

SENATE BILL No. 394

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-11-1-9.5.

Synopsis: Reporting of government malfeasance. Provides for confidentiality and relief for an individual who reports certain suspected violations of law by public officers.

Effective: July 1, 2015.

Charbonneau

January 12, 2015, read first time and referred to Committee on Judiciary.



Introduced

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

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

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

1 SECTION 1. IC 5-11-1-9.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9.5. **(a) An individual**
3 **may report suspected malfeasance, misfeasance, or nonfeasance by**
4 **a public officer to the state board of accounts. The individual's**
5 **identity is confidential unless a civil proceeding is pending under**
6 **IC 5-11-5-1(a) and the court orders disclosure.**

7 **(a) (b)** The state examiner may not undertake an examination of a
8 public office, officer, or institution based on the allegation of an
9 individual, organization, or institution that a violation of the law has
10 occurred unless:

11 (1) the individual or representative of the organization or
12 institution makes the allegation in the form of a sworn statement
13 that the individual or representative believes the allegation to be
14 true; or

15 (2) the state examiner has probable cause to believe that a
16 violation of the law has occurred.



1 ~~(b)~~ (c) A public office, officer, or institution may not retaliate
2 against an employee of the state or a political subdivision for making
3 ~~the~~ **a report under subsection (a) or a sworn statement** described in
4 subsection ~~(a)~~: (b).

5 **(d) An individual who has been discharged, demoted, suspended,**
6 **threatened, harassed, or otherwise discriminated against by the**
7 **individual's employer in the terms and conditions of employment**
8 **as a result of the individual's good faith reporting actions under**
9 **this section is entitled to all relief necessary to make the individual**
10 **whole.**

11 **(e) Relief under subsection (d) includes the following:**

12 **(1) Reinstatement with the same seniority status the**
13 **individual would have but for the act described in subsection**
14 **(d).**

15 **(2) Two (2) times the amount of back pay that is owed to the**
16 **individual.**

17 **(3) Interest on the back pay that is owed to the individual.**

18 **(4) Compensation for any special damages sustained by the**
19 **individual as a result of the act described in subsection (d),**
20 **including costs and expenses of litigation and reasonable**
21 **attorney's fees.**

22 **(f) An individual may bring an action for the relief provided in**
23 **this section in a court with jurisdiction.**

