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# HOUSE BILL No. 1432

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-13.

**Synopsis:** Tort and civil rights claims. Makes a governmental entity liable for punitive damages under the law concerning tort claims against governmental entities and public employees. Requires a governmental entity to pay any judgment, compromise, or settlement of a civil rights claim if a public employee is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the public employee's employment that violates the civil rights laws of the United States.

**Effective:** July 1, 2003.

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## Lawson L, Alderman, Adams T

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

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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. 1432



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 34-13-3-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The combined  
3 aggregate liability of all governmental entities and of all public  
4 employees, acting within the scope of their employment and not  
5 excluded from liability under section 3 of this chapter, does not exceed  
6 three hundred thousand dollars (\$300,000) for injury to or death of one  
7 (1) person in any one (1) occurrence and does not exceed five million  
8 dollars (\$5,000,000) for injury to or death of all persons in that  
9 occurrence. A governmental entity is ~~not~~ liable for punitive damages.

10 SECTION 2. IC 34-13-4-1, AS AMENDED BY P.L.192-2001,  
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2003]: Sec. 1. If a present or former public employee,  
13 including a member of a board, a committee, a commission, an  
14 authority, or another instrumentality of a governmental entity, is or  
15 could be subject to personal civil liability for a loss occurring because  
16 of a noncriminal act or omission within the scope of the public  
17 employee's employment which violates the civil rights laws of the



1 United States, the governmental entity shall, subject to IC 34-13-3-4,  
2 IC 34-13-3-14, IC 34-13-3-15, and IC 34-13-3-16, pay any judgment,  
3 compromise, or settlement of the claim or suit. ~~when:~~  
4 (1) the governor, in the case of a claim or suit against a state  
5 employee; or  
6 (2) the governing body of the political subdivision, in the case of  
7 a claim or suit against an employee of a political subdivision;  
8 determines that paying the judgment, compromise, or settlement is in  
9 the best interest of the governmental entity. The governmental entity  
10 shall also pay all costs and fees incurred by or on behalf of a public  
11 employee in defense of the claim or suit.

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