

SENATE BILL No. 22

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-51-3.

Synopsis: Punitive damages in certain civil rape cases. Removes certain limitations on punitive damages awarded to a rape victim in a civil action if the rape resulted in the conception of a child. Makes conforming changes.

Effective: July 1, 2023.

Bohacek

January 9, 2023, read first time and referred to Committee on Judiciary.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 22

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, 2023]: 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, 2023]: 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, 2023]: 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, 2023]: **Sec. 7. Punitive damages awarded to a plaintiff in a civil
 25 action are not subject to sections 4, 5, and 6 of this chapter if the:**

26 (1) **plaintiff in the civil action is a victim of rape (IC
 27 35-42-4-1);**

28 (2) **civil complaint for damages was filed as a result of the
 29 rape; and**

30 (3) **rape resulted in the conception of a child.**

