

Offered: 4/4/90
Referred: Finance

go0989sH

Original sponsor(s): Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 159 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to liability for release and super-
7 vision of persons in state custody; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 09.50 is amended by adding a new section to read:

11 Sec. 09.50.255. IMMUNITY; PERSONS IN STATE CUSTODY. (a) Except
12 as provided in (b) of this section, the state, its employees, and
13 state contractors and their employees are immune from liability for
14 negligence in the release of a person from confinement under state
15 custody and the post-release supervision of the person if the person's
16 release is required by operation of law or is not the result of an
17 exercise of discretion by a state official, employee, board, or com-
18 mission.

19 (b) This section does not affect the liability of the state, its
20 employees, and state contractors and their employees for gross negli-
21 gence in the supervision of a person on parole, probation, furlough,
22 or work release.

23 (c) In this section,

24 (1) "confinement" means detention, hospitalization, invol-
25 untary restraint, or similar restriction of movement;

26 (2) "gross negligence" means reckless disregard for the
27 safety of individual, identifiable victims.

28 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).