

SSB 5728 - S AMD 168
By Senator Swecker

3/14/03 ADOPTED

1 On page 20, after line 17, insert the following:

2 "(d) Subsection (2)(a) of this section does not apply in cases in
3 which the local government entity or its officers, employees, or
4 volunteers are held liable for civil damages resulting from any
5 negligent act or omission in the rendering of community placement,
6 community supervision, community custody, parole supervision, probation
7 supervision, or supervision of suspended sentences if (i) the offender
8 under supervision has ever been convicted of the crime of first or
9 second degree rape, first or second degree rape of a child, or first or
10 second degree homicide, and (ii) the civil damages resulted from the
11 subsequent commission of one of these specified offenses."

12 On page 23, after line 9, insert the following:

13 "(4) Subsection (1) of this section does not apply in cases in
14 which the state or its agencies, institutions, officers, employees, or
15 volunteers are held liable for civil damages resulting from any
16 negligent act or omission in the rendering of community placement,
17 community supervision, community custody, parole supervision, probation
18 supervision, or supervision of suspended sentences if (a) the offender
19 under supervision has ever been convicted of the crime of first or
20 second degree rape, first or second degree rape of a child, or first or
21 second degree homicide, and (b) the civil damages resulted from the
22 subsequent commission of one of these specified offenses."

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EFFECT: The requirement that the portion of a governmental tort claim that exceeds one million dollars is subject to legislative appropriation does not apply to negligent supervision of persons previously convicted of rape or murder, if the person being supervised commits a subsequent crime of rape or murder.