

ESSB 6157 - H AMD 933

By Representative Rodne

WITHDRAWN 04/21/2007

1 On page 55, after line 34, insert the following:

2 **"PART VII - LIABILITY**

3 **NEW SECTION. Sec. 701.** A new section is added to chapter 4.24 RCW
4 to read as follows:

5 For the purposes of this chapter:

6 (1) "Limited jurisdiction court" means a district court or a
7 municipal court, and anyone acting or operating at the direction of
8 such court, including but not limited to its officers, employees,
9 agents, contractors, and volunteers.

10 (2) "Misdemeanant supervision services" means preconviction or
11 postconviction misdemeanor probation or supervision services, or the
12 monitoring of a misdemeanor defendant's compliance with a preconviction
13 or postconviction order of the court, including but not limited to
14 community corrections programs, probation supervision, pretrial
15 supervision, or pretrial release services.

16 (3) "Supervision or community custody" includes preconviction or
17 postconviction probation or supervision services, or the monitoring of
18 a defendant's compliance with a preconviction or postconviction order
19 of the court, including but not limited to community corrections
20 programs, probation supervision, pretrial supervision, or pretrial
21 release services. Community supervision also includes activities
22 associated with partnerships between corrections officers and law
23 enforcement that may exist for this purpose.

24 (4) "The state" means the state, the department of corrections, and
25 anyone acting under the direction of the state or department, including
26 but not limited to its officers, employees, agents, contractors, and
27 volunteers.

1 NEW SECTION. **Sec. 702.** A new section is added to chapter 4.24 RCW
2 to read as follows:

3 A limited jurisdiction court that provides misdemeanor supervision
4 services is not liable for civil damages resulting from any act or
5 omission in the provision of supervision or community custody unless
6 the act or omission constitutes gross negligence. This section does
7 not create any duty and shall not be construed to create a duty where
8 none exists.

9 NEW SECTION. **Sec. 703.** A new section is added to chapter 4.24 RCW
10 to read as follows:

11 The state is not liable for civil damages resulting from any act or
12 omission in the provision of supervision or community custody unless
13 the act or omission constitutes gross negligence. This section does
14 not create any duty and shall not be construed to create a duty where
15 none exists.

16 NEW SECTION. **Sec. 704.** A new section is added to chapter 4.24 RCW
17 to read as follows:

18 (1) The state is not liable for civil damages resulting from any
19 act or omission in the assessment, screening, or delivery of services
20 to an offender under supervision or community custody for the purpose
21 of creating, amending, maintaining, or implementing an individual
22 reentry plan, unless the act or omission constitutes gross negligence.

23 (2) A limited jurisdiction court is not liable for civil damages
24 resulting from any act or omission in the assessment, screening, or
25 delivery of services to an offender under supervision or community
26 custody for the purpose of creating, amending, maintaining, or
27 implementing an individual reentry plan unless the act or omission
28 constitutes gross negligence.

29 (3) This section does not create any duty and shall not be
30 construed to create a duty where none exists."

31 Renumber the remaining part heading and sections consecutively,
32 correct internal references accordingly, and correct the title.

EFFECT: Provides immunity from civil damages to a court of

limited jurisdiction for any act or omission in the provision of supervision or community custody, unless the act or omission constitutes gross negligence. Provides immunity from civil damages to the state for any act or omission in the provision of supervision or community custody, unless the act or omission constitutes gross negligence. Provides immunity from civil damages to the state for an act or omission in the assessment, screening, or delivery of services to an offender under supervision or community custody for the purpose of creating, amending, maintaining, or implementing an individual reentry plan (IRP), unless the act or omission constitutes gross negligence. Provides immunity from civil damages to a court of limited jurisdiction for any act or omission in the assessment, screening, or delivery of services to an offender under supervision or community custody for the purpose of creating, amending, maintaining, or implementing an IRP, unless the act or omission constitutes gross negligence.

--- END ---