



Reprinted
February 3, 2023

HOUSE BILL No. 1400

DIGEST OF HB 1400 (Updated February 2, 2023 12:44 pm - DI 149)

Citations Affected: IC 34-11.

Synopsis: Statute of limitation on certain claims. Provides that an action for injury to a person that results from the sexual abuse of a child, that has expired under the current statute of limitations, may be commenced at any time against certain entities seeking bankruptcy protections.

Effective: July 1, 2023.

Negele, McNamara, Jeter, Hatfield

January 17, 2023, read first time and referred to Committee on Judiciary.
January 26, 2023, reported — Do Pass.
January 30, 2023, read second time, call withdrawn.
February 2, 2023, re-read second time, amended, ordered engrossed.

HB 1400—LS 6431/DI 149



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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. 1400

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 34-11-2-4, AS AMENDED BY P.L.44-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 4. (a) An action for:
4 (1) injury to person or character;
5 (2) injury to personal property; or
6 (3) a forfeiture of penalty given by statute;
7 must be commenced within two (2) years after the cause of action
8 accrues.
9 (b) **Except as provided in subsection (c)**, an action for injury to a
10 person that results from the sexual abuse of a child must be
11 commenced within the later of:
12 (1) seven (7) years after the cause of action accrues; or
13 (2) four (4) years after the person ceases to be a dependent of the
14 person alleged to have performed the sexual abuse.
15 (c) **An action for injury to a person that:**
16 (1) **results from the sexual abuse of a child; and**
17 (2) **is barred due to the expiration of the statute of limitations**

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1 period described in subsection (b);
2 may be commenced by or on behalf of the injured person, at any
3 time, in a bankruptcy proceeding that was initiated on February
4 18, 2020, for a congressionally chartered organization. An action
5 brought under this subsection may only be commenced against an
6 entity seeking bankruptcy protection and not against any other
7 person or entity. This subsection expires on June 30, 2025.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1400, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1400 as introduced.)

TORR

Committee Vote: Yeas 10, Nays 0

HOUSE MOTION

Mr. Speaker: I move that House Bill 1400 be amended to read as follows:

Page 2, line 2, delete "commenced," and insert "**commenced by or on behalf of the injured person,**".

Page 2, line 3, delete "2020, and that is filed by or on behalf" and insert "**2020, for a congressionally chartered organization. An action brought under this subsection may only be commenced against an entity seeking bankruptcy protection and not against any other person or entity.**".

Page 2, line 4, delete "of a person liable for the injury.".

(Reference is to HB 1400 as printed January 26, 2023.)

NEGELE

