

HCS HB 1357 -- PUNITIVE DAMAGES

SPONSOR: Corlew

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Consumer Affairs by a vote of 6 to 4. Voted "Do Pass with HCS" by the Select Committee on Judiciary by a vote of 7 to 3.

This bill gives the Office of the Attorney General sole jurisdiction to prosecute the punitive damages phase of a trial as a separate case in front of a new jury. All monies collected from this stage will be deposited into the Missouri Tort Victims Compensation Fund, however the victim is eligible to receive up to 50% of the monies. The office may petition the court for costs and expenses provided that no less than 50% of the award is deposited in the Tort Victims Compensation Fund.

The bill prohibits the office from hiring outside legal counsel, except in a case of demonstrable conflicts of interest and requires the outside counsel to only be paid a reasonable hourly rate for work completed.

PROPONENTS: Supporters say that this bill will dramatically decrease the incentive to sue. Moreover, it will provide funding to ensure that victims who are unable to sue can still receive some compensation.

Testifying for the bill were Representative Corlew; Missouri Chamber of Commerce; Associated Industries of Missouri; and Traci Pupillo.

OPPONENTS: Those who oppose the bill say that the victims are the ones who were injured and thus should be compensated. Moreover, the bill strips the role of the jury in awarding punitive damages to a victim.

Testifying against the bill was Brett Emison, Missouri Association of Trial Attorneys.