



Digest Correction
January 27, 2025

HOUSE BILL No. 1393

DIGEST OF HB 1393 (Updated January 28, 2025 3:33 pm - DI 92)

Citations Affected: IC 5-2; IC 34-30.

Synopsis: Immigration notice. Provides that, in the event that a law enforcement officer arrests an individual for a felony or a misdemeanor and has probable cause to believe that the individual is not lawfully present in the United States, the officer's law enforcement agency shall notify the county sheriff of the probable cause during the individual's intake process. Provides that a law enforcement officer shall arrest an individual in lieu of issuing a summons for a misdemeanor if the law enforcement officer has probable cause to believe that the individual is not lawfully present in the United States. Requires the county sheriff to notify the proper authority. Provides that a law enforcement agency, including a county sheriff, or a law enforcement officer or other employee of a law enforcement agency, is immune from civil liability if there is reasonable belief that the notification requirements under this statute have been fulfilled.

Effective: July 1, 2025.

Bascom, Prescott, Lucas, Payne

January 13, 2025, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 27, 2025, amended, reported — Do Pass.

HB 1393—LS 7523/DI 106



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.

HOUSE BILL No. 1393

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 5-2-18.2-7, AS ADDED BY P.L.171-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 7. **(a)** Every law enforcement agency (as defined
4 in IC 5-2-17-2) shall provide each law enforcement officer with a
5 written notice that the law enforcement officer has a duty to cooperate
6 with state and federal agencies and officials on matters pertaining to
7 enforcement of state and federal laws governing immigration.
8 **(b) If a law enforcement officer arrests an individual for a**
9 **felony or a misdemeanor and the law enforcement officer has**
10 **probable cause to believe that the person is not lawfully present in**
11 **the United States, the officer or officer's law enforcement agency**
12 **shall, during the intake process at the jail or detention facility,**
13 **notify the county sheriff of the probable cause to believe the person**
14 **is not lawfully present in the United States.**
15 **(c) Notwithstanding any other law, a law enforcement officer**
16 **shall arrest an individual in lieu of issuing a summons for a**
17 **misdemeanor if the law enforcement officer has probable cause to**

HB 1393—LS 7523/DI 106



1 believe that the person is not lawfully present in the United States.

2 (d) A county sheriff shall report information received under
3 subsection (b) to the proper authority in accordance with
4 provisions of this chapter.

5 (e) A law enforcement agency, including a county sheriff, or a
6 law enforcement officer or other employee of a law enforcement
7 agency is immune from civil liability if there is reasonable belief
8 that the notification requirements under this section have been
9 fulfilled.

10 SECTION 2. IC 34-30-2.1-32.4 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2025]: **Sec. 32.4. IC 5-2-18.2-7 (Concerning**
13 **notification relating to an individual not being lawfully present in**
14 **the United States).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1393, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 17, begin a new paragraph and insert:

"(b) If a law enforcement officer arrests an individual for a felony or a misdemeanor and the law enforcement officer has probable cause to believe that the person is not lawfully present in the United States, the officer or officer's law enforcement agency shall, during the intake process at the jail or detention facility, notify the county sheriff of the probable cause to believe the person is not lawfully present in the United States.

(c) Notwithstanding any other law, a law enforcement officer shall arrest an individual in lieu of issuing a summons for a misdemeanor if the law enforcement officer has probable cause to believe that the person is not lawfully present in the United States.

(d) A county sheriff shall report information received under subsection (b) to the proper authority in accordance with provisions of this chapter.

(e) A law enforcement agency, including a county sheriff, or a law enforcement officer or other employee of a law enforcement agency is immune from civil liability if there is reasonable belief that the notification requirements under this section have been fulfilled.

SECTION 2. IC 34-30-2.1-32.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 32.4. IC 5-2-18.2-7 (Concerning notification relating to an individual not being lawfully present in the United States)."**

and when so amended that said bill do pass.

(Reference is to HB 1393 as introduced.)

BARTELS

Committee Vote: yeas 9, nays 2.

HB 1393—LS 7523/DI 106

