

SENATE BILL No. 27

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.

Becker, Head, Ruckelshaus

January 3, 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.

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.

