

SECOND REGULAR SESSION

HOUSE BILL NO. 1438

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AUSTIN.

5404L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil immunity for supervision of community service work.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.602, to read as follows:

537.602. 1. As used in this section the following terms shall mean:

(1) "Community service work", any work which is performed without compensation and is required in exchange for deferred prosecution of any criminal charge by any federal, state, or local prosecutor under a written agreement;

(2) "Entity", includes any person, for profit or not-for-profit business, agency, group, charity, organization, or any unit of federal, state or local government or any of their employees.

2. Any entity which supervises community service work performed as a requirement for deferment of any criminal charge under a written agreement with a federal, state, or local prosecutor, or any entity which derives benefits from the performance of community service work shall be immune from any suit by the person performing the community service work or by any person deriving a cause of action from the person performing the community service work if that cause of action arises from the performance of such community service work or the supervision, or lack of supervision of the community service work performed, except that the entity supervising the work shall not be immune from any suit for an intentional tort.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **3. Community service work shall not be deemed employment within the meaning**
18 **of the provisions of chapter 288 and a person performing community service work under**
19 **the provisions of this section shall not be deemed an employee within the meaning of the**
20 **provisions of chapter 287.**

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