

AMENDMENTS TO LB861

Introduced by Watermeier, 1.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new section:

3           Section 1. (1) For purposes of this section:

4           (a) Correctional institution incident means an incident in which a  
5 crime or crimes are allegedly committed by one or more inmates confined  
6 in a state correctional institution;

7           (b) Costs of prosecution includes, but is not limited to, the costs  
8 of defense for indigent defendants, including attorney's fees and expert  
9 witness fees;

10           (c) Division means the risk management and state claims division of  
11 the Department of Administrative Services; and

12           (d) Threshold amount means the amount of property tax revenue raised  
13 by a county from a levy of two and one-half cents per one hundred dollars  
14 of taxable valuation of property subject to the levy. The threshold  
15 amount shall be determined using valuations for the year in which the  
16 correctional institution incident occurred.

17           (2) A county may file a claim with the division to recover the costs  
18 of prosecution relating to a correctional institution incident that  
19 occurs within the county. The county may recover only those costs that  
20 exceed the threshold amount for such county.

21           (3) The Risk Manager shall have the power and authority to receive  
22 claims, investigate claims, and otherwise carry out the responsibilities  
23 of this section. The division shall develop a claim form, publish claim  
24 procedures, and determine the supporting information required to perfect  
25 a claim.

26           (4) The Risk Manager shall submit claims received under this section  
27 to the Legislature in the same manner as provided in the State

1 Miscellaneous Claims Act. The Legislature shall review the claim and make  
2 an appropriation for the claim if appropriate.  
3 (5) This section shall apply to any correctional institution  
4 incident occurring on or after May 1, 2015. Claims described in this  
5 section shall have no time bar to recovery.