

# HOUSE BILL No. 1017

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-6-2-64; IC 34-30-31.

**Synopsis:** Civil and criminal immunity. Provides that a civilian who, in good faith, takes an action to prevent serious bodily injury to or to prevent a forcible felony against a law enforcement officer who is engaged in the execution of the law enforcement officer's duties is immune from civil and criminal liability, unless the civilian's acts or omissions amount to gross negligence or willful or wanton misconduct. Provides that the governmental entity that employed the law enforcement officer must indemnify the civilian against any cause of action that may arise out of the civilian's assistance to the law enforcement officer.

**Effective:** July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Judiciary.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1017

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1       SECTION 1. IC 34-6-2-64 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 64. "In good faith", for  
3       purposes of IC 34-13-3, ~~and~~ IC 34-30-15, **and IC 34-30-31**, refers to  
4       an act taken:

- 5               (1) without malice;  
6               (2) after a reasonable effort to obtain the facts of the matter; and  
7               (3) in the reasonable belief that the action taken is warranted by  
8               the facts known.

9       SECTION 2. IC 34-30-31 IS ADDED TO THE INDIANA CODE  
10       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11       JULY 1, 2019]:

12       **Chapter 31. Immunity of Civilians Assisting Law Enforcement**  
13       **Officers**

14       **Sec. 1.** As used in this chapter, "law enforcement officer" has  
15       the meaning set forth in IC 35-31.5-2-185.

16       **Sec. 2. (a)** Except as provided in subsection (b), a civilian who,  
17       in good faith and in compliance with IC 35-41-3-2, takes an action



1 to prevent serious bodily injury to or to prevent a forcible felony  
2 against a law enforcement officer who is engaged in the execution  
3 of the law enforcement officer's duties is immune from civil or  
4 criminal liability for any act or omission arising out of the civilian's  
5 assistance to the law enforcement officer.

6 (b) Subsection (a) does not apply to acts or omissions amounting  
7 to gross negligence or willful or wanton misconduct.

8 Sec. 3. (a) The governmental entity that employed the law  
9 enforcement officer described in section 2 of this chapter shall  
10 indemnify the civilian described in section 2 of this chapter against  
11 any claim, cause of action, demand, cost, judgment, settlement, or  
12 loss arising out of the civilian's action described in section 2 of this  
13 chapter. The indemnification under this section includes the  
14 following costs and expenses:

15 (1) Reasonable attorney's fees.

16 (2) Court costs.

17 (3) Discovery costs.

18 (4) Expert witness fees.

19 (5) Any other reasonable expenses incurred in defending the  
20 civilian under this chapter.

21 (b) In indemnifying the civilian under this section, the  
22 governmental entity shall have the right to control the civilian's  
23 legal defense for the duration of the cause of action.

