SENATE ENROLLED ACT No. 394

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.

(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.

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

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: ________________  Time: ________________

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