

# SENATE BILL No. 386

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-11-2; IC 34-18-7-1.

**Synopsis:** Civil statutes of limitations. Removes the statute of limitations for civil causes of action concerning child sexual abuse, and provides that a person who alleges an injury resulting from child sexual abuse may file an action in an otherwise time barred case. Specifies that a patient of a health facility who is injured while on the premises of the health facility may bring an action not later than two years from the date the injury: (1) occurs; or (2) is discovered or reasonably should have been discovered. Makes conforming amendments.

**Effective:** July 1, 2020.

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## Freeman

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January 13, 2020, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# SENATE BILL No. 386

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 34-11-2-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **Except as provided**  
3 **in section 3.5 of this chapter**, an action of any kind for damages,  
4 whether brought in contract or tort, based upon professional services  
5 rendered or which should have been rendered, may not be brought,  
6 commenced, or maintained, in any of the courts of Indiana against  
7 physicians, dentists, surgeons, hospitals, sanitariums, or others, unless  
8 the action is filed within two (2) years from the date of the act,  
9 omission, or neglect complained of.

10 SECTION 2. IC 34-11-2-3.5 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2020]: **Sec. 3.5. (a) This section applies to a person who:**

- 13 **(1) suffers an injury while a patient of a health facility (as**
- 14 **defined in IC 16-18-2-167); and**
- 15 **(2) is injured on the premises of the health facility.**

16 **(b) An action for injury to a person to whom this section applies**  
17 **must be commenced not later than two (2) years from the date the**



1 **injury:**

2 **(1) occurs; or**

3 **(2) is discovered or reasonably should have been discovered;**

4 **whichever is later.**

5 SECTION 3. IC 34-11-2-4, AS AMENDED BY P.L.44-2013,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2020]: Sec. 4. (a) **Except as provided in section 3.5 of this**  
8 **chapter**, an action for:

9 (1) injury to person or character;

10 (2) injury to personal property; or

11 (3) a forfeiture of penalty given by statute;

12 must be commenced within two (2) years after the cause of action  
13 accrues.

14 (b) An action for injury to a person that results from the sexual  
15 abuse of a child **must may** be commenced ~~within the later of:~~

16 ~~(1) seven (7) years after the cause of action accrues; or~~

17 ~~(2) four (4) years after the person ceases to be a dependent of the~~  
18 ~~person alleged to have performed the sexual abuse. at any time.~~

19 **(c) An action for injury to a person that resulted from the sexual**  
20 **abuse of a child that was time barred before July 1, 2020, is hereby**  
21 **revived. An action described in this subsection is revived even if:**

22 **(1) no action was filed; or**

23 **(2) an action was filed and dismissed by a court due to the**  
24 **expiration of a statute of limitations.**

25 SECTION 4. IC 34-18-7-1 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This section  
27 applies to all persons regardless of minority or other legal disability,  
28 except as provided in ~~subsection (c):~~ **subsections (c) and (d).**

29 (b) A claim, whether in contract or tort, may not be brought against  
30 a health care provider based upon professional services or health care  
31 that was provided or that should have been provided unless the claim  
32 is filed within two (2) years after the date of the alleged act, omission,  
33 or neglect, except that a minor less than six (6) years of age has until  
34 the minor's eighth birthday to file.

35 (c) If a patient meets the criteria stated in IC 34-18-8-6(c), the  
36 applicable limitations period is equal to the period that would  
37 otherwise apply to the patient under subsection (b) (or IC 27-12-7-1(b)  
38 before its repeal) plus one hundred eighty (180) days.

39 **(d) If a patient is a person described in IC 34-11-2-3.5, the**  
40 **statute of limitations described in IC 34-11-2-3.5 applies.**

