



March 24, 2015

ENGROSSED
SENATE BILL No. 394

DIGEST OF SB 394 (Updated March 24, 2015 11:24 am - DI 87)

Citations Affected: IC 5-11.

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

Effective: July 1, 2015.

Charbonneau, Steele, Broden,
Randolph

(HOUSE SPONSORS — MCMILLIN, SOLIDAY, OLTHOFF, SLAGER)

January 12, 2015, read first time and referred to Committee on Judiciary.
February 12, 2015, amended, reported favorably — Do Pass.
February 16, 2015, read second time, ordered engrossed. Engrossed.
February 17, 2015, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 3, 2015, read first time and referred to Committee on Government and Regulatory Reform.
March 24, 2015, reported — Do Pass.

ES 394—LS 6933/DI 97



March 24, 2015

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.

ENGROSSED SENATE BILL No. 394

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.

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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) for an individual bringing an
12 action against a person who is not a state officer or state agency
13 includes the following:

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

17 (2) Two (2) times the amount of back pay that is owed to the
18 individual.

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

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

24 (f) An individual may bring an action against a person who is
25 not a state officer or state agency for the relief provided in this
26 section in a court with jurisdiction.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 394, 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 11, after "(d)" insert "**for an individual bringing an action against a person who is not a state officer or state agency**".

Page 2, line 22, after "action" insert "**against a person who is not a state officer or state agency**".

and when so amended that said bill do pass.

(Reference is to SB 394 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 394, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 394 as printed February 13, 2015.)

MAHAN

Committee Vote: Yeas 8, Nays 0

