

# SENATE BILL No. 34

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-4-34.

**Synopsis:** Punitive damages. Provides that the maximum amount of punitive damages that may be awarded in a civil action is three times the amount of compensatory damages awarded in the action. (Current law specifies that the maximum amount of punitive damages that may be awarded is the greater of three times the amount of compensatory damages or \$50,000.) Provides that the entire amount of the punitive damage award goes to the person to whom the damages were awarded. (Current law requires the clerk of the court to split the award, with 25% going to the person to whom the damages were awarded and the remaining 75% going to the state violent crime victims compensation fund.)

**Effective:** July 1, 1998.

---

---

Randolph

---

---

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

---

---



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 34

---

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 34-4-34-3, AS ADDED BY P.L.278-1995,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 3. A jury in a case subject to this chapter may not be  
4 advised of  
5 ~~(+) the limitation on the amount of a punitive damage award~~  
6 ~~under section 4 of this chapter. or~~  
7 ~~(2) the requirement under section 6 of this chapter concerning~~  
8 ~~allocation of money received in payment of a punitive damage~~  
9 ~~award.~~  
10 SECTION 2. IC 34-4-34-4, AS ADDED BY P.L.278-1995,  
11 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 1998]: Sec. 4. A punitive damage award may not be more than  
13 ~~the greater of:~~  
14 ~~(+) three (3) times the amount of compensatory damages~~  
15 ~~awarded in the action. or~~  
16 ~~(2) fifty thousand dollars (\$50,000).~~  
17 SECTION 3. IC 34-4-34-5, AS ADDED BY P.L.278-1995,

1998

IN 34—LS 6105/DI 41+



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 1998]: Sec. 5. If a trier of fact awards punitive damages that  
3 exceed the limitation under section 4 of this chapter, the court shall reduce  
4 the punitive damage award to not more than the greater of

5 ~~(1)~~ three (3) times the amount of compensatory damages  
6 awarded in the action. ~~or~~

7 ~~(2)~~ fifty thousand dollars (\$50,000).

8 SECTION 4. IC 34-4-34-6, AS AMENDED BY P.L.1-1996,  
9 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 1998]: Sec. 6. (a) Except as provided in IC 13-25-4-10, when  
11 a judgment that includes a punitive damage award is entered in a civil  
12 action, the party against whom the judgment was entered shall pay the  
13 punitive damage award to the clerk of the court where the action is  
14 pending.

15 (b) Upon receiving the payment described in subsection (a), the clerk  
16 of the court shall

17 ~~(1)~~ pay the person to whom punitive damages were awarded  
18 twenty-five percent (25%) of the punitive damage award. ~~and~~

19 ~~(2)~~ pay the remaining seventy-five percent (75%) of the  
20 punitive damage award to the treasurer of state, who shall  
21 deposit the funds into the violent crime victims compensation  
22 fund established by IC 5-2-6.1-40.

