

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 587

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

1 AN ACT
2 RELATING TO TORT CLAIMS; AMENDING SECTION 6-904A, IDAHO CODE, TO PROVIDE
3 THAT A CERTAIN EXCLUSION SHALL NOT APPLY AND TO MAKE TECHNICAL CORREC-
4 TIONS.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 6-904A, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 6-904A. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity
9 and its employees while acting within the course and scope of their employ-
10 ment and without malice or criminal intent and without reckless, willful and
11 wanton conduct as defined in section 6-904C, Idaho Code, shall not be liable
12 for any claim which:

- 13 (1.) Arises out of the assessment or collection of any tax or fee; or
- 14 (2.) Arises out of injury to a person or property by a person under su-
15 pervision, custody or care of a governmental entity or by or to a person who
16 is on probation, or parole, or who is being supervised as part of a court-im-
17 posed drug court program, or any work-release program, or by or to a person
18 receiving services from a mental health center, hospital or similar facil-
19 ity; provided that this exclusion does not apply to actions for failure to
20 supervise persons committed to the custody of the state who are residents in
21 such mental health center, hospital or similar facility.