



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

**Bill #** SB0278

**Title:** Generally revise civil liability law

**Primary Sponsor:** Hertz, Greg

**Status:** As Introduced

- Significant Local Gov Impact     
  Needs to be included in HB 2     
  Technical Concerns  
 Included in the Executive Budget     
  Significant Long-Term Impacts     
  Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** There should be no fiscal impact to the state.

### FISCAL ANALYSIS

**Assumptions:**

- Section 1 relates to Medical Malpractice Damage Limitation. The Department of Corrections (DOC) cannot be sued for medical malpractice because inmates are subject to a different legal standard regarding the medical care they receive. They can typically only bring a cause of action under the Eighth Amendment, where the standard is deliberate indifference. This provision should not impact the DOC.
- Section 2 would prohibit a person who is harmed while attempting to engage in or fleeing after having engaged in a felony offense from recovering any damages from a crime victim or other person that used reasonable self-defense to protect a crime victim. This would eliminate the potential for offenders who were harmed from bringing suit against their victims.
- Section 3 prohibits certain government lawsuits against firearm or ammunition manufacturers; however, the Department of Fish Wildlife and Parks (FWP) does not currently file such lawsuits.
- Sections 4 and 5 change the statute of limitations for certain actions relating to real property and certain local government officials but will not change the associated costs. FWP assumes no fiscal impact for that aspect of the bill.

**NO SPONSOR SIGNATURE**

Sponsor's Initials

2/23  
Date

KA  
Budget Director's Initials

2/22/21  
Date