

STATEMENT OF PURPOSE

RS26018

This bill makes an exception to an exclusion in the Idaho Tort Claims Act. The act currently excludes claims that arise from injury to a person or property that is under the supervision of the state, and is receiving services from a mental health center, hospital or similar facility. This change would allow such claims if they were due to failure to supervise a person receiving mental health services while committed to the custody of the state and reside at such mental health center, hospital or similar facility. This change would provide potential compensation to innocent third parties who suffer injury or property damage due to failure of supervision by the state over such wards of the state who cause the injury or property damage.

FISCAL NOTE

Fiscal impact is not calculable because it would be based upon the number and extent of claims from unknown future events. Compensation would not directly impact the general fund, but would be paid from insurance or risk management funds. Three known property damage claims at Southwest Idaho Treatment Center (SWITC) were denied last year. One SWITC injury claim is known to be in litigation.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).