

SB088\_L.060

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB21-088 be amended as follows:

1 Amend reengrossed bill, page 10, line 20, strike "**damages.**" and  
2 substitute "**damages - limitation on damages.**".

3 Page 11, after line 1 insert:

4 "(3) THE MAXIMUM AMOUNT THAT MAY BE RECOVERED IN A CLAIM  
5 BROUGHT PURSUANT TO THIS PART 12 IS:

6 (a) FOR A CLAIM BROUGHT AGAINST A PUBLIC EMPLOYEE OR  
7 PUBLIC ENTITY, AS PROVIDED IN SECTION 13-20-1207; AND

8 (b) FOR ANY OTHER CLAIM, FOUR HUNDRED FIFTY THOUSAND  
9 DOLLARS; EXCEPT THAT, IF, UPON A SHOWING BY CLEAR AND CONVINCING  
10 EVIDENCE THAT THE DEFENDANT FAILED TO TAKE REMEDIAL ACTION  
11 AGAINST A PERSON OR PERSONS THE DEFENDANT KNEW OR SHOULD HAVE  
12 KNOWN, BASED ON INFORMATION THAT, AT THE TIME OF THE INCIDENT,  
13 WAS IN THE DEFENDANT'S POSSESSION OR WAS PUBLICLY OR READILY  
14 AVAILABLE THROUGH COMMONLY USED PRACTICES, POSED A RISK OF  
15 SEXUAL MISCONDUCT TO A MINOR AND THAT THE APPLICATION OF SUCH  
16 LIMITATION WOULD BE UNFAIR, OR IF THE JURY DETERMINES THAT THE  
17 PRESENT VALUE OF PAST AND FUTURE DAMAGES EXCEEDS SUCH  
18 LIMITATION, THE COURT MAY AWARD IN EXCESS OF THE LIMITATION THE  
19 PRESENT VALUE OF ADDITIONAL PAST AND FUTURE DAMAGES."

20 Page 11, line 7, after "**employees -**" insert "**damages -**".

21 Page 11, strike lines 18 through 20 and substitute:

22 "(c) THE MAXIMUM AMOUNT THAT MAY BE RECOVERED FROM A  
23 PUBLIC EMPLOYEE OR PUBLIC ENTITY AS SET FORTH IN SECTION 24-10-114  
24 APPLIES TO A CLAIM BROUGHT AGAINST A PUBLIC EMPLOYEE OR PUBLIC  
25 ENTITY PURSUANT TO THIS PART 12."

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