

HOUSE BILL No. 1579

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.1-41; IC 34-51-3.

Synopsis: Punitive damages. Eliminates the requirement that 75% of a punitive damages award in a civil case be deposited into the violent crime victims compensation fund.

Effective: July 1, 2019.

Candelaria Reardon

January 17, 2019, read first time and referred to Committee on Judiciary.



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.

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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 5-2-6.1-41, AS AMENDED BY P.L.105-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 41. The fund consists of amounts deposited under
4 IC 5-2-6.3-6(b)(3), IC 11-10-7-5, IC 11-10-8-6, IC 33-37-7-9,
5 ~~IC 34-51-3-6~~; and IC 35-50-5-3 and appropriations from the general
6 assembly.
7 SECTION 2. IC 34-51-3-3 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A jury in a case
9 subject to this chapter may not be advised of
10 (1) the limitation on the amount of a punitive damage award
11 under section 4 of this chapter. ~~or~~
12 (2) the requirement under section 6 of this chapter concerning
13 allocation of money received in payment of a punitive damage
14 award.
15 SECTION 3. IC 34-51-3-6 IS REPEALED [EFFECTIVE JULY 1,
16 2019]. Sec. 6: (a) Except as provided in IC ~~13-25-4-10~~, when a finder
17 of fact announces a verdict that includes a punitive damage award in



1 a civil action; the party against whom the judgment was entered shall
2 notify the office of the attorney general of the punitive damage award:

3 (b) When a punitive damage award is paid, the party against whom
4 the judgment was entered shall pay the punitive damage award to the
5 clerk of the court where the action is pending:

6 (c) Upon receiving the payment described in subsection (b), the
7 clerk of the court shall:

8 (1) pay the person to whom punitive damages were awarded
9 twenty-five percent (25%) of the punitive damage award; and

10 (2) pay the remaining seventy-five percent (75%) of the punitive
11 damage award to the treasurer of state, who shall deposit the
12 funds into the violent crime victims compensation fund
13 established by IC 5-2-6.1-40:

14 (d) The office of the attorney general may negotiate and
15 compromise a punitive damage award described in subsection (c)(2):

16 (e) The state's interest in a punitive damage award described in
17 subsection (c)(2) is effective when a finder of fact announces a verdict
18 that includes punitive damages:

