

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 157, 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:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 30-5-6-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The attorney in
5 fact shall keep complete records of all transactions entered into by the
6 attorney in fact on behalf of the principal:
7 (1) for six (6) years after the date of the transaction; or
8 (2) until the records are delivered to the successor attorney in fact;
9 whichever occurs first.
10 (b) Except as otherwise stated in the power of attorney, the attorney
11 in fact is not required to render an accounting. The attorney in fact shall
12 render a written accounting if an accounting is ordered by a court,
13 requested by the principal, a guardian appointed for the principal, a
14 **child of the principal**, or, upon the death of the principal, the personal
15 representative of the principal's estate, or an heir or legatee of the
16 principal.
17 (c) An attorney in fact shall deliver an accounting requested under
18 subsection (b) to:
19 (1) the principal;
20 (2) a guardian appointed for the principal;
21 (3) the personal representative of the principal's estate;

1 (4) an heir of the principal after the death of the principal; or
2 (5) a legatee of the principal after the death of the principal;
3 not later than sixty (60) days after the date the attorney in fact receives
4 the written request for an accounting. In the event of the principal's
5 death, an accounting under this subsection must be requested not later
6 than nine (9) months after the date of the principal's death.

7 (d) Not more than one (1) accounting is required under this section
8 in each twelve (12) month period unless the court, in its discretion,
9 orders additional accountings.

10 (e) If an attorney in fact fails to deliver an accounting as required
11 under subsection (c), the person requesting the accounting may initiate
12 an action in mandamus to compel the attorney in fact to render the
13 accounting. The court may award the attorney's fees and court costs
14 incurred under this subsection to the person requesting the accounting
15 if the court finds that the attorney in fact failed to render an accounting
16 as required under this section without just cause."

17 Renumber all SECTIONS consecutively.
 (Reference is to SB 157 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Steele, Chairperson