

HCS HB 1272 -- ACTIONS AND DAMAGES AGAINST AND CORRECTIONAL FACILITIES

SPONSOR: Black (Kelley, 126)

COMMITTEE ACTION: Voted "do pass" by the Committee on Corrections by a vote of 9 to 0.

This substitute specifies that gross negligence will be the standard of proof in an action for damages brought against a public or private jail, correctional center, detention center, or any other type of correctional facility or its employees as a result of a death by suicide of any inmate. The substitute defines "gross negligence" as the failure to recognize and act on a strong probability that a person in custody will commit or attempt to commit suicide.

FISCAL NOTE: No impact on General Revenue Fund in FY 2013, FY 2014, and FY 2015. Estimated Net Income on Other State Funds of \$0 or Unknown in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the bill is needed to provide protection to counties, sheriffs, and the state from unnecessary law suits arising from inmate suicides.

Testifying for the bill were Representative Kelley (126); and Steven Caterly, Barton County Prosecuting Attorney.

OPPONENTS: There was no opposition voiced to the committee.