

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 88, 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 Delete the title and insert the following:
 2 A BILL FOR AN ACT to amend the Indiana Code concerning
 3 civil law and procedure.
 4 Delete everything after the enacting clause and insert the
 5 following:
 6 SECTION 1. IC 34-52-1-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) In all civil
 8 actions, the party recovering judgment shall recover costs, except in
 9 those cases in which a different provision is made by law.
 10 (b) In ~~any all~~ **all** civil ~~action;~~ **actions**, the court ~~may~~ **shall** award
 11 attorney's fees as part of the cost to the prevailing party. ~~if the court~~
 12 ~~finds that either party:~~
 13 (1) ~~brought the action or defense on a claim or defense that is~~
 14 ~~frivolous, unreasonable, or groundless;~~
 15 (2) ~~continued to litigate the action or defense after the party's~~
 16 ~~claim or defense clearly became frivolous, unreasonable, or~~
 17 ~~groundless; or~~
 18 (3) ~~litigated the action in bad faith.~~
 19 (c) The award of fees under subsection (b) does not prevent a
 20 prevailing party from bringing an action against another party for abuse
 21 of process arising in any part on the same facts. However, the
 22 prevailing party may not recover the same attorney's fees twice.
 23 SECTION 2. [EFFECTIVE JULY 1, 2013] **(a) The legislative**
 24 **services agency shall prepare legislation for introduction in the**
 25 **2014 regular session of the general assembly to organize and**

- 1 **correct statutes affected by this act.**
- 2 **(b) This SECTION expires January 1, 2015.**
(Reference is to SB 88 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

LONG, Chairperson