

# HOUSE BILL No. 1017

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-6-2-103; IC 34-30-20-1.5.

**Synopsis:** Castle doctrine and vicarious liability. Defines "person" and provides that a person is immune from civil liability for damages caused by another person's use of force if the other person's use of force was a valid exercise of the other person's right to self-defense.

**Effective:** July 1, 2014.

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January 7, 2014, read first time and referred to Committee on Judiciary.

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Second Regular Session 118th General Assembly (2014)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1017



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-6-2-103, AS AMENDED BY P.L.114-2012,  
2 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 103. (a) "Person", for purposes of IC 34-14, has  
4 the meaning set forth in IC 34-14-1-13.  
5 (b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,  
6 means:  
7 (1) an individual;  
8 (2) a governmental entity;  
9 (3) a corporation;  
10 (4) a firm;  
11 (5) a trust;  
12 (6) a partnership; or  
13 (7) an incorporated or unincorporated association that exists  
14 under or is authorized by the laws of this state, another state, or a  
15 foreign country.  
16 (c) "Person", for purposes of section 44.8 of this chapter, means an



- 1 adult or a minor.
- 2 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth  
3 in IC 35-31.5-2-234.
- 4 (e) "Person", for purposes of IC 34-30-5, means any of the  
5 following:
- 6 (1) An individual.
  - 7 (2) A corporation.
  - 8 (3) A partnership.
  - 9 (4) An unincorporated association.
  - 10 (5) The state (as defined in IC 34-6-2-140).
  - 11 (6) A political subdivision (as defined in IC 34-6-2-110).
  - 12 (7) Any other entity recognized by law.
- 13 (f) "Person", for purposes of IC 34-30-6, means an individual, a  
14 corporation, a limited liability company, a partnership, an  
15 unincorporated association, or a governmental entity that:
- 16 (1) has qualifications or experience in:
    - 17 (A) storing, transporting, or handling a hazardous substance or  
18 compressed gas;
    - 19 (B) fighting fires;
    - 20 (C) emergency rescue; or
    - 21 (D) first aid care; or
  - 22 (2) is otherwise qualified to provide assistance appropriate to  
23 remedy or contribute to the remedy of the emergency.
- 24 (g) "Person", for purposes of IC 34-30-18, includes:
- 25 (1) an individual;
  - 26 (2) an incorporated or unincorporated organization or association;
  - 27 (3) the state of Indiana;
  - 28 (4) a political subdivision (as defined in IC 36-1-2-13);
  - 29 (5) an agency of the state or a political subdivision; or
  - 30 (6) a group of such persons acting in concert.
- 31 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this  
32 chapter, means an individual, an incorporated or unincorporated  
33 organization or association, or a group of such persons acting in  
34 concert.
- 35 (i) "Person", for purposes of IC 34-30-10.5, means the following:
- 36 (1) A political subdivision (as defined in IC 36-1-2-13).
  - 37 (2) A volunteer fire department (as defined in IC 36-8-12-2).
  - 38 (3) An employee of an entity described in subdivision (1) or (2)  
39 who acts within the scope of the employee's responsibilities.
  - 40 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is  
41 acting for a volunteer fire department.
  - 42 (5) A corporation, a limited liability company, a partnership, an



- 1 unincorporated association, or any other entity recognized by law.  
 2 (j) "Person", for purposes of IC 34-28-7, means:  
 3 (1) an individual;  
 4 (2) a governmental entity;  
 5 (3) a corporation;  
 6 (4) a firm;  
 7 (5) a trust;  
 8 (6) a partnership; or  
 9 (7) an incorporated or unincorporated association that exists  
 10 under or is authorized by the laws of this state, another state, or a  
 11 foreign country.  
 12 (k) "Person", for purposes of IC 34-31-9, has the meaning set forth  
 13 in IC 34-31-9-8.  
 14 **(l) "Person", for purposes of IC 34-30-20-1.5, means:**  
 15 **(1) an individual;**  
 16 **(2) an employer;**  
 17 **(3) a governmental entity;**  
 18 **(4) a corporation;**  
 19 **(5) a firm;**  
 20 **(6) a trust;**  
 21 **(7) a partnership;**  
 22 **(8) an incorporated or unincorporated association that exists**  
 23 **under or is authorized by the laws of this state, another state,**  
 24 **or a foreign country; or**  
 25 **(9) a business.**  
 26 SECTION 2. IC 34-30-20-1.5 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. (a) Except as provided in**  
 29 **subsection (b), a person is not liable for loss or damage arising**  
 30 **from another person's use of force if the other person's use of force**  
 31 **is justified under IC 35-41-3-2.**  
 32 **(b) The defense in subsection (a) does not apply if:**  
 33 **(1) the person engaged in gross negligence or willful or**  
 34 **wanton misconduct; and**  
 35 **(2) the gross negligence or misconduct was the proximate**  
 36 **cause of the loss or damage.**

