

1541-S

Sponsor(s): House Committee on Judiciary (originally sponsored by Representatives Carrell, Lambert, Cairnes, Van Luven, Reardon, Santos, Veloria and Morris)

Brief Description: Addressing defenses in civil actions.

HB 1541-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that a person who is injured as a result of engaging in criminal activity should not be entitled to recover damages for that injury if the criminal activity was an actual cause of the injury and the circumstances of the injury warrant preclusion of liability as a matter of social policy and common sense. The law provides a complete defense against a personal injury action if the injured person was engaged in a felony at the time of the injury.

Declares an intent to extend this policy to situations involving gross misdemeanor and misdemeanor crimes.

Declares that the defense provided in this act applies only if the injury or death was not caused by an act of the person claiming the defense and, in the case of a personal injury action, the person injured has been convicted of the offense that was a proximate cause of the injury, or in the case of a wrongful death action, the court finds by clear, cogent, and convincing evidence that the person killed committed the offense that was a proximate cause of the death.