

HB 1996 -- CIVIL ACTIONS

SPONSOR: Wilson

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 11 to 4. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 6 to 4.

This bill specifies that an inmate or detainee in a county jail may not bring a civil action, except for a constitutional deprivation, until all administrative remedies are exhausted. If a claim is, on its face, frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies. A civil action brought by an inmate or detainee in a county jail in a court of this state alleging a violation of federal law will be subject to all limitations on remedies established by federal law.

PROPONENTS: Supporters say that this is a simple piece of legislation that just requires the same level of procedure in county jails that is required in Department of Corrections institutions. Offenders would be required to exhaust all administrative remedies prior to filing a lawsuit.

Testifying for the bill were Representative Wilson; Erik Holland, Platte County Sherrif's Office; and Kevin Merritt, Missouri Sheriffs' Association.

OPPONENTS: There was no opposition voiced to the committee.