

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 161**

As Agreed to March 31, 2005

Brief *

SB 161 would provide immunity from civil liability for governmental entities, private not-for-profit corporations, charitable or social service organizations and their employees, for actions of adult offenders and juvenile offenders who injure others and who have been sentenced to perform community service work by the court for these entities. The bill also provides immunity for claims of injured offenders against these entities.

Civil immunity would not apply for actions constituting willful or wanton misconduct or intentional tortious conduct or for damages arising out of the operation of a motor vehicle.

The Kansas Tort Claims Act is amended to delete immunity provisions for negligent or other wrongful acts or omissions which now apply for claims arising out of performance of community service work.

Conference Committee Action

The Conference Committee reworked the immunity provisions to reflect the intent of the Senate version of the bill.

Background

The original bill was supported by Judge Fred Lorentz from the 31st Judicial District in Wilson County. The bill was opposed by the Kansas Trial Lawyers Association.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

The House version of SB 161 would have amended the Kansas Tort Claims Act to expand the definition of employee to the extent that employee includes private not-for-profit corporations or charitable or social service organizations, for claims arising from the performance of community service work when the court has assigned persons to perform community service work for a governmental entity.