

# HOUSE BILL No. 1161

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-6-2; IC 34-30-29.

**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.

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January 12, 2015, read first time and referred to Committee on Judiciary.

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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

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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 (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,



- 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;  
4 (5) remains with the child in a safe location near the entered  
5 motor vehicle until a law enforcement officer arrives; and  
6 (6) places a notice on the entered motor vehicle's windshield  
7 with the following information:  
8 (A) The person's name.  
9 (B) The reason entry was made.  
10 (C) The location of the child.  
11 (D) Notice that a local law enforcement agency or fire  
12 department has been contacted.  
13 **Sec. 2. Section 1 of this chapter does not grant immunity from**  
14 **civil liability to a person who:**  
15 (1) renders aid to a child beyond what is authorized in section  
16 1 of this chapter; or  
17 (2) exercises gross negligence or willful and wanton  
18 misconduct.

