

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.

## SENATE ENROLLED ACT No. 394

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

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

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

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

- (1) the individual or representative of the organization or institution makes the allegation in the form of a sworn statement that the individual or representative believes the allegation to be true; or
- (2) the state examiner has probable cause to believe that a violation of the law has occurred.

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

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

**(e) Relief under subsection (d) for an individual bringing an action against a person who is not a state officer or state agency includes the following:**

- (1) Reinstatement with the same seniority status the individual would have but for the act described in subsection (d).**
- (2) Two (2) times the amount of back pay that is owed to the individual.**
- (3) Interest on the back pay that is owed to the individual.**
- (4) Compensation for any special damages sustained by the individual as a result of the act described in subsection (d), including costs and expenses of litigation and reasonable attorney's fees.**

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



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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