

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 330
HOUSE BILL 416

AN ACT TO CLARIFY THAT IMMUNITY FROM LIABILITY FOR AGENCIES
SUPERVISING COMMUNITY SERVICE WORK INCLUDES CLAIMS FROM
PERSONS WORKING UNDER A DEFERRED PROSECUTION AGREEMENT,
PERSONS ON PROBATION AND PERSONS ON PAROLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1342(j) reads as rewritten:

~~"(j) Immunity for Injury to Defendant Performing Community Service. —A person is not liable for damages for any injury or loss sustained by a defendant performing community or reparation service unless the injury is caused by the person's gross negligence or intentional wrongdoing. As used in this subsection, "person" includes any governmental unit or agency, nonprofit corporation, or other nonprofit agency that is supervising the defendant or for whom the defendant is performing community service work, as well as any person employed by the agency or corporation while acting in the scope and course of his employment. This subsection does not affect the immunity from civil liability in tort available to local governmental units or agencies. Notice of the provisions of this subsection must be furnished to the defendant at the time he is served with a copy of the probation judgment or deferred prosecution order. Immunity from liability for injury to a defendant performing community service shall be as set forth in G.S. 143B-475.1(d)."~~

Sec. 2. G.S. 143B-475.1 is amended by adding a new subsection to read:

"(d) A person is not liable for damages for any injury or loss sustained by an individual performing community or reparation service under this section unless the injury is caused by the person's gross negligence or intentional wrongdoing. As used in this subsection, 'person' includes any governmental unit or agency, nonprofit corporation, or other nonprofit agency that is supervising the individual, or for whom the individual is performing community service work, as well as any person employed by the agency or corporation while acting in the scope and course of the person's employment. This subsection does not affect the immunity from civil liability in tort available to local governmental units or agencies. Notice of the provisions of this subsection must be furnished to the individual at the time of assignment of community service work by the community service coordinator."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives