

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 11, 2021
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB21-088 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill page 2, line 6, strike "Perpetrators" and substitute
- 2 "Perpetrators, referred to in this act as actors,".

- 3 Page 2, line 12, after "including" insert "trauma,".

- 4 Page 3, line 3, strike "Members" and substitute "Members, employees,
- 5 agents, and volunteers".

- 6 Page 3, line 6, strike "members" and substitute "members, employees,
- 7 agents, and volunteers".

- 8 Page 3, line 18, after "coach," insert "adult volunteer, youth group
- 9 leader,".

- 10 Page 4, line 3, strike "youth" and substitute "youth-related activity or".

- 11 Page 4, line 13, strike the second "abuse" and substitute "abuse, referred
- 12 to in this act as actors,".

- 13 Page 4, line 27, strike "ORGANIZATION" and substitute "ENTITY, AS
- 14 DEFINED IN SECTION 7-90-102,".

- 15 Page 5, line 3, after "EMPLOYEES" insert "OR AGENTS".

- 1 Page 5, line 5, strike "EMPLOYEE" and substitute "EMPLOYEE, AGENT,".
- 2 Page 5, line 7, strike "EMPLOYEES" and substitute "EMPLOYEES, AGENTS,".
- 3 Page 6, strike line 10, and substitute:
4 "(8) "YOUTH-RELATED ACTIVITY OR PROGRAM" MEANS AN EVENT,
5 PROGRAM, SERVICE, OR ANY OTHER ENTERPRISE THAT INVOLVES
6 PARTICIPATION BY A MINOR, INCLUDING BUT NOT LIMITED TO YOUTH
7 PROGRAMS, EDUCATIONAL PROGRAMS, AND RELIGIOUS ACTIVITIES
8 OPERATED BY AN".
- 9 Page 6, line 11, after "ACTIVITIES," insert "SERVICES,".
- 10 Page 6, line 15, strike "TRIPS, OR EVENTS. "YOUTH PROGRAM"" and
11 substitute "SERVICES, TRIPS, OR EVENTS. "YOUTH-RELATED ACTIVITY OR
12 PROGRAM"".
- 13 Page 6, line 17, after "ACTIVITIES," insert "SERVICES,".
- 14 Page 6, line 19, strike ""YOUTH" and substitute ""YOUTH-RELATED
15 ACTIVITY OR".
- 16 Page 6, line 22, strike "THEREOF, OR" and substitute "THEREOF;".
- 17 Page 6, line 24, strike "EMPLOYEES." and substitute "EMPLOYEES OR
18 AGENTS; OR BEFORE AND AFTER SCHOOL ACTIVITIES CONDUCTED UNDER
19 THE SUPERVISION OF THE EDUCATIONAL ENTITY, OR ITS EMPLOYEES OR
20 AGENTS.".
- 21 Page 8, line 5, before "PRIOR" insert "ANY".
- 22 Page 8, line 21, after "THE" insert "ACTIVITY OR".
- 23 Page 9, line 22, before "WAIVER" insert "PRE-INCIDENT".
- 24 Page 9, line 25, strike "**treble damages.**" and substitute "**interest on**
25 **damages.**".
- 26 Page 10, strike lines 3 through 11 and substitute:
27 "(2) NOTWITHSTANDING SECTION 13-21-101, PREJUDGMENT



1 INTEREST ON A CLAIM BROUGHT PURSUANT TO THIS PART 12 DOES NOT
2 BEGIN TO ACCRUE UNTIL THE PLAINTIFF FILES THE CLAIM PURSUANT TO
3 SECTION 13-20-1202."

4 Page 10, strike lines 12 through 16 and substitute:

5 "13-20-1206. Attorney fees. SECTION 13-17-201, WHICH
6 REQUIRES AN AWARD OF ATTORNEY".

7 Page 10, line 17, before "ACTIONS" insert "CERTAIN".

8 Page 10, line 21, strike "AND 24-10-106," and substitute "24-10-106,
9 24-10-108, AND 24-10-118,".

10 Page 11, line 7, strike "WHO IS PERSONALLY LIABLE FOR" and substitute
11 "FOR A CLAIM ALLEGING".

12 Page 11, line 8, strike "PART 12" and substitute "PART 12, IF THE
13 EMPLOYEE'S CONDUCT IS WILLFUL OR WANTON.".

14 Strike "YOUTH" and substitute "YOUTH-RELATED ACTIVITY OR" on: **Page**
15 **5**, lines 1, 2, 4, 6, and 8; **Page 6**, line 18; **Page 7**, lines 4, 14, 23, and 24;
16 **Page 8**, lines 11, 15, 19, 22, 25, and 27; and **Page 9**, lines 9 and 12.

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