

IC 34-24-3

Chapter 3. Treble Damages Allowed in Certain Civil Actions by Crime Victims

IC 34-24-3-0.2

Application of prior law

Sec. 0.2. The addition of IC 34-4-30-3 (before its repeal, now codified at section 4 of this chapter) by P.L.316-1987 does not apply to a cause of action accruing before April 27, 1987.

As added by P.L.220-2011, SEC.560.

IC 34-24-3-1

Offenses against property; recovery of damages, costs, and attorney's fee

Sec. 1. If a person has an unpaid claim on a liability that is covered by IC 24-4.6-5 or suffers a pecuniary loss as a result of a violation of IC 35-43, IC 35-42-3-3, IC 35-42-3-4, or IC 35-45-9, the person may bring a civil action against the person who caused the loss for the following:

- (1) An amount not to exceed three (3) times:
 - (A) the actual damages of the person suffering the loss, in the case of a liability that is not covered by IC 24-4.6-5; or
 - (B) the total pump price of the motor fuel received, in the case of a liability that is covered by IC 24-4.6-5.
- (2) The costs of the action.
- (3) A reasonable attorney's fee.
- (4) Actual travel expenses that are not otherwise reimbursed under subdivisions (1) through (3) and are incurred by the person suffering loss to:
 - (A) have the person suffering loss or an employee or agent of that person file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
 - (B) provide witnesses to testify in court proceedings related to the recovery of a judgment under this chapter.
- (5) A reasonable amount to compensate the person suffering loss for time used to:
 - (A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
 - (B) travel to and from activities described in clause (A).
- (6) Actual direct and indirect expenses incurred by the person suffering loss to compensate employees and agents for time used to:
 - (A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
 - (B) travel to and from activities described in clause (A).
- (7) All other reasonable costs of collection.

As added by P.L.1-1998, SEC.19. Amended by P.L.97-2011, SEC.3.

IC 34-24-3-1.5

Offenses concerning adoption deception and unauthorized adoption facilitation; recovery of damages or amounts paid, costs, and attorney's fees

Sec. 1.5. (a) If a prospective adoptive parent suffers pecuniary loss as a result of a violation of IC 35-46-1-9.5, the prospective adoptive parent may bring a civil action against a person who benefits from adoption related expenses in violation of IC 35-46-1-9.5, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-9.5. In an action under this subsection, a prospective adoptive parent may seek an award of the following:

- (1) Actual damages caused by the violation if the prospective adoptive parent has not been awarded damages under IC 35-46-1-9.5.
- (2) An amount not to exceed three (3) times the amount of actual damages of the prospective adoptive parent suffering the loss.
- (3) The costs of the action.
- (4) A reasonable attorney's fee.

(b) A prospective adoptive parent may bring a civil action against a person who commits unauthorized adoption facilitation under IC 35-46-1-22, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-22. In an action under this subsection, a prospective adoptive parent may seek an award of the following:

- (1) An amount not to exceed three (3) times the amount that the prospective adoptive parent paid for the adoption services provided to the prospective adoptive parent in the commission of unauthorized adoption facilitation under IC 35-46-1-22.
- (2) The costs of the action.
- (3) A reasonable attorney's fee.

As added by P.L.146-2007, SEC.16.

IC 34-24-3-2

Irrebuttable presumption of retailer's pecuniary loss; insurance or indemnification prohibited

Sec. 2. (a) For purposes of determining the amount of damages recoverable under section 1(1) of this chapter, there is an irrebuttable presumption that a retailer who brings a civil action under this chapter (or IC 34-4-30 before its repeal) as the result of a violation of IC 35-43-4-2 (theft) or IC 35-43-4-3 (conversion) suffers a pecuniary loss in the amount of:

- (1) one hundred dollars (\$100) regardless of whether:
 - (A) the property is returned to the retailer; or
 - (B) the actual retail value of the property is less than one hundred dollars (\$100); or
- (2) the retailer's actual damages;

whichever is greater.

(b) An individual found liable in a civil action under this chapter (or IC 34-4-30 before its repeal) for violating IC 35-43-4-2 or IC 35-43-4-3 may not be indemnified or insured for any penalties, damages, or settlement arising from the violation.

As added by P.L.1-1998, SEC.19.

IC 34-24-3-3

Action for punitive damages

Sec. 3. It is not a defense to an action for punitive damages that the defendant is subject to criminal prosecution for the act or omission that gave rise to the civil action. However, a person may not recover both:

- (1) punitive damages; and
- (2) the amounts provided for under section 1 or 1.5 of this chapter.

As added by P.L.1-1998, SEC.19. Amended by P.L.146-2007, SEC.17.

IC 34-24-3-4

Damages inflicted by operation of motor vehicle excepted unless intentional

Sec. 4. This chapter does not apply to a person who suffers pecuniary damages as a result of the operation of a vehicle in violation of IC 35-43-1-2 or IC 35-43-2-2, unless the damage was intentionally inflicted.

As added by P.L.1-1998, SEC.19.