hiring illegal aliens and authorizes injunctive relief and the temporary or permanent suspension of business licenses for violations.



- Provides that employers are not in violation of the law if they engage in “reasonable diligence,” defined as:
 - Using E-Verify, except under circumstances would put a reasonable person on notice that the verification was unreliable or of limited reliability; or
 - Engaging in diligence to confirm work eligibility in a manner consistent with industry standard best practices.
- Authorizes the state attorney general to sue employers for violating the law within the previous 3 years, and to seek an injunction or other relief.
- For employers with no prior violations, the attorney general must first notify the employer and give the employer 15 days to submit evidence regarding the hiring of the workers in question. The attorney general may not initiate a lawsuit if it determines that:
 - The employer has engaged in reasonable diligence and has not committed a violation; or
 - The employer submits an affidavit stating that the employer has terminated all unauthorized workers, has engaged in reasonable diligence to confirm the work authorization of all its employees, and will not knowingly employ unauthorized aliens in the future.
- Requires courts, when a violation is established by the preponderance of the evidence, to enjoin the employer’s actions and order the appropriate relief as follows:
 - For a single violation by an employer that has never previously been determined to be in violation, the court may order the suspension of the employer’s business licenses at the location where the violations occurred for 5 business days.
 - In the case of more than one violation by an employer that has never previously been determined be in violation, the court may order the suspension of all of the employer’s business licenses at the relevant location(s) for 10 business days.
 - For one or more violations by an employer that has previously been determined to be in violation, the court may order the suspension of operating authorization at the location(s) where the violation(s) occurred for 180 days.
 - For employers whose business licenses were previously suspended for 180 days for violations, the court may order the *permanent* revocation of the employer’s business licenses at the location(s) where the violation(s) occurred.
 - For employers who willfully hired illegal workers, committed violations at 3 or more locations, and previously had a location’s business license permanently



suspended, the court may order the permanent revocation of the employer's business licenses in Indiana.

- Authorizes courts to place employers on probation for a period of 6 months to 2 years, and if violations continue, to impose any of the relief detailed above, including the suspension of operations.

Helps Identify Benefits Fraud and Abuse by Aliens

The fraud and abuse of government health, welfare, and social services programs are important issues to Americans, who want to ensure that their tax dollars help only eligible individuals. SB 76 makes important strides in identifying benefits fraud and abuse committed by aliens by requiring the Families and Social Services Administration and hospitals to collect and report specific non-identifiable data from benefits recipients. These provisions will help policymakers understand the scope of benefits fraud and abuse in the state, while helping ensure that Americans' tax dollars are serving Americans first.

SB 76 makes the following changes:

- Requires the Secretary of Family and Social Services to issue a report annually with the following information:
 - The number of non-citizens in Indiana;
 - The number of individuals who are receiving certain benefits in Indiana, including residential care assistance, family assistance (such as Temporary Assistance for Needy Families), Medicaid, and welfare; and
 - The total amount spent by the state in the previous fiscal year for such beneficiaries.
- Requires hospitals to include in their existing quarterly reports the type of identification that Medicaid patients use upon admission. This includes identification cards issued out of state and cases in which no identification was provided.

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