



February 17, 2015

HOUSE BILL No. 1161

DIGEST OF HB 1161 (Updated February 16, 2015 1:02 pm - DI 123)

Citations Affected: IC 34-6; IC 34-30.

Synopsis: Immunity for damage caused rescuing a child. Grants civil immunity to a person who forcibly enters a locked motor vehicle for the purpose of rescuing a child. Does not extend civil immunity to acts involving gross negligence or willful and wanton misconduct.

Effective: July 1, 2015.

**GiaQuinta, Steuerwald, McMillin,
Smith V**

January 12, 2015, read first time and referred to Committee on Judiciary.
February 17, 2015, amended, reported — Do Pass.

HB 1161—LS 7202/DI 123



February 17, 2015

First Regular Session of the 119th General Assembly (2015)

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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1161

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

- 1 SECTION 1. IC 34-6-2-21 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. (a) "Child", for
3 purposes of IC 34-23-2, has the meaning set forth in IC 34-23-2.
4 (b) "Child", for purposes of IC 34-30-11, includes a child of any
5 age.
6 (c) **"Child", for purposes of IC 34-30-29, means an individual
7 less than eighteen (18) years of age who does not have the capacity
8 to exit a motor vehicle.**
9 ~~(c)~~ (d) "Child", for purposes of IC 34-31-4, means an
10 unemancipated person who is less than eighteen (18) years of age.
11 SECTION 2. IC 34-6-2-103, AS AMENDED BY P.L.114-2012,
12 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2015]: Sec. 103. (a) "Person", for purposes of IC 34-14, has
14 the meaning set forth in IC 34-14-1-13.
15 (b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,

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- 1 means:
- 2 (1) an individual;
- 3 (2) a governmental entity;
- 4 (3) a corporation;
- 5 (4) a firm;
- 6 (5) a trust;
- 7 (6) a partnership; or
- 8 (7) an incorporated or unincorporated association that exists
- 9 under or is authorized by the laws of this state, another state, or a
- 10 foreign country.
- 11 (c) "Person", for purposes of section 44.8 of this chapter **and**
- 12 **IC 34-30-29-1**, means an adult or a minor.
- 13 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
- 14 in IC 35-31.5-2-234.
- 15 (e) "Person", for purposes of IC 34-30-5, means any of the
- 16 following:
- 17 (1) An individual.
- 18 (2) A corporation.
- 19 (3) A partnership.
- 20 (4) An unincorporated association.
- 21 (5) The state (as defined in IC 34-6-2-140).
- 22 (6) A political subdivision (as defined in IC 34-6-2-110).
- 23 (7) Any other entity recognized by law.
- 24 (f) "Person", for purposes of IC 34-30-6, means an individual, a
- 25 corporation, a limited liability company, a partnership, an
- 26 unincorporated association, or a governmental entity that:
- 27 (1) has qualifications or experience in:
- 28 (A) storing, transporting, or handling a hazardous substance or
- 29 compressed gas;
- 30 (B) fighting fires;
- 31 (C) emergency rescue; or
- 32 (D) first aid care; or
- 33 (2) is otherwise qualified to provide assistance appropriate to
- 34 remedy or contribute to the remedy of the emergency.
- 35 (g) "Person", for purposes of IC 34-30-18, includes:
- 36 (1) an individual;
- 37 (2) an incorporated or unincorporated organization or association;
- 38 (3) the state of Indiana;
- 39 (4) a political subdivision (as defined in IC 36-1-2-13);
- 40 (5) an agency of the state or a political subdivision; or
- 41 (6) a group of such persons acting in concert.
- 42 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this



1 chapter, means an individual, an incorporated or unincorporated
 2 organization or association, or a group of such persons acting in
 3 concert.

4 (i) "Person", for purposes of IC 34-30-10.5, means the following:

- 5 (1) A political subdivision (as defined in IC 36-1-2-13).
- 6 (2) A volunteer fire department (as defined in IC 36-8-12-2).
- 7 (3) An employee of an entity described in subdivision (1) or (2)
- 8 who acts within the scope of the employee's responsibilities.
- 9 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
- 10 acting for a volunteer fire department.
- 11 (5) A corporation, a limited liability company, a partnership, an
- 12 unincorporated association, or any other entity recognized by law.

13 (j) "Person", for purposes of IC 34-28-7, means:

- 14 (1) an individual;
- 15 (2) a governmental entity;
- 16 (3) a corporation;
- 17 (4) a firm;
- 18 (5) a trust;
- 19 (6) a partnership; or
- 20 (7) an incorporated or unincorporated association that exists
- 21 under or is authorized by the laws of this state, another state, or a
- 22 foreign country.

23 (k) "Person", for purposes of IC 34-31-9, has the meaning set forth
 24 in IC 34-31-9-8.

25 SECTION 3. IC 34-30-29 IS ADDED TO THE INDIANA CODE
 26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: **Chapter 29. Immunity for Damage Caused**
 28 **Rescuing a Child**

29 **Sec. 1. (a) A person whose conduct conforms to subsection (b)**
 30 **is immune from civil liability for any damage resulting from the**
 31 **forcible entry of a motor vehicle for the purpose of removing a**
 32 **child from the motor vehicle.**

33 **(b) Subsection (a) applies to a person if the person:**

- 34 **(1) determines that a motor vehicle is locked or that there is**
- 35 **no other reasonable method for a child to exit the motor**
- 36 **vehicle;**
- 37 **(2) has a good faith belief that forcible entry into the motor**
- 38 **vehicle is necessary because a child is in imminent danger of**
- 39 **suffering harm if not immediately removed and, based on the**
- 40 **circumstances known to the person at the time, the belief is**
- 41 **reasonable;**
- 42 **(3) contacts a local law enforcement agency, fire department,**



1 or 911 dispatcher before forcibly entering the motor vehicle;
2 (4) uses no more force than necessary to enter the motor
3 vehicle and remove the child; and
4 (5) remains with the child in a safe location near the entered
5 motor vehicle until a law enforcement officer arrives.
6 Sec. 2. Section 1 of this chapter does not grant immunity from
7 civil liability to a person who:
8 (1) renders aid to a child beyond what is authorized in section
9 1 of this chapter; or
10 (2) exercises gross negligence or willful and wanton
11 misconduct.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 3, after "child;" insert "**and**".

Page 4 line 5, delete "; and" and insert ".".

Page 4, delete lines 6 through 12.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1161 as introduced.)

STEUERWALD

Committee Vote: yeas 11, nays 0.

