

HOUSE RESEARCH

Bill Summary

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Subject: Claims against the state; Legislative claims process

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Overview

This bill eliminates governmental tort immunity for certain claims involving patients or inmates in state institutions, modifies the process for review of claims made by individuals subject to a conditional release, and increases the filing fee for claims filed with the House-Senate Joint Subcommittee on Claims.

Section

- 1 Tort claims against the state; immunity exclusions.** Provides that the state accepts liability for loss, damage, or destruction of a state institutional patient's or inmate's property; the existing provision of law providing for governmental immunity in these claims is eliminated. These claims are required to be heard in the legislative claims committee process, as provided in section 2 of the bill.
- 2 Loss, damage, or destruction of property.** Provides that the exclusive remedy for patients or inmates claiming a loss, damage, or destruction of property is through the House-Senate Joint Subcommittee on Claims.
- 3 Evaluation and payment of claims.** Raises the threshold for required review of certain claims involving individuals subject to conditional release. Currently, the law requires that claims of \$500 or less be reviewed by the appropriate state or local agency and paid, if appropriate, by the Department of Corrections. This section requires use of this process for all claims of \$1,000 or less.

Claims that are denied, and claims for more than \$1,000 may be submitted to the House-Senate Joint Subcommittee on Claims.
- 4 Legislative claims; filing fee.** Increases the fee for filing a claim with the House-Senate Joint Subcommittee on Claims from \$5 to \$10.
- 5 Effective date.** Provides that the bill is effective July 1, 2011.

