



Reprinted  
February 2, 2010

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## SENATE BILL No. 213

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DIGEST OF SB 213 (Updated February 1, 2010 4:29 pm - DI 110)

**Citations Affected:** IC 4-3; IC 5-2; IC 9-24; IC 11-10; IC 22-4; IC 22-5; IC 34-28; IC 35-33; IC 35-44; IC 36-2.

**Synopsis:** Unauthorized aliens. Requires the department of correction to: (1) evaluate the citizenship and immigration status of a committed offender; and (2) notify and assist the United States Department of Homeland Security under certain conditions. Provides that the fact that a defendant is a foreign national not lawfully admitted to the United States is a fact relevant to the risk of nonappearance a judicial officer must consider in setting bail. Requires a sheriff to make a reasonable effort to determine the citizenship or immigration status of certain persons confined in a county jail. Prohibits a governmental body from  
(Continued next page)

**Effective:** July 1, 2010.

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**Delph, Boots, Kruse, Walker, Yoder,  
Young R Michael, Hershman,  
Holdman, Landske, Becker, Arnold,  
Miller, Head, Skinner, Stutzman,  
Steele**

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January 5, 2010, read first time and referred to Committee on Pensions and Labor.  
January 21, 2010, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
January 28, 2010, amended, reported favorably — Do Pass.  
February 1, 2010, read second time, amended, ordered engrossed.

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enacting an ordinance, resolution, rule, or policy that prohibits or limits another governmental body from sending, receiving, maintaining, or exchanging information on the citizenship or immigration status of an individual. Allows a person to bring an action to compel a governmental body to comply with the prohibition. Requires the department of workforce development to verify through the Systematic Alien Verification for Entitlements (SAVE) program the lawful presence of certain individuals who apply for unemployment benefits. Requires a state agency or political subdivision to verify employees through the E-Verify program unless the E-Verify program no longer exists. Prohibits a state agency or political subdivision from entering into or renewing a public contract for services with a contractor unless the contract requires the contractor to verify employees through the E-Verify program if the E-Verify program exists. Provides that: (1) a state agency or political subdivision may terminate a public contract for services under certain conditions regarding the knowing employment or retention of unauthorized aliens; and (2) if a public contract for services is terminated, a contractor is liable for actual damages. Allows a contractor of a public contract for services to terminate a contract with a subcontractor if the subcontractor employs or contracts with unauthorized aliens. Makes it, except in certain circumstances, a: (1) Class C infraction for a person to knowingly or intentionally offer in writing, accept, or record a consular identification for any public purpose; or (2) Class C infraction for a person to knowingly or intentionally offer in writing, accept, or record an individual taxpayer identification number as a valid form of identification for any public or private purpose. Increases penalties for certain crimes. Establishes additional penalties for certain crimes. Makes making a false identity statement a Class A misdemeanor. Makes it a: (1) Class A misdemeanor to knowingly or intentionally transport or move; and (2) Class A misdemeanor to knowingly or intentionally conceal, harbor, or shield from detection; an alien, for purposes of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law. Requires the office of management and budget to, not later than July 1, 2011, calculate an estimate of the costs of illegal aliens to the state and make a written request to the Congress of the United States to reimburse the state for those costs.

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Reprinted  
February 2, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 213

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 4-3-22-17 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2010]: **Sec. 17. (a) As used in this section, "alien" has the**  
4 **meaning set forth in 8 U.S.C. 1101(a).**  
5 **(b) As used in this section, "illegal alien" means an alien who**  
6 **has come to, entered, or remained in the United States in violation**  
7 **of the law.**  
8 **(c) As used in this section, "total costs" include, but are not**  
9 **limited to, costs related to incarceration, education, health care,**  
10 **and public assistance.**  
11 **(d) Not later than July 1, 2011, the OMB shall, using existing**  
12 **resources, do the following:**  
13 **(1) Calculate an estimate of the total costs of illegal aliens to**  
14 **the state of Indiana.**  
15 **(2) Make a written request to the Congress of the United**

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1 States to reimburse the state of Indiana for the costs  
2 calculated under subdivision (1).

3 (e) This section expires July 1, 2012.

4 SECTION 2. IC 5-2-18 IS ADDED TO THE INDIANA CODE AS  
5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
6 1, 2010]:

7 Chapter 18. Citizenship and Immigration Status Information

8 Sec. 1. As used in this chapter, "governmental body" has the  
9 meaning set forth in IC 5-22-2-13.

10 Sec. 2. A governmental body may not enact an ordinance, a  
11 resolution, a rule, or a policy that prohibits or in any way restricts  
12 another governmental body, including a law enforcement officer  
13 (as defined in IC 5-2-1-2), a state or local official, or a state or local  
14 government employee, from taking the following actions with  
15 regard to information of the citizenship or immigration status,  
16 lawful or unlawful, of an individual:

- 17 (1) Communicating or cooperating with federal officials.
- 18 (2) Sending to or receiving information from the United States  
19 Department of Homeland Security.
- 20 (3) Maintaining information.
- 21 (4) Exchanging information with another federal, state, or  
22 local government entity.

23 Sec. 3. If a governmental body violates this chapter, a person  
24 lawfully domiciled in Indiana may bring an action to compel the  
25 governmental body to comply with this chapter.

26 SECTION 3. IC 9-24-18-1 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) A person, except  
28 a person exempted under IC 9-24-1-7, who

- 29 (1) knowingly or intentionally operates a motor vehicle upon a  
30 highway and
- 31 (2) has never received a valid driving license  
32 commits a Class C misdemeanor. **However, the offense is a Class A**  
33 **misdemeanor if the person has a prior unrelated conviction under**  
34 **this section.**

35 (b) In addition to any other penalty imposed for a conviction  
36 under this section, the court shall recommend that the person be  
37 prohibited from receiving a valid driving license for a fixed period  
38 of at least ninety (90) days and not more than two (2) years.

- 39 (c) The court shall specify:
  - 40 (1) the length of the fixed period of the prohibition; and
  - 41 (2) the date the fixed period of the prohibition begins;
- 42 whenever the court makes a recommendation under subsection (b).

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1 (d) The bureau shall, upon receiving a record of conviction of a  
2 person upon a charge of operating a motor vehicle while never  
3 having received a valid driving license, prohibit the person from  
4 receiving a driving license for a fixed period of at least ninety (90)  
5 days and not more than two (2) years. The bureau shall fix this  
6 period in accordance with the recommendation of the court that  
7 entered the conviction, as provided in subsection (c).

8 ~~(b)~~ (e) In a prosecution under this section, the burden is on the  
9 defendant to prove by a preponderance of the evidence that the  
10 defendant had been issued a driving license or permit that was valid at  
11 the time of the alleged offense.

12 SECTION 4. IC 11-10-1-2 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) A committed  
14 criminal offender shall, within a reasonable time, be evaluated  
15 regarding:

- 16 (1) ~~his~~ **the offender's** medical, psychological, educational,
- 17 vocational, economic and social condition, and history;
- 18 (2) the circumstances surrounding ~~his~~ **the offender's** present
- 19 commitment;
- 20 (3) ~~his~~ **the offender's** history of criminality; ~~and~~
- 21 **(4) the citizenship or immigration status of the offender by**
- 22 **making a reasonable effort to determine the offender's**
- 23 **citizenship or immigration status with the United States**
- 24 **Department of Homeland Security; and**
- 25 ~~(4)~~ **(5)** any additional relevant matters.

26 (b) In making the evaluation prescribed in subsection (a), the  
27 department may utilize any presentence report, any presentence  
28 memorandum filed by the offender, any reports of any presentence  
29 physical or mental examination, the record of the sentencing hearing,  
30 or other information forwarded by the sentencing court or other agency,  
31 if that information meets the department's minimum standards for  
32 criminal offender evaluation.

33 (c) If an offender has undergone, within two (2) years before the  
34 date of ~~his~~ **the offender's** commitment, a previous departmental  
35 evaluation under this section, the department may rely on the previous  
36 evaluation and the information used at that time. However, this  
37 subsection does not deprive an offender of the right to a medical and  
38 dental examination under IC 11-10-3.

39 (d) **If the department is unable to verify the citizenship or**  
40 **immigration status of a committed criminal offender, the**  
41 **department shall notify the United States Department of Homeland**  
42 **Security that the citizenship or immigration status of the offender**

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1 **could not be verified. The department shall assist the United States**  
2 **Department of Homeland Security with information leading to the**  
3 **deportation of a committed criminal offender who is unlawfully**  
4 **present in the United States.**

5 SECTION 5. IC 11-10-2-4 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) A committed  
7 offender shall, within a reasonable time, be evaluated regarding:

- 8 (1) ~~his~~ **the offender's** medical, psychological, educational,
- 9 vocational, economic and social condition, and history;
- 10 (2) the circumstances surrounding ~~his~~ **the offender's** present
- 11 commitment;
- 12 (3) ~~his~~ **the offender's** history of delinquency; ~~and~~
- 13 **(4) the citizenship or immigration status of the offender with**
- 14 **the United States Department of Homeland Security; and**
- 15 ~~(4)~~ **(5) any additional relevant matters.**

16 (b) In making the evaluation prescribed in subsection (a), the  
17 department may utilize reports of any precommitment physical or  
18 mental examination or other information or records forwarded by the  
19 committing court or other agency, if that information meets the  
20 department's minimum standards for delinquent offender evaluation.

21 (c) If a committed offender has undergone, within one (1) year  
22 before the date of ~~his~~ **the offender's** commitment, a previous  
23 departmental evaluation under this section, the department may rely on  
24 the previous evaluation and the information used at that time. However,  
25 this subsection does not deprive an offender of the right to a medical  
26 and dental examination under IC 11-10-3.

27 **(d) If the department is unable to verify the citizenship or**  
28 **immigration status of a committed offender, the department shall**  
29 **notify the United States Department of Homeland Security that the**  
30 **citizenship or immigration status of the committed offender could**  
31 **not be verified. The department shall assist the United States**  
32 **Department of Homeland Security with information leading to the**  
33 **deportation of a committed offender who is unlawfully present in**  
34 **the United States.**

35 SECTION 6. IC 22-4-14-9 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) **As used in this**  
37 **section, "SAVE program" refers to the Systematic Alien**  
38 **Verification for Entitlements program operated by the United**  
39 **States Department of Homeland Security or a successor program**  
40 **designated by the United States Department of Homeland Security.**

41 (b) For weeks of unemployment occurring subsequent to December  
42 31, 1977, benefits may not be paid on the basis of services performed

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1 by an alien unless the alien is an individual who has been lawfully  
2 admitted for permanent residence at the time the services are  
3 performed, is lawfully present for purposes of performing the services,  
4 or otherwise is permanently residing in the United States under color  
5 of law at the time the services are performed (including an alien who  
6 is lawfully present in the United States as a result of the application of  
7 the provisions of Section 207, Section 208, or Section 212(d)(5) of the  
8 Immigration and Nationality Act (8 U.S.C. 1157 through 1158).

9 (1) Any data or information required of individuals applying for  
10 benefits to determine whether benefits are not payable to them  
11 because of their alien status shall be uniformly required from all  
12 applicants for benefits.

13 (2) In the case of an individual whose application for benefits  
14 would otherwise be approved, no determination that benefits to  
15 the individual are not payable because of ~~his~~ **the individual's**  
16 alien status may be made except upon a preponderance of the  
17 evidence.

18 (3) Any modifications to the provisions of Section 3304(a)(14) of  
19 the Federal Unemployment Tax Act, as provided by P.L.94-566,  
20 which specify other conditions or other effective date than stated  
21 in this section for the denial of benefits based on services  
22 performed by aliens and which are required to be implemented  
23 under state law as a condition for full tax credit against the tax  
24 imposed by the Federal Unemployment Tax Act, shall be  
25 considered applicable under this section.

26 **(c) If an individual who applies for benefits is not a citizen or**  
27 **national of the United States, the department shall verify the lawful**  
28 **presence of the individual through the SAVE program to**  
29 **determine the individual's eligibility for benefits. The department**  
30 **shall implement this subsection in accordance with federal law.**

31 SECTION 7. IC 22-5-1.7 IS ADDED TO THE INDIANA CODE  
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2010]:

34 **Chapter 1.7. Public Contract for Services; Unauthorized Aliens**

35 **Sec. 1. As used in this chapter, "contractor" means a person**  
36 **that has or is attempting to enter into a public contract for services**  
37 **with a state agency or political subdivision.**

38 **Sec. 2. As used in this chapter, "E-Verify program" means the**  
39 **electronic verification of work authorization program of the Illegal**  
40 **Immigration Reform and Immigration Responsibility Act of 1996**  
41 **(P.L. 104-208), Division C, Title IV, s. 403(a), as amended, operated**  
42 **by the United States Department of Homeland Security or a**

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1 successor work authorization program designated by the United  
2 States Department of Homeland Security or other federal agency  
3 authorized to verify the work authorization status of newly hired  
4 employees under the Immigration Reform and Control Act of 1986  
5 (P.L. 99-603).

6 Sec. 3. As used in this chapter, "person" means an individual, a  
7 corporation, a limited liability company, a partnership, or another  
8 legal entity.

9 Sec. 4. As used in this chapter, "political subdivision" has the  
10 meaning set forth in IC 36-1-2-13.

11 Sec. 5. As used in this chapter, "public contract for services"  
12 means any type of agreement between a state agency or a political  
13 subdivision and a contractor for the procurement of services.

14 Sec. 6. As used in this chapter, "state agency" has the meaning  
15 set forth in IC 4-6-3-1.

16 Sec. 7. As used in this chapter, "subcontractor" means a person  
17 that:

- 18 (1) is a party to a contract with a contractor; and
- 19 (2) provides services for work the contractor is performing  
20 under a public contract for services.

21 Sec. 8. As used in this chapter, "unauthorized alien" has the  
22 meaning set forth in 8 U.S.C. 1324a(h)(3).

23 Sec. 9. (a) Except as provided in subsection (b), a state agency  
24 or political subdivision shall use the E-Verify program to verify the  
25 work eligibility status of all employees of the state agency or  
26 political subdivision hired after June 30, 2010.

27 (b) A state agency or political subdivision is not required to use  
28 the E-Verify program as required under subsection (a) if the  
29 E-Verify program no longer exists.

30 Sec. 10. A state agency or political subdivision may not enter  
31 into or renew a public contract for services with a contractor  
32 unless the public contract contains the following:

- 33 (1) A provision requiring the contractor to enroll in and verify  
34 the work eligibility status of all newly hired employees of the  
35 contractor through the E-Verify program.
- 36 (2) A provision that provides that a contractor is not required  
37 to verify the work eligibility status of all newly hired  
38 employees of the contractor through the E-Verify program if  
39 the E-Verify program no longer exists.

40 Sec. 11. Before a state agency or political subdivision may enter  
41 into a public contract for services with a contractor, the contractor  
42 shall certify in a manner consistent with federal law that the

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1 contractor, at the time of the certification, does not employ or  
2 contract with an unauthorized alien.

3 Sec. 12. (a) A contractor or a subcontractor may not:  
4 (1) knowingly employ or contract with an unauthorized alien;  
5 or  
6 (2) retain an employee or contract with a person that the  
7 contractor or subcontractor subsequently learns is an  
8 unauthorized alien.

9 (b) If a contractor violates this section, the state agency or  
10 political subdivision shall require the contractor to remedy the  
11 violation not later than thirty (30) days after the date the state  
12 agency or political subdivision notifies the contractor of the  
13 violation.

14 (c) There is a rebuttable presumption that a contractor did not  
15 knowingly employ an unauthorized alien if the contractor verified  
16 the work eligibility status of the employee through the E-Verify  
17 program.

18 Sec. 13. (a) Except as provided in subsection (b), if the  
19 contractor fails to remedy the violation within the thirty (30) day  
20 period provided under section 12(b) of this chapter, the state  
21 agency or political subdivision shall terminate the public contract  
22 for services with the contractor for breach of the public contract  
23 for services.

24 (b) If a contractor employs or contracts with an unauthorized  
25 alien but the state agency or political subdivision (whichever the  
26 contractor has a public contract for services with) determines that  
27 terminating the public contract for services under subsection (a)  
28 would be detrimental to the public interest or public property, the  
29 state agency or political subdivision may allow the public contract  
30 for services to remain in effect until the state agency or political  
31 subdivision procures a new contractor.

32 (c) If a state agency or political subdivision terminates a public  
33 contract for services under subsection (a), the contractor is liable  
34 to the state agency or political subdivision for actual damages.

35 Sec. 14. A contractor may file an action with a circuit or  
36 superior court having jurisdiction in the county to challenge:

- 37 (1) a notice of a violation to the contractor under section 12(b)  
38 of this chapter not later than twenty (20) days after the  
39 contractor receives the notice; or  
40 (2) a termination of a public contract for services under  
41 section 13(a) of this chapter not later than twenty (20) days  
42 after the state agency or political subdivision terminates the

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public contract for services with the contractor.

**Sec. 15.** If a contractor uses a subcontractor, the subcontractor shall certify to the contractor in a manner consistent with federal law that the subcontractor, at the time of certification, does not employ or contract with an unauthorized alien.

**Sec. 16.** A contractor shall maintain on file a certification of a subcontractor under section 15 of this chapter throughout the duration of the term of a contract with the subcontractor.

**Sec. 17. (a)** If a contractor determines that a subcontractor is in violation of this chapter, the contractor may terminate a contract with the subcontractor for the violation.

**(b)** A contract terminated under subsection (a) for a violation of this chapter by a subcontractor may not be considered a breach of contract by the contractor or the subcontractor.

**(c)** A subcontractor may file an action with a circuit or superior court having jurisdiction in the county to challenge a termination of a contract under subsection (a) not later than twenty (20) days after the contractor terminates the contract with the subcontractor.

SECTION 8. IC 34-28-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

**Chapter 7. Offenses Related to Identification Numbers and Documents**

**Sec. 1.** As used in this chapter, "consular identification" means an identification, other than a passport, issued by the government of a foreign state for the purpose of providing consular services in the United States to a national of the foreign state.

**Sec. 2.** As used in this chapter, "individual taxpayer identification number" means a tax processing number issued by the United States Internal Revenue Service for the purpose of facilitating federal tax reporting by individuals who are not eligible to obtain a federal Social Security number.

**Sec. 3. (a)** This section does not apply to a law enforcement officer who is presented with a consular identification during the investigation of a crime.

**(b)** Except as otherwise provided under federal law or to document the foreign nationality of a cardholder, a person who knowingly or intentionally offers in writing, accepts, or records a consular identification for any public purpose commits a Class C infraction. However, the person commits:

**(1)** a Class B infraction for a second offense; and

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(2) a Class A infraction for a third or subsequent offense.  
Sec. 4. Except as otherwise provided under law, a person who knowingly or intentionally offers in writing, accepts, or records an individual taxpayer identification number as a valid form of identification for any public or private purpose, other than for reporting, payment, or other processing of federal or state personal taxation for which a Social Security number would otherwise be required of a United States citizen, commits a Class C infraction. However, the person commits:

- (1) a Class B infraction for a second offense; and
- (2) a Class A infraction for a third or subsequent offense.

SECTION 9. IC 35-33-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The court shall order the amount in which a person charged by an indictment or information is to be held to bail, and the clerk shall enter the order on the order book and indorse the amount on each warrant when issued. If no order fixing the amount of bail has been made, the sheriff shall present the warrant to the judge of an appropriate court of criminal jurisdiction, and the judge shall indorse on the warrant the amount of bail.

(b) Bail may not be set higher than that amount reasonably required to assure the defendant's appearance in court or to assure the physical safety of another person or the community if the court finds by clear and convincing evidence that the defendant poses a risk to the physical safety of another person or the community. In setting and accepting an amount of bail, the judicial officer shall take into account all facts relevant to the risk of nonappearance, including:

- (1) the length and character of the defendant's residence in the community;
- (2) the defendant's employment status and history and ~~his~~ **the defendant's** ability to give bail;
- (3) the defendant's family ties and relationships;
- (4) the defendant's character, reputation, habits, and mental condition;
- (5) the defendant's criminal or juvenile record, insofar as it demonstrates instability and a disdain for the court's authority to bring ~~him~~ **the defendant** to trial;
- (6) the defendant's previous record in not responding to court appearances when required or with respect to flight to avoid criminal prosecution;
- (7) the nature and gravity of the offense and the potential penalty faced, insofar as these factors are relevant to the risk of

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1 nonappearance;  
 2 (8) the source of funds or property to be used to post bail or to pay  
 3 a premium, insofar as it affects the risk of nonappearance; ~~and~~  
 4 **(9) that the defendant is a foreign national who has not been**  
 5 **lawfully admitted to the United States; and**  
 6 ~~(9)~~ **(10)** any other factors, including any evidence of instability  
 7 and a disdain for authority, which might indicate that the  
 8 defendant might not recognize and adhere to the authority of the  
 9 court to bring ~~him~~ **the defendant** to trial.

10 SECTION 10. IC 35-44-2-6 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 12 1, 2010]: **Sec. 6. (a) A person who, in a five (5) year period, has**  
 13 **knowingly made two (2) or more material statements concerning**  
 14 **the person's identity in one (1) or more official proceedings or**  
 15 **investigations, with the intent to mislead public servants, which are**  
 16 **inconsistent to the degree that one (1) of them is necessarily false,**  
 17 **commits false identity statement, a Class A misdemeanor.**

18 **(b) It is a defense to a prosecution under this section that both**  
 19 **material statements concerning the person's identity are accurate**  
 20 **or were accurate in the past.**

21 **(c) In a prosecution under subsection (a):**  
 22 **(1) the indictment or information need not specify which**  
 23 **statement is actually false; and**  
 24 **(2) the falsity of a statement may be established sufficient for**  
 25 **conviction by proof that the defendant made irreconcilably**  
 26 **contradictory statements concerning the person's identity.**

27 SECTION 11. IC 35-44-5 IS ADDED TO THE INDIANA CODE  
 28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2010]:

30 **Chapter 5. Offenses Relating to Illegal Aliens**

31 **Sec. 1. This chapter does not apply to the following:**

- 32 **(1) A church or religious organization.**
- 33 **(2) The provision of assistance for health care items and**
- 34 **services that are necessary for the treatment of an emergency**
- 35 **medical condition of an individual.**
- 36 **(3) A health care provider (as defined in IC 16-18-2-163(a))**
- 37 **that is providing health care services.**
- 38 **(4) An attorney or other person that is providing legal**
- 39 **services.**
- 40 **(5) A person who:**
  - 41 **(A) is a spouse of an alien or who stands in relation of**
  - 42 **parent or child to an alien; and**

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1           **(B) would otherwise commit an offense under this chapter**  
2           **with respect to the alien.**  
3           **(6) A provider that:**  
4           **(A) receives federal or state funding to provide services to**  
5           **victims of domestic violence, sexual assault, human**  
6           **trafficking, or stalking; and**  
7           **(B) is providing the services described in clause (A).**  
8           **Sec. 2. As used in this chapter, "alien" has the meaning set forth**  
9           **in 8 U.S.C. 1101(a).**  
10           **Sec. 3. A person who knowingly or intentionally:**  
11           **(1) transports; or**  
12           **(2) moves;**  
13           **an alien, for the purpose of commercial advantage or private**  
14           **financial gain, knowing or in reckless disregard of the fact that the**  
15           **alien has come to, entered, or remained in the United States in**  
16           **violation of the law commits transporting an illegal alien, a Class**  
17           **A misdemeanor.**  
18           **Sec. 4. A person who knowingly or intentionally:**  
19           **(1) conceals;**  
20           **(2) harbors; or**  
21           **(3) shields from detection;**  
22           **an alien in any place, including a building or means of**  
23           **transportation, for the purpose of commercial advantage or**  
24           **private financial gain, knowing or in reckless disregard of the fact**  
25           **that the alien has come to, entered, or remained in the United**  
26           **States in violation of law, commits harboring an illegal alien, a**  
27           **Class A misdemeanor.**  
28           **Sec. 5. It is a defense to a prosecution under section 4(2) of this**  
29           **chapter that a landlord, before renting real property to a person,**  
30           **was provided with a driver's license from any state or other lawful**  
31           **United States identification, including a Social Security card,**  
32           **passport, or other unexpired document issued by the federal**  
33           **government that evidences that the person is authorized to be in**  
34           **the United States.**  
35           **Sec. 6. A determination by the United States Department of**  
36           **Homeland Security that an alien has come to, entered, or remained**  
37           **in the United States in violation of law is evidence that the alien is**  
38           **in the United States in violation of law.**  
39           **SECTION 12. IC 36-2-13-7.5 IS ADDED TO THE INDIANA**  
40           **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
41           **[EFFECTIVE JULY 1, 2010]: Sec. 7.5. (a) The sheriff shall make a**  
42           **reasonable effort to determine the citizenship or immigration**

**C**  
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**Y**



1 status with the United States Department of Homeland Security of  
2 a person who is:  
3 (1) charged with a felony or with operating a vehicle while  
4 intoxicated; and  
5 (2) confined, for any period, in a county jail.  
6 (b) If the sheriff is unable to verify the citizenship or  
7 immigration status of a person described under subsection (a), the  
8 sheriff shall notify the United States Department of Homeland  
9 Security that the citizenship or immigration status of the person  
10 described in subsection (a) could not be verified. The sheriff shall  
11 assist the United States Department of Homeland Security with  
12 information leading to the deportation of a person described in  
13 subsection (a) who is unlawfully present in the United States.  
14 (c) Upon request from the department of correction, the sheriff  
15 shall make available a copy of any information or documents the  
16 sheriff collects in attempting to determine the citizenship or  
17 immigration status of a person under this section to the  
18 department of correction.

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**Y**



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 213, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is made to Senate Bill 213 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 213, 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 14, delete ":".

Page 2, line 15, delete "(1)".

Page 2, line 16, delete ";" and insert ".".

Page 2, run in lines 14 through 16.

Page 2, delete lines 17 through 20.

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 4.

Page 3, line 14, after "offender" insert "**by making a reasonable effort to determine the offender's citizenship or immigration status**".

Page 9, delete lines 36 through 42.

Delete page 10.

Page 11, delete lines 1 through 24.

Page 12, line 20, delete "Except as provided in section 5 of this chapter, a" and insert "A".

Page 12, line 29, delete "Except as provided in section 5 of this chapter, a" and insert "A".

Page 12, delete lines 40 through 42.

Page 13, delete lines 1 through 4.

Page 13, line 5, delete "6." and insert "5".



Page 13, line 12, delete "7." and insert "6."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 213 as printed January 22, 2010.)

DILLON, Ranking Member

Committee Vote: Yeas 12, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 213 be amended to read as follows:

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

"SECTION 1. IC 4-3-22-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 17. (a) As used in this section, "alien" has the meaning set forth in 8 U.S.C. 1101(a).**

**(b) As used in this section, "illegal alien" means an alien who has come to, entered, or remained in the United States in violation of the law.**

**(c) As used in this section, "total costs" include, but are not limited to, costs related to incarceration, education, health care, and public assistance.**

**(d) Not later than July 1, 2011, the OMB shall, using existing resources, do the following:**

**(1) Calculate an estimate of the total costs of illegal aliens to the state of Indiana.**

**(2) Make a written request to the Congress of the United States to reimburse the state of Indiana for the costs calculated under subdivision (1).**

**(e) This section expires July 1, 2012."**

Renumber all SECTIONS consecutively.

(Reference is to SB 213 as printed January 29, 2010.)

DELPH

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SENATE MOTION

Madam President: I move that Senate Bill 213 be amended to read as follows:

Page 10, between lines 19 and 20, begin a line block indented and insert:

**"(6) A provider that:**

**(A) receives federal or state funding to provide services to victims of domestic violence, sexual assault, human trafficking, or stalking; and**

**(B) is providing the services described in clause (A)."**

(Reference is to SB 213 as printed January 29, 2010.)

DELPH

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SENATE MOTION

Madam President: I move that Senate Bill 213 be amended to read as follows:

Page 6, line 5, delete "A" and insert "**(a) Except as provided in subsection (b), a**"

Page 6, between lines 8 and 9, begin a new paragraph and insert:

**"(b) A state agency or political subdivision is not required to use the E-Verify program as required under subsection (a) if the E-Verify program no longer exists."**

Page 6, line 11, delete "a" and insert "**the following:**

**(1) A"**

Page 6, between lines 14 and 15, begin a new line block indented and insert:

**"(2) A provision that provides that a contractor is not required to verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program if the E-Verify program no longer exists."**

(Reference is to SB 213 as printed January 29, 2010.)

DELPH

