

PROPOSED AMENDMENTS TO SENATE BILL NO. 2265

Page 4, replace lines 5 through 21 with:

- "f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
- (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a political subdivision's law enforcement operations.
 - (4) Providing or failing to provide fire protection services in the ordinary course of a political subdivision's fire protection operations.
- g. "Public duty" does not include action of the political subdivision or a political subdivision employee under circumstances in which a special relationship can be established between the political subdivision and the injured party. A special relationship is demonstrated if all of the following elements exist:
- (1) Direct contact between the political subdivision and the injured party.
 - (2) An assumption by the political subdivision, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the political subdivision that inaction of the political subdivision could lead to harm.
 - (4) The injured party's justifiable reliance on the political subdivision's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the political subdivision, or the political subdivision action increases the risk of harm."

Page 7, replace lines 20 through 30 with:

- "f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
- (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.

- (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a state's law enforcement operations.
- g. "Public duty" does not include action of the state or a state employee under circumstances in which a special relationship can be established between the state and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the state and the injured party.
 - (2) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the state that inaction of the state could lead to harm.
 - (4) The injured party's justifiable reliance on the state's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the state, or the state action increases the risk of harm."

Page 8, remove lines 1 and 2

Page 8, line 3, replace "g." with "h."

Page 8, line 4, replace "h." with "i."

Page 8, line 8, replace "i." with "j."

Page 8, line 9, replace "j." with "k."

Page 8, line 11, replace "k." with "l."

Page 8, line 13, replace "l." with "m."

Page 8, line 16, replace "m." with "n."

Page 8, line 18, replace "n." with "o."

Page 8, line 21, replace "o." with "p."

Page 8, line 23, replace "p." with "q."

Page 8, line 25, replace "q." with "r."

Page 8, line 26, replace "r." with "s."

Renumber accordingly