



February 13, 2015

SENATE BILL No. 98

DIGEST OF SB 98 (Updated February 11, 2015 12:13 pm - DI 106)

Citations Affected: IC 34-12.

Synopsis: Lawsuits against gun manufacturers. Prohibits a person from bringing or maintaining certain actions against a firearms manufacturer, ammunition manufacturer, trade association, or seller, and makes the prohibition retroactive.

Effective: August 26, 1999 (retroactive).

**Tomes, Steele, Waltz, Becker,
Messmer**

January 6, 2015, read first time and referred to Committee on Rules & Legislative Procedure.
February 5, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Judiciary.
February 12, 2015, reported favorably — Do Pass.

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February 13, 2015

First Regular Session 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.

SENATE BILL No. 98

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 34-12-3-0.1, AS ADDED BY P.L.220-2011,
2 SECTION 548, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]: Sec. 0.1. ~~The~~
4 ~~addition of this chapter by P.L.19-2001~~ **This chapter applies only to**
5 **actions filed before, after, or on April 18, 2001.**

6 SECTION 2. IC 34-12-3-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]:
8 Sec. 1. As used in this chapter, "firearm" ~~has the meaning set forth in~~
9 ~~IC 35-47-1-5.~~ **means any weapon:**

10 **(1) that is:**
11 **(A) capable of expelling; or**
12 **(B) designed to expel; or**
13 **(2) that may readily be converted to expel;**
14 **a projectile by means of an explosion.**

15 SECTION 3. IC 34-12-3-2, AS AMENDED BY P.L.114-2012,
16 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 AUGUST 26, 1999 (RETROACTIVE)]; Sec. 2. As used in this chapter,
 2 "person" ~~has the meaning set forth in IC 35-31.5-2-234.~~ **means a**
 3 **human being, corporation, limited liability company, partnership,**
 4 **unincorporated association, or governmental entity.**

5 SECTION 4. IC 34-12-3-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]:
 7 Sec. 3. Except as provided in section 5(1) or 5(2) of this chapter, a
 8 person may not bring **or maintain** an action against a firearms or
 9 ammunition manufacturer, trade association, or seller for:

10 (1) recovery of damages resulting from, or injunctive relief or
 11 abatement of a nuisance relating to, the lawful:

- 12 (A) design;
 13 (B) manufacture;
 14 (C) marketing; or
 15 (D) sale;

16 of a firearm or ammunition for a firearm; or

17 (2) recovery of damages resulting from the criminal or unlawful
 18 misuse of a firearm or ammunition for a firearm by a third party.

19 SECTION 5. IC 34-12-3-4 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]:
 21 Sec. 4. If a court finds that a party has brought **or is maintaining** an
 22 action under a theory of recovery described in section 3(1) or 3(2) of
 23 this chapter, the finding constitutes conclusive evidence that the action
 24 is groundless. If a court makes a finding under this section, the court
 25 shall dismiss the claims or action and award to the defendant any
 26 reasonable attorney's fee and costs incurred in defending the claims or
 27 action.

28 SECTION 6. IC 34-12-3-5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]:
 30 Sec. 5. Nothing in this chapter may be construed to prohibit a person
 31 from bringing **or maintaining** an action against a firearms or
 32 ammunition manufacturer, trade association, or seller for recovery of
 33 damages for the following:

- 34 (1) Breach of contract or warranty concerning firearms or
 35 ammunition purchased by a person.
 36 (2) Damage or harm to a person or to property owned or leased by
 37 a person caused by a defective firearm or ammunition.
 38 (3) Injunctive relief to enforce a valid statute, rule, or ordinance.
 39 However, a person may not bring an action seeking injunctive
 40 relief if that action is barred under section 3 of this chapter.

41 SECTION 7. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 98 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 98 as printed February 6, 2015.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 1

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