

IC 2-2.1-4

Chapter 4. Legislative Bolting

IC 2-2.1-4-1

Application

Sec. 1. This chapter does not apply to a day that a member:

- (1) is excused by the member's presiding officer; or
- (2) has a verified illness or injury diagnosed by a physician holding an unlimited license to practice medicine that prevents the member from attending session.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-2

"Body"

Sec. 2. As used in this chapter, "body" refers to either of the following:

- (1) The house of representatives.
- (2) The senate.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-3

"Chamber"

Sec. 3. As used in this chapter, "chamber" refers to either of the following:

- (1) The floor of the house of representatives.
- (2) The floor of the senate.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-4

"Final day of session"

Sec. 4. As used in this chapter, "final day of session" means:

- (1) April 29 in odd-numbered years and March 14 in even-numbered years; or
- (2) a date earlier than April 29 in odd-numbered years and March 14 in even-numbered years, if the presiding officers of each body have:
 - (A) jointly agreed; and
 - (B) publicly announced;

that the earlier date will be the final day of session.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-5

"Member"

Sec. 5. As used in this chapter, "member" refers to either of the following:

- (1) A member of the house of representatives.
- (2) A member of the senate.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-6

"Presiding officer"

Sec. 6. As used in this chapter, "presiding officer" refers to the following:

(1) For the house of representatives, the speaker of the house of representatives.

(2) For the senate, the president pro tempore of the senate.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-7

Legislative bolting; civil penalty

Sec. 7. (a) Except during the final day of session or during a special session, this section does not apply to an absence of fewer than three (3) consecutive session days, regardless of the reason for the absence.

(b) Except as provided in subsection (d), a member who is absent from the member's chamber with the result that the member's body is unable to form a quorum commits the act of legislative bolting and is liable for a civil penalty.

(c) If a member's body is unable to form a quorum, the member's absence from the chamber at the time of a quorum call constitutes prima facie evidence that the member committed legislative bolting.

(d) A member who proves by a preponderance of the evidence that the member's absence from the member's chamber was not carried out with the intent to defeat, delay, or obstruct legislative action has not committed legislative bolting and is not liable for a civil penalty.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-8

Cause of action; presiding officer

Sec. 8. (a) A presiding officer, on behalf of the presiding officer's body, may bring an action for legislative bolting against a member. The presiding officer has the authority to control the litigation, including final settlement authority.

(b) The presiding officer who brings an action for legislative bolting must show by a preponderance of the evidence that the member has violated section 7 of this chapter. A prevailing presiding officer is entitled to the following:

(1) An order imposing a civil penalty of one thousand dollars (\$1,000) for each day the member has violated section 7 of this chapter.

(2) Reasonable attorney's fees and court costs.

(c) A civil penalty imposed under this section shall be paid to the state general fund.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-9

Venue

Sec. 9. Venue for an action brought under this chapter is in Marion County.

As added by P.L.229-2011, SEC.37.

IC 2-2.1-4-10

Civil penalty; supplemental to other penalties

Sec. 10. A penalty imposed under this chapter on a member who violates section 7 of this chapter is in addition to any penalties imposed by the member's body under the Constitution of the State of Indiana or the rules adopted by the member's chamber.

As added by P.L.229-2011, SEC.37.