

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 416

Short Title: Community Service Immunity/AB.

(Public)

Sponsors: Representatives Russell; Buchanan, Dockham, and Sexton.

Referred to: Judiciary I.

March 9, 1995

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT IMMUNITY FROM LIABILITY FOR AGENCIES
2 SUPERVISING COMMUNITY SERVICE WORK INCLUDES CLAIMS FROM
3 PERSONS WORKING UNDER A DEFERRED PROSECUTION AGREEMENT,
4 PERSONS ON PROBATION AND PERSONS ON PAROLE.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 15A-1342(j) reads as rewritten:

8 "(j) Immunity for Injury to Defendant Performing Community Service. —A person
9 is not liable for damages for any injury or loss sustained by a defendant performing
10 community or reparation service unless the injury is caused by the person's gross
11 negligence or intentional wrongdoing. As used in this subsection, "person" includes any
12 governmental unit or agency, nonprofit corporation, or other nonprofit agency that is
13 supervising the defendant or for whom the defendant is performing community service
14 work, as well as any person employed by the agency or corporation while acting in the
15 scope and course of his employment. This subsection does not affect the immunity from
16 civil liability in tort available to local governmental units or agencies. Notice of the
17 provisions of this subsection must be furnished to the defendant at the time he is served
18 with a copy of the probation judgment or deferred prosecution order. Immunity from
19 liability for injury to a defendant performing community service shall be as set forth in
20 G.S. 143B-475.1(d)."

1 Sec. 2. G.S. 143B-475.1 is amended by adding a new subsection to read:
2 "(d) A person is not liable for damages for any injury or loss sustained by an
3 individual performing community or reparation service under this section unless the
4 injury is caused by the person's gross negligence or intentional wrongdoing. As used in
5 this subsection, 'person' includes any governmental unit or agency, nonprofit corporation,
6 or other nonprofit agency that is supervising the individual, or for whom the individual is
7 performing community service work, as well as any person employed by the agency or
8 corporation while acting in the scope and course of the person's employment. This
9 subsection does not affect the immunity from civil liability in tort available to local
10 governmental units or agencies. Notice of the provisions of this subsection must be
11 furnished to the individual at the time of assignment of community service work by the
12 community service coordinator."

13 Sec. 3. This act is effective upon ratification.