

HOUSE BILL No. 1481

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-15.5.

Synopsis: Malicious false reporting. Allows a person to bring a civil action and obtain relief against another person for malicious false reporting.

Effective: July 1, 2021.

Pryor

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 34-15.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2021]:
4 **ARTICLE 15.5. CAUSES OF ACTION: MALICIOUS FALSE**
5 **REPORTING**
6 **Chapter 1. Malicious False Reporting**
7 **Sec. 1. A person may bring an action against another person for**
8 **malicious false reporting if the person is able to establish both of**
9 **the following:**
10 (1) **The other person made a false report to a law enforcement**
11 **agency knowing that the report was false.**
12 (2) **As a result of the report, the person was questioned,**
13 **detained, or arrested by a law enforcement officer.**
14 **Sec. 2. (a) A person bringing an action described in section 1 of**
15 **this chapter may recover:**
16 (1) **an amount in:**
17 (A) **actual and punitive damages; or**



1 **(B) liquidated damages of at least two hundred fifty dollars**
2 **(\$250) and not more than one thousand five hundred**
3 **dollars (\$1,500);**
4 **(2) the costs of the action; and**
5 **(3) reasonable attorney's fees.**
6 **(b) In determining the amount of damages under this section,**
7 **the trier of fact shall consider whether the other person's actions:**
8 **(1) implicated a right protected under the Constitution of the**
9 **United States or the Constitution of the State of Indiana;**
10 **(2) were intended to discriminate against the person;**
11 **(3) caused the person to feel harassed, humiliated, or**
12 **embarrassed;**
13 **(4) caused the person to be expelled from a place in which the**
14 **person was lawfully located; or**
15 **(5) damaged the person's:**
16 **(A) reputation or standing in the community; or**
17 **(B) financial, economic, consumer, or business prospects or**
18 **interests.**
19 **Sec. 3. A person may bring an action under this chapter even if**
20 **the other person:**
21 **(1) has not been prosecuted for;**
22 **(2) has not been convicted of; or**
23 **(3) has been acquitted of;**
24 **the crime of false reporting (as described in IC 35-44.1-2-3(c)) or**
25 **false informing (as described in IC 35-44.1-2-3(d)).**
26 **Sec. 4. A separate cause of action may be brought by each**
27 **person damaged by the other person's actions under this article.**

