

HOUSE BILL No. 1581

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-7-8.

Synopsis: Private representation of public officials. Prohibits a public official who: (1) is sued in the public official's personal capacity and is alleged to have acted outside the scope of the public official's duties; or (2) is charged with a crime unrelated to the public official's duties; from using public funds to pay for private legal counsel. Prohibits the public official from using public funds to pay a judgment or settlement under certain circumstances. Declares certain nondisclosure agreements entered into after June 30, 2019, involving sexual assault, sexual harassment, and sexual discrimination as against public policy and void.

Effective: July 1, 2019.

Candelaria Reardon

January 17, 2019, read first time and referred to Committee on Judiciary.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

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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 34-7-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:
4 **Chapter 8. Causes of Action Involving Public Officials**
5 **Sec. 1. For purposes of this chapter, "public funds" has the**
6 **meaning set forth in IC 5-13-4-20.**
7 **Sec. 2. This chapter applies to an individual who is:**
8 (1) a state officer (as defined in IC 4-2-6-1);
9 (2) a state senator;
10 (3) a state representative;
11 (4) a special state appointee (as defined in IC 4-2-6-1); or
12 (5) an elected official of a county, city, town, or township.
13 **Sec. 3. (a) An individual described in section 2 of this chapter**
14 **who is:**
15 (1) sued in the individual's personal capacity and is alleged to
16 have acted outside the scope of the individual's official duties
17 as prescribed by statute or duly adopted regulation; or



1 **(2) charged with a crime unrelated to the individual's official**
2 **duties;**
3 **may not use public funds to pay for the services of private legal**
4 **counsel to defend the individual in an action described in this**
5 **section.**
6 **(b) The individual described in subsection (a) may not use public**
7 **funds to pay a judgment, settlement, or compromise of a claim**
8 **described in subsection (a)(1).**
9 **Sec. 4. (a) This section applies to agreements or contracts**
10 **entered into after June 30, 2019.**
11 **(b) A provision in an agreement or contract that has the purpose**
12 **or effect of concealing details relating to a civil claim or settlement**
13 **or resolution of any civil claim of:**
14 **(1) sexual assault;**
15 **(2) sexual harassment; or**
16 **(3) sexual discrimination;**
17 **involving an individual described in section 2 of this chapter is**
18 **declared to be contrary to the public policy of Indiana and void.**
19 **(c) A claim described in subsection (b) includes:**
20 **(1) a formal or informal internal complaint; or**
21 **(2) threatened, anticipated, or commenced litigation.**
22 **Sec. 5. The name of the person who claims to be the victim of:**
23 **(1) sexual assault;**
24 **(2) sexual harassment; or**
25 **(3) sexual discrimination;**
26 **and who is a party to an agreement or contract described in section**
27 **4 of this chapter shall be withheld from disclosure at the person's**
28 **request or by court order.**

