

## SENATE BILL No. 27

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-51-3.

**Synopsis:** Punitive damages. Provides that limitations on punitive damages do not apply to civil actions in which the person requesting the punitive damages was injured as a result of conduct described in certain criminal sexual misconduct statutes.

**Effective:** July 1, 2019.

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## Becker, Head, Ruckelshaus

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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.

## SENATE BILL No. 27

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 34-51-3-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. **Except as provided**  
3 **in section 7 of this chapter**, a punitive damage award may not be more  
4 than the greater of:

5 (1) three (3) times the amount of compensatory damages awarded  
6 in the action; or

7 (2) fifty thousand dollars (\$50,000).

8 SECTION 2. IC 34-51-3-5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. **Except as provided**  
10 **in section 7 of this chapter**, if a trier of fact awards punitive damages  
11 that exceed the limitation under section 4 of this chapter, the court shall  
12 reduce the punitive damage award to not more than the greater of:

13 (1) three (3) times the amount of compensatory damages awarded  
14 in the action; or

15 (2) fifty thousand dollars (\$50,000).

16 SECTION 3. IC 34-51-3-6, AS AMENDED BY P.L.1-2007,  
17 SECTION 224, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Except as provided in  
 2 IC 13-25-4-10 **and section 7 of this chapter**, when a finder of fact  
 3 announces a verdict that includes a punitive damage award in a civil  
 4 action, the party against whom the judgment was entered shall notify  
 5 the office of the attorney general of the punitive damage award.

6 (b) When a punitive damage award is paid, the party against whom  
 7 the judgment was entered shall pay the punitive damage award to the  
 8 clerk of the court where the action is pending.

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

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

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

17 (d) The office of the attorney general may negotiate and  
 18 compromise a punitive damage award described in subsection (c)(2).

19 (e) The state's interest in a punitive damage award described in  
 20 subsection (c)(2) is effective when a finder of fact announces a verdict  
 21 that includes punitive damages.

22 SECTION 4. IC 34-51-3-7 IS ADDED TO THE INDIANA CODE  
 23 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 24 1, 2019]: **Sec. 7. (a) This section applies to a cause of action that**  
 25 **accrues after June 30, 2019.**

26 (b) **Sections 4, 5, and 6 of this chapter do not apply to a civil**  
 27 **action in which the party requesting the recovery of punitive**  
 28 **damages suffered an injury as a result of conduct described in:**

29 (1) IC 35-42-4-1;

30 (2) IC 35-42-4-3;

31 (3) IC 35-42-4-4;

32 (4) IC 35-42-4-5;

33 (5) IC 35-42-4-6;

34 (6) IC 35-42-4-7;

35 (7) IC 35-42-4-8;

36 (8) IC 35-42-4-9;

37 (9) IC 35-42-4-10;

38 (10) IC 35-42-4-12;

39 (11) IC 35-42-4-12.5; or

40 (12) IC 35-42-4-13.

