

# HOUSE BILL No. 1052

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-15.5.

**Synopsis:** Malicious false reporting. Allows a person to bring a civil action and obtain relief against another person for malicious false reporting.

**Effective:** July 1, 2023.

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January 9, 2023, read first time and referred to Committee on Judiciary.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1052

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 34-15.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2023]:  
4 **ARTICLE 15.5. CAUSES OF ACTION: MALICIOUS FALSE**  
5 **REPORTING**  
6 **Chapter 1. Malicious False Reporting**  
7 **Sec. 1. A person may bring an action against another person for**  
8 **malicious false reporting if the person is able to establish both of**  
9 **the following:**  
10 (1) **The other person made a false report to a law enforcement**  
11 **agency knowing that the report was false.**  
12 (2) **As a result of the report, the person was questioned,**  
13 **detained, or arrested by a law enforcement officer.**  
14 **Sec. 2. (a) A person bringing an action described in section 1 of**  
15 **this chapter may recover:**  
16 (1) **an amount in:**  
17 (A) **actual and punitive damages; or**



1                   **(B) liquidated damages of at least two hundred fifty dollars**  
2                   **(\$250) and not more than one thousand five hundred**  
3                   **dollars (\$1,500);**  
4                   **(2) the costs of the action; and**  
5                   **(3) reasonable attorney's fees.**  
6                   **(b) In determining the amount of damages under this section,**  
7                   **the trier of fact shall consider whether the other person's actions:**  
8                   **(1) implicated a right protected under the Constitution of the**  
9                   **United States or the Constitution of the State of Indiana;**  
10                   **(2) were intended to discriminate against the person;**  
11                   **(3) caused the person to feel harassed, humiliated, or**  
12                   **embarrassed;**  
13                   **(4) caused the person to be expelled from a place in which the**  
14                   **person was lawfully located; or**  
15                   **(5) damaged the person's:**  
16                   **(A) reputation or standing in the community; or**  
17                   **(B) financial, economic, consumer, or business prospects or**  
18                   **interests.**  
19                   **Sec. 3. A person may bring an action under this chapter even if**  
20                   **the other person:**  
21                   **(1) has not been prosecuted for;**  
22                   **(2) has not been convicted of; or**  
23                   **(3) has been acquitted of;**  
24                   **the crime of false reporting (as described in IC 35-44.1-2-3(c)) or**  
25                   **false informing (as described in IC 35-44.1-2-3(d)).**  
26                   **Sec. 4. A separate cause of action may be brought by each**  
27                   **person damaged by the other person's actions under this article.**

