

# COMMITTEE REPORT

## MR. PRESIDENT:

The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 45, 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, line 1, delete "IC 4-1-9" and insert "IC 34-12-3".
- 2 Replace the effective date in SECTION 1 with "[EFFECTIVE
- 3 UPON PASSAGE]".
- 4 Page 1, line 4, delete "9" and insert "3".
- 5 Page 1, between lines 7 and 8, begin a new paragraph and insert:
- 6 **"Sec. 2. As used in this chapter, "person" has the meaning set**
- 7 **forth in IC 35-41-1-22."**
- 8 Page 1, line 8, delete "2" and insert "3".
- 9 Page 1, line 8, delete "sections 3 and 4" and insert "**section 5**".
- 10 Page 1, line 8, delete "the" and insert "**a**".
- 11 Page 1, line 9, delete "state" and insert "**person**".
- 12 Page 2, delete lines 4 through 7, begin a new paragraph and insert:
- 13 **"Sec. 4. If a court finds that a party has brought an action solely**
- 14 **under a theory of recovery described in section 3(1) or 3(2) of this**
- 15 **chapter, the finding constitutes prima facia evidence that the action**
- 16 **is groundless. Whenever a court makes a finding under this section,**
- 17 **the court shall dismiss the action and award any reasonable**
- 18 **attorney's fees and costs incurred in defending the action to the**
- 19 **prevailing party."**

- 1 Page 2, line 8, delete "4" and insert "5".
- 2 Page 2, line 8, delete "the" and insert "a".
- 3 Page 2, line 9, delete "state" and insert "person".
- 4 Page 2, line 13, delete "the state" and insert "a person".
- 5 Page 2, line 14, after "harm to" insert "a person or".
- 6 Page 2, line 14, delete "the state" and insert "a person".
- 7 Page 2, delete lines 16 through 17.
- 8 Page 2, line 18, delete "(4)" and insert "(3)".
- 9 Page 2, delete lines 20 through 42, begin a new paragraph and
- 10 insert:
- 11 "SECTION 2. [EFFECTIVE UPON PASSAGE] **IC 34-12-3, as**
- 12 **added by this act, applies only to actions filed after the effective**
- 13 **date of this act.**
- 14 SECTION 3. **An emergency is declared for this act.**".
- 15 Delete page 3.
- 16 (Reference is to SB 45 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 7, Nays 4.

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**Meeks R**

**Chairperson**