

# HOUSE BILL No. 1112

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-43.5.

**Synopsis:** Communications of sympathy. Prohibits a court from admitting a communication of sympathy into evidence.

**Effective:** July 1, 2006.

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January 4, 2006, read first time and referred to Committee on Judiciary.

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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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# 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. A court may not admit into evidence a communication of**  
16 **sympathy that is offered to prove the liability of the communicator**  
17 **for causing or contributing to:**



- 1           **(1) a loss;**
- 2           **(2) an injury;**
- 3           **(3) pain;**
- 4           **(4) suffering;**
- 5           **(5) a death; or**
- 6           **(6) damage to property.**

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