

HB 2590 -- SOVEREIGN IMMUNITY FOR INMATES

SPONSOR: Moore

COMMITTEE ACTION: Voted "do pass" by the Committee on Corrections and Public Institutions by a vote of 7 to 0.

This bill specifies that the terms "public employees" and "employee of the public entity" do not include offenders in the custody of the Department of Corrections or prisoners in the custody of a county or municipal jail for the purpose of state sovereign immunity protection. The term "custody" includes any prisoner or offender outside of a correctional center or jail for the purpose of work release. The bill also abrogates any court decision issued after August 13, 1978, that interprets these terms to the contrary.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPONENTS: Supporters say that the courts have interpreted that inmates working outside of correctional facilities are considered state employees and the bill will clarify that they are not.

Testifying for the bill were Representative Moore; Department of Corrections; and Department of Transportation.

OPPONENTS: There was no opposition voiced to the committee.