

HOUSE BILL No. 1426

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-21; IC 34-30-20.

Synopsis: Immunity for corporal punishment. Provides immunity to a parent, guardian, custodian, or authorized caregiver from civil liability resulting from the reasonable use of corporal punishment.

Effective: July 1, 2001.

Bodiker

January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1426



A BILL FOR AN ACT to amend the Indiana Code concerning civil immunity.

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

- 1 SECTION 1. IC 34-6-2-21 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. (a) "Child", for
- 3 purposes of IC 34-23-2, has the meaning set forth in IC 34-23-2.
- 4 (b) "Child", for purposes of IC 34-30-11, includes a child of any
- 5 age.
- 6 (c) "Child", for purposes of **IC 34-30-20 and** IC 34-31-4, means an
- 7 unemancipated person who is less than eighteen (18) years of age.
- 8 SECTION 2. IC 34-30-20 IS ADDED TO THE INDIANA CODE
- 9 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2001]:
- 11 **Chapter 20. Corporal Punishment; Immunity From Civil**
- 12 **Liability**
- 13 **Sec. 1. This chapter applies to the following:**
- 14 **(1) A parent of a child.**
- 15 **(2) A guardian or custodian of a child.**
- 16 **(3) A person in whose care a parent, guardian, or custodian**
- 17 **has placed a child.**



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(4) An employee or agent of a person described in subdivision (3) who is acting within the scope of the employee's or agent's responsibilities.

Sec. 2. This chapter does not apply to a person who does not act in good faith.

Sec. 3. For purposes of this chapter, a person does not act in good faith if the person's conduct results in a violation of:

(1) IC 11-11-5-4 concerning use of corporal punishment by the department of correction; or

(2) a written policy of an entity for which the person is acting as an employee or agent that prohibits the use of corporal punishment.

Sec. 4. This chapter affects the vicarious civil liability of the entity that an individual serves as an employee or agent.

Sec. 5. A person is not liable for civil damages for loss or harm proximately caused by the reasonable use of corporal punishment to discipline a child.

SECTION 3. [EFFECTIVE JULY 1, 2001] IC 34-30-20, as added by this act, applies only to liability accruing after June 30, 2001. The enactment of IC 34-30-20 by this act is not intended to impose liability on any person who used corporal punishment before July 1, 2001, or who is not a person covered within the scope of IC 34-30-20, as added by this act.

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