



Reprinted
April 11, 2025

ENGROSSED

SENATE BILL No. 197

DIGEST OF SB 197 (Updated April 10, 2025 1:31 pm - DI 151)

Citations Affected: IC 12-7; IC 12-15; IC 13-30; IC 33-23; IC 35-52; IC 36-1; IC 36-7.

Synopsis: Various property matters. Provides that the enforcement authority shall give notice with certain requirements. Provides that after a civil penalty is imposed and a hearing is held, the enforcement authority may impose an additional civil penalty. Provides that if a civil penalty is unpaid for more than 30 days after payment of the civil penalty is due, the civil penalty may be collected in the same manner
(Continued next page)

Effective: Upon passage; July 1, 2025; July 1, 2026.

Freeman, Doriot, Bohacek

(HOUSE SPONSOR — IRELAND)

January 8, 2025, read first time and referred to Committee on Local Government.
February 13, 2025, amended, reported favorably — Do Pass.
February 18, 2025, read second time, amended, ordered engrossed.
February 19, 2025, engrossed.
February 20, 2025, read third time, passed. Yeas 41, nays 8.

HOUSE ACTION

March 3, 2025, read first time and referred to Committee on Judiciary.
April 7, 2025, amended, reported — Do Pass.
April 10, 2025, read second time, amended, ordered engrossed.

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as unpaid costs for unsafe premises repairs or emergency actions taken. Provides that depositing or causing or allowing the deposit of contaminants or solid waste upon the land is a Class C misdemeanor in certain circumstances. Provides that after May 14, 2025, a unit may not adopt or enforce a utility usage data ordinance. Makes it a Class C misdemeanor for a person to use public property of the state or a political subdivision for purposes of sleeping or camping, subject to certain exceptions and conditions. Requires a law enforcement officer that discovers a violation to first determine if there are reasonable grounds for an emergency detention of the person. Provides that if the law enforcement officer does not proceed with an emergency detention, the law enforcement officer must: (1) give the person a warning to move from the property within a certain period of time; (2) offer to transport the person to certain locations within five miles of where the violation occurs; and (3) call a local crisis intervention team for assistance, if: (A) the unit is served by a local crisis intervention team; and (B) a location that provides certain services does not exist or is not available to receive the person or the person refuses to be transported to the location. Provides that a person charged with a violation may be referred to a problem solving court designated by the prosecuting attorney. Allows application of a Medicaid waiver to provide long term access to home and community based services, including housing related services, under the healthy Indiana plan.



Reprinted
April 11, 2025

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.

ENGROSSED SENATE BILL No. 197

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 12-7-2-82, AS AMENDED BY P.L.194-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY, 2025]: Sec]. 82. "Facility" means the following:

4 (1) For purposes of IC 12-17-12, the meaning set forth in
5 IC 12-17-12-3.

6 (2) For purposes of IC 12-17-13, the meaning set forth in
7 IC 12-17-13-2.

8 (3) For purposes of IC 12-26, a hospital, a health and hospital
9 corporation established under IC 16-22-8, a psychiatric hospital,
10 a community mental health center, another institution, a program,
11 a managed care provider, or a child caring institution:

12 (A) where an individual with a mental illness can receive
13 rehabilitative treatment, or habilitation and care, in the least
14 restrictive environment suitable for the necessary care,
15 treatment, and protection of the individual and others; and

16 (B) that has adequate space and treatment staff appropriate to
17 the needs of the individual as determined by the

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1 superintendent of the facility.
 2 The term includes all services, programs, and centers of the
 3 facility, wherever located, **and the assessment and intervention**
 4 **center.**

5 (4) For purposes of IC 12-15-32, the meaning set forth in
 6 IC 12-15-32-1.

7 SECTION 2. IC 12-15-1.3-26 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2025]: **Sec. 26. (a) As used in this section,**
 10 **"healthy Indiana plan" refers to the plan established under**
 11 **IC 12-15-44.5, and any subsequent waiver for the eligibility group**
 12 **described in IC 12-15-44.5.**

13 **(b) The office of the secretary may apply to the United States**
 14 **Department of Health and Human Services for an amendment to**
 15 **the healthy Indiana plan to provide long term access to home and**
 16 **community based services, including housing related services,**
 17 **under the healthy Indiana plan.**

18 **(c) The amendment may do the following:**
 19 **(1) Provide comprehensive support for individuals with the**
 20 **following:**

- 21 **(A) Serious mental illnesses.**
- 22 **(B) Severe substance use disorders.**
- 23 **(C) Traumatic brain injuries.**
- 24 **(D) Intellectual or developmental disabilities.**

25 **(2) Facilitate access to services that promote independence**
 26 **and community integration.**

27 **(3) Include the following:**
 28 **(A) Respite care.**
 29 **(B) Community transition assistance.**
 30 **(C) Supported employment.**
 31 **(D) Other services necessary to meet the needs of healthy**
 32 **Indiana plan recipients.**

33 SECTION 3. IC 13-30-10-7 IS ADDED TO THE INDIANA CODE
 34 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2025]: **Sec. 7. A person who knowingly, intentionally, or**
 36 **recklessly:**

- 37 **(1) deposits or causes or allows the deposit of thirty (30)**
 38 **square feet or more of contaminants or solid waste upon land**
 39 **owned or controlled by another person, except through the**
 40 **use of sanitary landfills, incineration, composting, garbage**
 41 **grinding, or another method acceptable to the board; or**
 42 **(2) on two (2) or more separate occasions deposits or causes**



1 **or allows the deposit of any amount of contaminants or solid**
 2 **waste upon land owned or controlled by another person,**
 3 **except through the use of sanitary landfills, incineration,**
 4 **composting, garbage grinding, or another method acceptable**
 5 **to the board;**

6 **commits a Class C misdemeanor.**

7 SECTION 4. IC 33-23-16-13, AS AMENDED BY P.L.51-2024,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 13. An individual is eligible to participate in a
 10 problem solving court program only if:

11 (1) the individual meets all of the eligibility criteria established by
 12 the board under section 12 of this chapter;

13 (2) the judge of the problem solving court approves the admission
 14 of the individual to the problem solving court program; and

15 (3) the individual is referred to the problem solving court as a
 16 result of at least one (1) of the following:

17 (A) A condition of a pretrial diversion program authorized by
 18 statute or authorized by the judge of the problem solving court
 19 and the prosecuting attorney.

20 (B) The procedure described in section 14 of this chapter.

21 (C) The procedure described in section 15 of this chapter.

22 (D) A condition of probation.

23 (E) A condition of participation in a community corrections
 24 program under IC 11-12-1.

25 (F) A condition of participation in a forensic diversion
 26 program under IC 11-12-3.7.

27 (G) A condition of a community transition program under
 28 IC 11-10-11.5.

29 (H) A condition of parole.

30 (I) An order in a dispositional decree under IC 31-34-20 to
 31 participate in a family dependency drug court if the individual
 32 is a parent, guardian, or another household member of a child
 33 adjudicated a child in need of services.

34 (J) A condition of an informal adjustment program under
 35 IC 31-37-9.

36 (K) Involvement in:

37 (i) a child in need of services proceeding;

38 (ii) a child support proceeding;

39 (iii) a mental health commitment; or

40 (iv) a civil protection proceeding.

41 (L) A condition of an informal adjustment program under
 42 IC 31-34-8.



(M) A condition of a misdemeanor sentence.

(N) A condition of a program authorized by the:

(i) judge of a problem solving court; and

(ii) department of correction or the county sheriff.

(O) A violation under IC 36-1-31.5.

SECTION 5. IC 35-52-13-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 17. IC 13-30-10-7 defines a crime concerning the environment.**

SECTION 6. IC 35-52-36-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. IC 36-1-31.5-6 defines a crime concerning the unauthorized use of a public right-of-way or land owned by the state or a political subdivision to camp, sleep, or use for long term shelter.**

SECTION 7. IC 36-1-3-8, AS AMENDED BY P.L.4-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

(1) The power to condition or limit its civil liability, except as expressly granted by statute.

(2) The power to prescribe the law governing civil actions between private persons.

(3) The power to impose duties on another political subdivision, except as expressly granted by statute.

(4) The power to impose a tax, except as expressly granted by statute.

(5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.

(6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

(8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.

(9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an



air permit program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

(i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

(11) The power to invest money, except as expressly granted by statute.

(12) The power to adopt an ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2, or otherwise conduct an election, except as expressly granted by statute. An ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2 that was adopted before January 1, 2023, is void unless a statute expressly granted the unit the power to adopt the ordinance, resolution, or order.

(13) The power to adopt or enforce an ordinance described in section 8.5 of this chapter.

(14) The power to take any action prohibited by section 8.6 of this chapter.

(15) The power to dissolve a political subdivision, except:

(A) as expressly granted by statute; or

(B) if IC 36-1-8-17.7 applies to the political subdivision, in accordance with the procedure set forth in IC 36-1-8-17.7.

(16) After June 30, 2019, the power to enact an ordinance requiring a solid waste hauler or a person who operates a vehicle in which recyclable material is transported for recycling to collect fees authorized by IC 13-21 and remit the fees to:

(A) a unit; or

(B) the board of a solid waste management district established under IC 13-21.

(17) The power to adopt or enforce an ordinance described in section 8.7 of this chapter.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

SECTION 8. IC 36-1-3-8.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 8.7. (a) As used in this section, "unit" means a county or a municipality.

(b) As used in this section, "utility" means a utility, however organized, that provides utility service to customers in Indiana. The term includes a utility that is owned, operated, or held in trust by a consolidated city.

(c) As used in this section, "utility service" means:

- (1) electric;
- (2) natural gas;
- (3) water; or
- (4) wastewater;

service that is provided at retail.

(d) As used in this section, "utility usage data ordinance":

(1) means an ordinance that is adopted by a unit and that requires:

(A) the owner or tenant of a building; or

(B) a utility providing utility service to a building;

to report to the unit, or to any other party, whether directly or indirectly, data on the utility service used or consumed at a building during a specified reporting period; and

(2) does not include an ordinance that authorizes or facilitates the voluntary reporting of data described in subdivision (1) by:

(A) the owner or tenant of a building; or

(B) a utility providing utility service to a building.

(e) After May 14, 2025, a unit may not adopt or enforce a utility usage data ordinance.

SECTION 9. IC 36-1-31.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 31.5. Street Camping

Sec. 1. As used in this chapter, "emergency detention" means an emergency detention of a person under IC 12-26-5.

Sec. 2. As used in this chapter, "public land" means land that is:

- (1) owned by the state or a political subdivision; and
- (2) not a public right-of-way.

Sec. 3. A person may not camp, sleep, or use for long term shelter:

- (1) a public right-of-way; or
- (2) public land;

unless authorized for that use by the state or political subdivision, as appropriate.



1 **Sec. 4. (a)** If a person violates section 3 of this chapter, the law
 2 enforcement officer who discovers the violation shall first
 3 determine if there are reasonable grounds for an emergency
 4 detention of the person. If there are reasonable grounds for an
 5 emergency detention, the law enforcement officer shall proceed
 6 under IC 12-26-5 and not this chapter.

7 **(b)** This subsection applies to a consolidated city. If a person
 8 violates section 3 of this chapter, the law enforcement officer who
 9 discovers the violation shall first determine if there are reasonable
 10 grounds for an emergency detention of the person. If there are
 11 reasonable grounds for an emergency detention, the law
 12 enforcement officer shall proceed under IC 12-26-5 and not this
 13 chapter. This subsection does not prohibit the law enforcement
 14 officer from transporting the person to the assessment and
 15 intervention center or a similar facility.

16 **Sec. 5.** If the law enforcement officer determines that there are
 17 not reasonable grounds for an emergency detention of the person,
 18 the law enforcement officer shall:

19 **(1)** give the person a warning that the person must move from
 20 the public right-of-way or the public land, whichever is
 21 appropriate, not later than:

22 **(A)** twenty-four (24) hours after receiving the warning, if
 23 the violation is regarding the public right-of-way; or

24 **(B)** seventy-two (72) hours after receiving the warning, if
 25 the violation is regarding public land;

26 **(2)** offer to transport the person to a location, if any location
 27 exists and is available to receive the person:

28 **(A)** that is not more than five (5) miles from where the
 29 violation occurred; and

30 **(B)** where the person shall receive temporary
 31 accommodations that provide respite and offer access to
 32 services and permanent housing options; and

33 **(3)** call a local crisis intervention team for assistance, if:

34 **(A)** the unit is served by a local crisis intervention team;
 35 and

36 **(B)** a location meeting the requirements of subdivision (2):

37 **(i)** does not exist or is not available to receive the person;
 38 or

39 **(ii)** exists and is available to receive the person, but the
 40 person refuses to be transported to the location.

41 **Sec. 6.** A person who knowingly or intentionally violates section
 42 3 of this chapter after:



(1) refusing an offer to be transported to a location that meets the requirements of section 5(2) of this chapter; and

(2) more than:

(A) twenty-four (24) hours have elapsed since the person was given the warning under section 5(1)(A) of this chapter; or

(B) seventy-two (72) hours have elapsed since the person was given the warning under section 5(1)(B) of this chapter;

commits a Class C misdemeanor.

Sec. 7. At the initial hearing of a person for a violation under section 6 of this chapter, the person may be referred to the problem solving court:

(1) established under IC 33-23-16; and

(2) designated by the prosecuting attorney.

SECTION 10. IC 36-7-9-7, AS AMENDED BY P.L.247-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), ~~or 5(a)(5) or 7.5~~ of this chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), ~~or 5(a)(5) or 7.5~~ of this chapter becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest, life estate interest, mortgage interest, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by section 25 of this chapter. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.



(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

(1) affirm the order;

(2) rescind the order; or

(3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(e) In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination related to the civil penalty. In the hearing authority's exercise of continuing jurisdiction, the hearing authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:

(1) significant work on the premises to comply with the affirmed order has not been accomplished; and

(2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

The hearing authority may not impose an additional civil penalty in a hearing to review a civil penalty imposed by the enforcement authority under section 7.5 of this chapter.

(f) If, at a hearing, a person to whom an order has been issued



1 requests an additional period to accomplish action required by the
 2 order, and shows good cause for this request to be granted, the hearing
 3 authority may grant the request. However, as a condition for allowing
 4 the additional period, the hearing authority may require that the person
 5 post a performance bond to be forfeited if the action required by the
 6 order is not completed within the additional period.

7 (g) If an order is affirmed or modified, the hearing authority shall
 8 issue a continuous enforcement order (as defined in section 2 of this
 9 chapter).

10 (h) The board or commission having control over the department
 11 shall, at a public hearing, after having given notice of the time and
 12 place of the hearing by publication in accordance with IC 5-3-1, adopt
 13 a schedule setting forth the maximum amount of performance bonds
 14 applicable to various types of ordered action. The hearing authority
 15 shall use this schedule to fix the amount of the performance bond
 16 required under subsection (f).

17 (i) The record of the findings made and action taken by the hearing
 18 authority at the hearing shall be available to the public upon request.
 19 However, neither the enforcement authority nor the hearing authority
 20 is required to give any person notice of the findings and action.

21 (j) If a civil penalty under subsection (e) is unpaid for more than
 22 fifteen (15) days after payment of the civil penalty is due, the civil
 23 penalty may be collected from any person against whom the hearing
 24 officer assessed the civil penalty or fine. A civil penalty or fine may be
 25 collected under this subsection in the same manner as costs under
 26 section 13 or 13.5 of this chapter. The amount of the civil penalty or
 27 fine that is collected shall be deposited in the unsafe building fund.

28 SECTION 11. IC 36-7-9-7.5, AS ADDED BY P.L.247-2015,
 29 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2025]: Sec. 7.5. (a) This section applies to an order issued
 31 under section 5(a)(5) of this chapter for which a hearing was not
 32 requested as provided in section 7 of this chapter.

33 (b) If the person to whom the order was issued fails or refuses to
 34 comply with the order within sixty (60) days or the time specified in the
 35 order, the enforcement authority may impose a civil penalty not to
 36 exceed two thousand five hundred dollars (\$2,500). The enforcement
 37 authority shall give notice of the civil penalty **as described in section**
 38 **25 of this chapter** to all persons with a known or recorded substantial
 39 property interest in the unsafe premises.

40 (c) **The notice under subsection (b) must contain the following**
 41 **information:**

42 (1) **The name of the person to whom the order was issued.**



1 **(2) The action that is required to bring the premises into**
 2 **compliance.**

3 **(3) The date, time, and location of the hearing on the civil**
 4 **penalty under section 7 of this chapter.**

5 ~~(c)~~ **(d)** After:

6 **(1) a civil penalty is imposed under subsection (b); and**

7 **(2) a hearing is held under section 7 of this chapter;**

8 the enforcement authority may impose an additional civil penalty in an
 9 amount not to exceed one thousand dollars (\$1,000) every ninety (90)
 10 days if the person to whom the order was issued continues to fail or
 11 refuse to comply with the order.

12 ~~(d)~~ **(e)** If a civil penalty under this section is unpaid for more than
 13 ~~fifteen (15)~~ **thirty (30)** days after payment of the civil penalty is due,
 14 the civil penalty may be collected in the same manner as costs under
 15 section 13 or 13.5 of this chapter. The amount of the civil penalty that
 16 is collected shall be deposited in the unsafe building fund.

17 **SECTION 12. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. President: The Senate Committee on Local Government, to which was referred Senate Bill No. 197, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 33, strike "ten (10)" and insert "**ninety (90)**".

Page 2, line 38, strike "ten (10)" and insert "**ninety (90)**".

Page 3, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 2. IC 36-7-9-7, AS AMENDED BY P.L.247-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), 5(a)(5), or 7.5 of this chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), 5(a)(5), or 7.5 of this chapter becomes final ~~ten (10)~~ **ninety (90)** days after notice is given, unless a hearing is requested before the ~~ten (10)~~ **ninety (90)** day period ends by a person holding a fee interest, life estate interest, mortgage interest, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by section 25 of this chapter. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine



opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

- (1) affirm the order;
- (2) rescind the order; or
- (3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(e) In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination related to the civil penalty. In the hearing authority's exercise of continuing jurisdiction, the hearing authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:

- (1) significant work on the premises to comply with the affirmed order has not been accomplished; and
- (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

The hearing authority may not impose an additional civil penalty in a hearing to review a civil penalty imposed by the enforcement authority under section 7.5 of this chapter.

(f) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the



order is not completed within the additional period.

(g) If an order is affirmed or modified, the hearing authority shall issue a continuous enforcement order (as defined in section 2 of this chapter).

(h) The board or commission having control over the department shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with IC 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under subsection (f).

(i) The record of the findings made and action taken by the hearing authority at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

(j) If a civil penalty under subsection (e) is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected from any person against whom the hearing officer assessed the civil penalty or fine. A civil penalty or fine may be collected under this subsection in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund."

Delete pages 4 through 5.

Page 6, between lines 31 and 32, begin a new line blocked left and insert:

"If the civil penalties are not waived, the civil penalties assessed before the purchase of the property remain the liability of the seller and may be enforced by any legal remedy, including a civil lawsuit instituted by the enforcement authority to collect the civil penalties. However, nothing in this subsection prevents the enforcement authority from initiating new proceedings for the issuance of an order against the purchaser of the property regarding any unsafe condition of the property that is or remains uncorrected after the date that the property is purchased.

(f) A civil penalty assessed under this section against the person to whom the order was issued may be waived by the hearing authority under section 7 of this chapter, if the person brings the property into compliance with the order."

Page 6, delete lines 32 through 37, begin a new paragraph and insert:

"SECTION 4. IC 36-7-9-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2025]: **Sec. 7.7. A civil penalty under section 7 or 7.5 of this chapter or any other fee under this chapter:**

- (1) may not be included on a property tax statement issued to a taxpayer under IC 6-1.1 and must be billed separately; and**
- (2) is a lien on the property."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 197 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 3.

SENATE MOTION

Mr. President: I move that Senate Bill 197 be amended to read as follows:

Page 5, delete lines 37 through 42.

Page 6, delete lines 1 through 38.

Page 7, after line 3, begin a new paragraph and insert:

"SECTION 4. IC 36-7-9-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 27. (a) **Except as provided in subsection (b)**, a person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order:

(1) must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and

(2) must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of:

(A) the full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and

(B) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(b) If a civil penalty is imposed on an unsafe premises under section 7 or 7.5 of this chapter prior to the transfer or agreement to transfer a substantial property interest in the unsafe premises,

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the person transferring the substantial property interest shall either:

- (1) pay the civil penalty; or
- (2) bring the property into compliance with the order prior to the transfer or agreement to transfer the substantial property interest in the unsafe premises.

(b) (c) If a judgment is obtained against the department, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure."

(Reference is to SB 197 as printed February 14, 2025.)

FREEMAN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 197, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-15-1.3-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 26. (a) As used in this section, "healthy Indiana plan" refers to the plan established under IC 12-15-44.5, and any subsequent waiver for the eligibility group described in IC 12-15-44.5.**

(b) The office of the secretary may apply to the United States Department of Health and Human Services for an amendment to the healthy Indiana plan to provide long term access to home and community based services, including housing related services, under the healthy Indiana plan.

(c) The amendment may do the following:

- (1) Provide comprehensive support for individuals with the following:**
 - (A) Serious mental illnesses.**
 - (B) Severe substance use disorders.**

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- (C) Traumatic brain injuries.
- (D) Intellectual or developmental disabilities.
- (2) Facilitate access to services that promote independence and community integration.
- (3) Include the following:
 - (A) Respite care.
 - (B) Community transition assistance.
 - (C) Supported employment.
 - (D) Other services necessary to meet the needs of healthy Indiana plan recipients.

SECTION 2. IC 13-30-10-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 7. A person who knowingly, intentionally, or recklessly:**

- (1) deposits or causes or allows the deposit of thirty (30) square feet or more of contaminants or solid waste upon land owned or controlled by another person, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the board; or
- (2) on two (2) or more separate occasions deposits or causes or allows the deposit of any amount of contaminants or solid waste upon land owned or controlled by another person, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the board;

commits a Class C misdemeanor.

SECTION 3. IC 33-23-16-13, AS AMENDED BY P.L.51-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 13. An individual is eligible to participate in a problem solving court program only if:**

- (1) the individual meets all of the eligibility criteria established by the board under section 12 of this chapter;
- (2) the judge of the problem solving court approves the admission of the individual to the problem solving court program; and
- (3) the individual is referred to the problem solving court as a result of at least one (1) of the following:
 - (A) A condition of a pretrial diversion program authorized by statute or authorized by the judge of the problem solving court and the prosecuting attorney.
 - (B) The procedure described in section 14 of this chapter.
 - (C) The procedure described in section 15 of this chapter.
 - (D) A condition of probation.



- (E) A condition of participation in a community corrections program under IC 11-12-1.
- (F) A condition of participation in a forensic diversion program under IC 11-12-3.7.
- (G) A condition of a community transition program under IC 11-10-11.5.
- (H) A condition of parole.
- (I) An order in a dispositional decree under IC 31-34-20 to participate in a family dependency drug court if the individual is a parent, guardian, or another household member of a child adjudicated a child in need of services.
- (J) A condition of an informal adjustment program under IC 31-37-9.
- (K) Involvement in:
 - (i) a child in need of services proceeding;
 - (ii) a child support proceeding;
 - (iii) a mental health commitment; or
 - (iv) a civil protection proceeding.
- (L) A condition of an informal adjustment program under IC 31-34-8.
- (M) A condition of a misdemeanor sentence.
- (N) A condition of a program authorized by the:
 - (i) judge of a problem solving court; and
 - (ii) department of correction or the county sheriff.
- (O) A violation under IC 36-1-31.5.**

SECTION 4. IC 35-52-13-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 17. IC 13-30-10-7 defines a crime concerning the environment.**

SECTION 5. IC 35-52-36-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 0.5. IC 36-1-31.5-6 defines a crime concerning the unauthorized use of a public right-of-way or land owned by the state or a political subdivision to camp, sleep, or use for long term shelter.**

SECTION 6. IC 36-1-3-8, AS AMENDED BY P.L.4-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

- (1) The power to condition or limit its civil liability, except as expressly granted by statute.
- (2) The power to prescribe the law governing civil actions



between private persons.

(3) The power to impose duties on another political subdivision, except as expressly granted by statute.

(4) The power to impose a tax, except as expressly granted by statute.

(5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.

(6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

(8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.

(9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air permit program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

(i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

(11) The power to invest money, except as expressly granted by statute.

(12) The power to adopt an ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2, or otherwise conduct an election, except as expressly granted by statute. An ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2 that was adopted before January 1, 2023, is void unless a statute expressly granted the unit the power to adopt the ordinance, resolution, or order.

(13) The power to adopt or enforce an ordinance described in section 8.5 of this chapter.

(14) The power to take any action prohibited by section 8.6 of this chapter.

(15) The power to dissolve a political subdivision, except:

(A) as expressly granted by statute; or



(B) if IC 36-1-8-17.7 applies to the political subdivision, in accordance with the procedure set forth in IC 36-1-8-17.7.

(16) After June 30, 2019, the power to enact an ordinance requiring a solid waste hauler or a person who operates a vehicle in which recyclable material is transported for recycling to collect fees authorized by IC 13-21 and remit the fees to:

(A) a unit; or

(B) the board of a solid waste management district established under IC 13-21.

(17) The power to adopt or enforce an ordinance described in section 8.7 of this chapter.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

SECTION 7. IC 36-1-3-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.7. (a) As used in this section, "unit" means a county or a municipality.**

(b) As used in this section, "utility" means a utility, however organized, that provides utility service to customers in Indiana. The term includes a utility that is owned, operated, or held in trust by a consolidated city.

(c) As used in this section, "utility service" means:

(1) electric;

(2) natural gas;

(3) water; or

(4) wastewater;

service that is provided at retail.

(d) As used in this section, "utility usage data ordinance":

(1) means an ordinance that is adopted by a unit and that requires:

(A) the owner or tenant of a building; or

(B) a utility providing utility service to a building;

to report to the unit, or to any other party, whether directly or indirectly, data on the utility service used or consumed at a building during a specified reporting period; and

(2) does not include an ordinance that authorizes or facilitates the voluntary reporting of data described in subdivision (1)



by:

- (A) the owner or tenant of a building; or
- (B) a utility providing utility service to a building.

(e) After May 14, 2025, a unit may not adopt or enforce a utility usage data ordinance.

SECTION 8. IC 36-1-31.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 31.5. Street Camping

Sec. 1. As used in this chapter, "emergency detention" means an emergency detention of a person under IC 12-26-5.

Sec. 2. As used in this chapter, "public land" means land that is:

- (1) owned by the state or a political subdivision; and
- (2) not a public right-of-way.

Sec. 3. A person may not camp, sleep, or use for long term shelter:

- (1) a public right-of-way; or
- (2) public land;

unless authorized for that use by the state or political subdivision, as appropriate.

Sec. 4. If a person violates section 3 of this chapter, the law enforcement officer who discovers the violation shall first determine if there are reasonable grounds for an emergency detention of the person. If there are reasonable grounds for an emergency detention, the law enforcement officer shall proceed under IC 12-26-5 and not this chapter.

Sec. 5. If the law enforcement officer determines that there are not reasonable grounds for an emergency detention of the person, the law enforcement officer shall:

(1) give the person a warning that the person must move from the public right-of-way or the public land, whichever is appropriate, not later than:

- (A) twenty-four (24) hours after receiving the warning, if the violation is regarding the public right-of-way; or
- (B) seventy-two (72) hours after receiving the warning, if the violation is regarding public land;

(2) offer to transport the person to a location, if any location exists and is available to receive the person:

- (A) that is not more than five (5) miles from where the violation occurred; and
- (B) where the person may receive:
 - (i) mental health services; or



- (ii) shelter; and
- (3) call a local crisis intervention team for assistance, if:
 - (A) the unit is served by a local crisis intervention team; and
 - (B) a location meeting the requirements of subdivision (2):
 - (i) does not exist or is not available to receive the person; or
 - (ii) exists and is available to receive the person, but the person refuses to be transported to the location.

Sec. 6. A person who knowingly or intentionally violates section 3 of this chapter after:

- (1) refusing an offer to be transported to a location that meets the requirements of section 5(2) of this chapter; and
- (2) more than:
 - (A) twenty-four (24) hours have elapsed since the person was given the warning under section 5(1)(A) of this chapter; or
 - (B) seventy-two (72) hours have elapsed since the person was given the warning under section 5(1)(B) of this chapter;

commits a Class C misdemeanor.

Sec. 7. At the initial hearing of a person for a violation under section 6 of this chapter, the person shall be referred to the problem solving court:

- (1) established under IC 33-23-16; and
- (2) designated by the prosecuting attorney."

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 24.

Page 3, line 29, after "5(a)(4)," insert "or".

Page 3, line 29, after "5(a)(5)" delete ",".

Page 3, line 29, strike "or 7.5".

Page 3, line 30, after "5(a)(4)," insert "or".

Page 3, line 30, after "5(a)(5)" delete ",".

Page 3, line 30, strike "or 7.5".

Page 3, line 31, reset in roman "ten (10)".

Page 3, line 31, delete "ninety (90)".

Page 3, line 32, reset in roman "ten (10)".

Page 3, line 32, delete "ninety (90)".

Page 5, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 10. IC 36-7-9-7.5, AS ADDED BY P.L.247-2015,



SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7.5. (a) This section applies to an order issued under section 5(a)(5) of this chapter for which a hearing was not requested as provided in section 7 of this chapter.

(b) If the person to whom the order was issued fails or refuses to comply with the order within sixty (60) days or the time specified in the order, the enforcement authority may impose a civil penalty not to exceed two thousand five hundred dollars (\$2,500). The enforcement authority shall give notice of the civil penalty **as described in section 25 of this chapter** to all persons with a known or recorded substantial property interest in the unsafe premises.

(c) The notice under subsection (b) must contain the following information:

- (1) The name of the person to whom the order was issued.**
- (2) The action that is required to bring the premises into compliance.**
- (3) The date, time, and location of the hearing on the civil penalty under section 7 of this chapter.**

~~(c)~~ **(d) After:**

(1) a civil penalty is imposed under subsection (b); and

(2) a hearing is held under section 7 of this chapter;

the enforcement authority may impose an additional civil penalty in an amount not to exceed one thousand dollars (\$1,000) every ninety (90) days if the person to whom the order was issued continues to fail or refuse to comply with the order.

~~(d)~~ **(e)** If a civil penalty under this section is unpaid for more than ~~fifteen (15)~~ **thirty (30)** days after payment of the civil penalty is due, the civil penalty may be collected in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty that is collected shall be deposited in the unsafe building fund.

SECTION 11. An emergency is declared for this act."

Delete page 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 197 as reprinted February 19, 2025.)

JETER

Committee Vote: yeas 7, nays 3.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 197 be amended to read as follows:

Replace the effective date in SECTION 3 with "[EFFECTIVE JULY 1, 2026]".

Replace the effective date in SECTION 5 with "[EFFECTIVE JULY 1, 2026]".

Replace the effective date in SECTION 8 with "[EFFECTIVE JULY 1, 2026]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-82, AS AMENDED BY P.L.194-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY, 2025]: Sec]. 82. "Facility" means the following:

(1) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-3.

(2) For purposes of IC 12-17-13, the meaning set forth in IC 12-17-13-2.

(3) For purposes of IC 12-26, a hospital, a health and hospital corporation established under IC 16-22-8, a psychiatric hospital, a community mental health center, another institution, a program, a managed care provider, or a child caring institution:

(A) where an individual with a mental illness can receive rehabilitative treatment, or habilitation and care, in the least restrictive environment suitable for the necessary care, treatment, and protection of the individual and others; and

(B) that has adequate space and treatment staff appropriate to the needs of the individual as determined by the superintendent of the facility.

The term includes all services, programs, and centers of the facility, wherever located, **and the assessment and intervention center.**

(4) For purposes of IC 12-15-32, the meaning set forth in IC 12-15-32-1."

Page 6, line 20, after "4." insert "(a)".

Page 6, between lines 25 and 26, begin a new paragraph and insert:

"(b) This subsection applies to a consolidated city. If a person violates section 3 of this chapter, the law enforcement officer who discovers the violation shall first determine if there are reasonable grounds for an emergency detention of the person. If there are reasonable grounds for an emergency detention, the law



enforcement officer shall proceed under IC 12-26-5 and not this chapter. This subsection does not prohibit the law enforcement officer from transporting the person to the assessment and intervention center or a similar facility."

Page 6, line 40, delete "may receive:" and insert "**shall receive temporary accommodations that provide respite and offer access to services and permanent housing options; and**".

Page 6, delete lines 41 through 42.

Page 7, line 22, delete "shall" and insert "**may**".

Re-number all SECTIONS consecutively.

(Reference is to ESB 197 as printed April 7, 2025.)

MOED

