



February 17, 2006

**ENGROSSED
HOUSE BILL No. 1112**

DIGEST OF HB 1112 (Updated February 15, 2006 6:31 pm - DI 106)

Citations Affected: IC 34-43.5.

Synopsis: Communications of sympathy. Prohibits a court from admitting a communication of sympathy into evidence. Provides that a court may admit a statement of fault into evidence, including a statement of fault that is part of a communication of sympathy, if otherwise admissible under the Indiana Rules of Evidence.

Effective: July 1, 2006.

Foley, Thomas, Kuzman, Pond
(SENATE SPONSORS — KENLEY, BRAY)

January 4, 2006, read first time and referred to Committee on Judiciary.
January 23, 2006, amended, reported — Do Pass.
January 26, 2006, read second time, ordered engrossed.
January 27, 2006, engrossed.
February 1, 2006, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 6, 2006, read first time and referred to Committee on Judiciary.
February 16, 2006, amended, reported favorably — Do Pass.

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EH 1112—LS 6597/DI 107+



February 17, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1112

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 34-43.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2006]:

4 **ARTICLE 43.5. EVIDENCE: SPECIFIC COMMUNICATIONS**
5 **Chapter 1. Communications of Sympathy**

6 **Sec. 1. This chapter does not apply to a criminal proceeding.**

7 **Sec. 2. This chapter applies to a cause of action in tort, including**
8 **a medical malpractice action under IC 34-18-8.**

9 **Sec. 3. As used in this section "communication of sympathy"**
10 **means a statement, a gesture, an act, conduct, or a writing that**
11 **expresses:**

- 12 (1) sympathy;
- 13 (2) an apology; or
- 14 (3) a general sense of benevolence.

15 **Sec. 4. Except as provided in section 5 of this chapter, a court**
16 **may not admit into evidence a communication of sympathy that**
17 **relates to causing or contributing to:**

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1 (1) a loss;
2 (2) an injury;
3 (3) pain;
4 (4) suffering;
5 (5) a death; or
6 (6) damage to property.
7 Sec. 5. A court may admit a statement of fault into evidence,
8 including a statement of fault that is part of a communication of
9 sympathy, if otherwise admissible under the Indiana Rules of
10 Evidence.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "A" and insert "**Except as provided in section 5 of this chapter, a**".

Page 2, after line 6, begin a new paragraph and insert:

"Sec. 5. A court may admit a statement of fault into evidence, including a statement of fault that is part of a communication of sympathy, if otherwise admissible under the Indiana Rules of Evidence."

and when so amended that said bill do pass.

(Reference is to HB 1112 as introduced.)

FOLEY, Chair

Committee Vote: yeas 8, nays 2.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, delete "that is".

Page 1, line 17, delete "offered to prove the liability of the communicator for" and insert "**that relates to**".

and when so amended that said bill do pass.

(Reference is to HB 1112 as printed January 24, 2006.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 1.

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