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AMENDMENT No. 5 PROPOSED TO

Committee Sub. for SB NO. 2016

By Senator(s) Bryan

1 **AMEND** on line 355 by inserting after the word "damages" the
2 **following:** in excess of One Hundred Thousand Dollars
3 (\$100,000.00)

4 **FURTHER, AMEND** by deleting lines 373 through 387 and
5 **inserting in lieu thereof the following:**

6 (3) In all civil actions where an entitlement to punitive
7 damages shall have been established under applicable laws, the
8 amount of an award of punitive damages in excess of One Hundred
9 Thousand Dollars (\$100,000.00) shall not exceed the greater of
10 three (3) times the amount of the total compensatory damages
11 awarded to the plaintiff in an action or Five Million Dollars
12 (\$5,000,000.00); however, if the defendant is an individual or a
13 business with less than fifty (50) full-time employees, the amount
14 of an award of punitive damages in excess of One Hundred Thousand
15 Dollars (\$100,000.00) shall not exceed two (2) times the amount of
16 the plaintiff's compensatory damages or Two Million Dollars
17 (\$2,000,000.00) or three percent (3%) of such defendant's net
18 worth, whichever is less, unless the finder of fact and court find
19 by clear and convincing evidence that the defendant acted with
20 criminal intent to cause serious physical bodily injury. This
21 restriction shall not be disclosed to the trier of fact, but shall
22 be applied by the court to any punitive damages verdict.