

IC 1-1-4

Chapter 4. Construction of Statutes

IC 1-1-4-1

Rules

Sec. 1. The construction of all statutes of this state shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislature or of the context of the statute:

- (1) Words and phrases shall be taken in their plain, or ordinary and usual, sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (2) Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of the persons, unless otherwise declared in the statute giving authority.
- (3) Words importing the singular number only may be also applied to the plural of persons and things.
- (4) Words importing the masculine gender only may be extended to females also.
- (5) When a statute requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.
- (6) When a person is required to be disinterested or indifferent in acting on any question or matter affecting other parties, consanguinity or affinity within the sixth degree, inclusive, by the civil law rules, or within the degree of second cousin, inclusive, disqualifies the person from acting, except by consent of parties.

(Formerly: Acts 1852, 2 RS PART II, c.17, s.1.) As amended by Acts 1978, P.L.2, SEC.102; Acts 1982, P.L.1, SEC.1; P.L.1-1988, SEC.4; P.L.1-1990, SEC.2; P.L.1-1991, SEC.3.

IC 1-1-4-2

Repealed

(Repealed by P.L.1-1990, SEC.3.)

IC 1-1-4-3

Uniform Determination of Death Act

Sec. 3. (a) Only an individual who has sustained either:

- (1) irreversible cessation of circulatory and respiratory functions; or
- (2) irreversible cessation of all functions of the entire brain, including the brain stem;

is dead. A determination of death must be made in accordance with accepted medical standards.

(b) This section shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this section among states enacting it.

(c) This section may be cited as the Uniform Determination of

Death Act.
As added by P.L.1-1986, SEC.1.

IC 1-1-4-4

Internal Revenue Code definition; applicability

Sec. 4. Except as otherwise provided, the definition of Internal Revenue Code set forth in IC 6-3-1-11 applies to all statutes referring to the Internal Revenue Code.

As added by P.L.2-1987, SEC.1.

IC 1-1-4-5

Definitions applicable to construction of all Indiana statutes

Sec. 5. The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

- (1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.
- (2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.
- (3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.
- (4) "Bond" does not necessarily imply a seal.
- (5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.
- (6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.
- (7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.
- (8) "Infant" or "minor" means a person less than eighteen (18) years of age.
- (9) "Inhabitant" may be construed to mean a resident in any place.
- (10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.
- (11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.
- (12) "Mentally incompetent" means of unsound mind.
- (13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.
- (14) "Month" means a calendar month, unless otherwise expressed.
- (15) "Noncode statute" means a statute that is not codified as

part of the Indiana Code.

(16) "Oath" includes "affirmation", and "to swear" includes to affirm.

(17) "Person" extends to bodies politic and corporate.

(18) "Personal property" includes goods, chattels, evidences of debt, and things in action.

(19) "Population" has the meaning set forth in IC 1-1-3.5-3.

(20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

(21) "Property" includes personal and real property.

(22) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

(23) "State", applied to any one of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

(24) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

(25) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

(26) "Will" includes a testament and codicil.

(27) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

(28) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

(29) "Year" means a calendar year, unless otherwise expressed.

(30) The definitions in IC 35-41-1 apply to all statutes relating to penal offenses.

As added by P.L.1-1990, SEC.4. Amended by P.L.2-1990, SEC.5; P.L.4-1997, SEC.1; P.L.76-2001, SEC.1; P.L.170-2002, SEC.2.

IC 1-1-4-6

Attorney's fees as including paralegal's fees

Sec. 6. (a) As used in this section, "paralegal" means a person who is:

- (1) qualified through education, training, or work experience; and
- (2) employed by a lawyer, law office, governmental agency, or other entity;

to work under the direction of an attorney in a capacity that involves the performance of substantive legal work that usually requires a sufficient knowledge of legal concepts and would be performed by

the attorney in the absence of the paralegal.

(b) A reference in the Indiana Code to attorney's fees includes paralegal's fees.

As added by P.L.6-1993, SEC.1.

IC 1-1-4-7

State educational institution; applicability

Sec. 7. A reference in the Indiana Code to a state educational institution refers to a state educational institution (as defined in IC 21-7-13-32).

As added by P.L.2-2007, SEC.2.