



February 20, 2004

**ENGROSSED
HOUSE BILL No. 1051**

DIGEST OF HB 1051 (Updated February 18, 2004 3:52 pm - DI 106)

Citations Affected: IC 34-45.

Synopsis: Deadman's statute. Specifies that the "deadman's statute" does not: (1) apply in a proceeding to contest the validity of a will or trust; or (2) bar the introduction of evidence that would be admissible under a hearsay exception to the evidence rules.

Effective: July 1, 2004.

Foley, Kuzman, Thomas

(SENATE SPONSORS — ZAKAS, CLARK, ANTICH)

January 13, 2004, read first time and referred to Committee on Judiciary.
January 20, 2004, reported — Do Pass.
January 26, 2004, read second time, ordered engrossed.
January 27, 2004, engrossed.
January 29, 2004, read third time, passed. Yeas 88, nays 1.

SENATE ACTION

February 3, 2004, read first time and referred to Committee on Judiciary.
February 19, 2004, reported favorably — Do Pass.

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EH 1051—LS 6317/DI 106+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1051

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

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

1 SECTION 1. IC 34-45-2-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) This section
3 applies to suits by or against heirs or devisees founded on a contract
4 with or demand against an ancestor:
5 (1) to obtain title to or possession of property, real or personal, of,
6 or in right of, the ancestor; or
7 (2) to affect property described in subdivision (1) in any manner.
8 (b) **This section does not apply in a proceeding to contest the**
9 **validity of a:**
10 (1) will; or
11 (2) trust.
12 (c) **Except as provided in subsection (d)**, neither party to a suit
13 described in subsection (a) is a competent witness as to any matter that
14 occurred before the death of the ancestor.
15 (d) **A custodian or other qualified witness in a suit described in**
16 **subsection (a) may present evidence that is admissible under**
17 **Indiana Evidence Rule 803(6).**

EH 1051—LS 6317/DI 106+

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1051, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 13, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1051, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1051 as printed January 21, 2004.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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