

# HOUSE BILL No. 1362

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-13-17-4; IC 33-14-11-4.

**Synopsis:** Personal liability for judges and prosecuting attorneys. Requires the governor to determine whether the state will pay damages or settlements in civil rights lawsuits filed against judges or prosecuting attorneys involving claims of politically motivated retaliation.

**Effective:** July 1, 2003.

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January 14, 2003, read first time and referred to Committee on Appointments and Claims.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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## HOUSE BILL No. 1362



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 33-13-17-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a) Except as**  
3 **provided in subsection (b)**, the state shall pay the expenses incurred  
4 by a judge from a threatened, pending, or completed action or  
5 proceeding that arises from:

- 6 (1) making;  
7 (2) performing; or  
8 (3) failing to make or perform;  
9 a decision, a duty, an obligation, a privilege, or a responsibility of the  
10 judge's office.

11 **(b) If a judge or former judge is or could be subject to personal**  
12 **civil liability resulting from an act or omission within the scope of**  
13 **the judge's employment that:**

- 14 (1) violates the civil rights laws of the United States; and  
15 (2) involves a claim of politically motivated retaliation;  
16 **the state shall pay any judgment, compromise, or settlement of the**  
17 **claim or suit if the governor determines that paying the judgment,**



1 **compromise, or settlement is in the best interest of the state.**  
 2 SECTION 2. IC 33-14-11-4 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a) Except as**  
 4 **provided in subsection (b),** the state shall pay the expenses incurred  
 5 by a prosecuting attorney from a threatened, pending, or completed  
 6 action or proceeding that arises from:  
 7 (1) making;  
 8 (2) performing; or  
 9 (3) failing to make or perform;  
 10 a decision, a duty, an obligation, a privilege, or a responsibility of the  
 11 prosecuting attorney's office.  
 12 **(b) If a prosecuting attorney or former prosecuting attorney is**  
 13 **or could be subject to personal civil liability resulting from an act**  
 14 **or omission within the scope of the prosecuting attorney's**  
 15 **employment that:**  
 16 (1) violates the civil rights laws of the United States; and  
 17 (2) involves a claim of politically motivated retaliation;  
 18 **the state shall pay any judgment, compromise, or settlement of the**  
 19 **claim or suit if the governor determines that paying the judgment,**  
 20 **compromise, or settlement is in the best interest of the state.**

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