

2025 Regular Session

SENATE BILL NO. 39

BY SENATOR MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY. Provides for limitation of liability of public entities for false imprisonment of an offender sentenced to a term of imprisonment. (8/1/25)

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AN ACT

To enact R.S. 9:2800.30, relative to liability of public entities; to provide relative to limitation of liability for false imprisonment of an offender sentenced to a term of imprisonment; to provide relative to the limitation of the use of delictual actions for certain injuries and damages to an offender; to provide relative to false imprisonment and unlawful detention of a convicted offender; to provide relative to certain challenges to lawful imprisonment; to provide relative to the calculation of an offender's sentence, release date, good time date, or parole date; to provide relative to the limitation of certain causes of action brought by an offender; to provide for definitions, terms, conditions and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.30 is hereby enacted to read as follows:

§2800.30. Limitation of liability of a public entity for false imprisonment of an offender sentenced to a term of imprisonment

A. Legislative findings

(1) A prisoner who was duly convicted and sentenced to serve a term of imprisonment is lawfully incarcerated until that conviction or sentence is

1 reversed, modified, or set aside.

2 (2) A conviction and sentence may only be reversed, modified, or set
3 aside in a direct appeal or applicable post-conviction relief. The computation of
4 a prisoner's sentence by the Department of Public Safety and Corrections may
5 only be reversed, modified, or set aside through the Corrections Administrative
6 Remedy Procedure, R.S. 15:1171 et seq., and judicial review process.

7 (3) A post-conviction detention does not become illegal until the
8 conviction, sentence, or sentence computation is reversed, modified, or set aside,
9 the judgment is final, and a reasonable amount of time has passed for the
10 department to comply with the judgment.

11 (4) A delictual action for injury and damages is not the appropriate
12 forum initially in which to challenge the legality of a prisoner's incarceration or
13 a portion of that prisoner's incarceration.

14 **B. Definitions**

15 **For purposes of this section:**

16 **(1) "Department" means the Department of Public Safety and**
17 **Corrections.**

18 **(2) "False imprisonment" means any cause of action or claim challenging**
19 **the legality of the prisoner's term of confinement, or any part of the prisoner's**
20 **confinement. False imprisonment includes claims of "overdetention" in which**
21 **the prisoner claims that the department violated the prisoner's constitutional**
22 **rights because the prisoner was incarcerated beyond the date the prisoner was**
23 **legally required to be released from prison.**

24 **(3) "Unlawful detention of a convicted prisoner" occurs when a court of**
25 **competent jurisdiction declares the prisoner's detention is or was unlawful. For**
26 **purposes of the tort of false imprisonment, a prisoner's detention does not**
27 **become illegal until a court of competent jurisdiction declares its illegality.**

28 **(4) "Offender" means a person convicted of a crime and sentenced to**
29 **serve a term of imprisonment.**

1 **(5) "Bona fide termination" means that the underlying proceeding is**
2 **brought to a conclusion on the merits and all appeals are exhausted.**

3 **C. Delictual actions**

4 **Any delictual action claiming unlawful detention of a convicted prisoner**
5 **shall be governed by the terms and provisions of the Prison Litigation Reform**
6 **Act, R.S. 15:1181 et seq.**

7 **D. Challenges to lawful imprisonment**

8 **An offender is lawfully imprisoned once the offender is convicted and**
9 **sentenced to a term of imprisonment. An offender's lawful imprisonment**
10 **becomes unlawful when the offender is incarcerated longer than the term of**
11 **imprisonment in the offender's sentence unless another lawful basis exists for**
12 **the offender's continued confinement.**

13 **(1) An offender challenging the computation or calculation of the**
14 **offender's sentence, release date, good time date, or parole date shall pursue**
15 **that claim pursuant to the provisions of R.S. 15:1171 et seq., including judicial**
16 **review. Any finding during that process that the offender's sentence was**
17 **miscalculated shall not render the imprisonment illegal unless the department**
18 **willfully or wantonly fails to comply with a court order rendered by a court of**
19 **competent jurisdiction.**

20 **(2) An offender challenging the lawfulness of the offender's conviction**
21 **or sentence shall seek appropriate post-conviction relief pursuant to Code of**
22 **Criminal Procedure Article 924 et seq., or habeas corpus relief pursuant to**
23 **Code of Criminal Procedure Article 351 et seq. A ruling in favor of the offender**
24 **which invalidates the offender's conviction or sentence shall not render the**
25 **offender's imprisonment illegal unless the department willfully or wantonly fails**
26 **to comply with a court order rendered by a court of competent jurisdiction in**
27 **post conviction or habeas corpus proceedings.**

28 **E. Threshold requirement of bona fide termination**

29 **No delictual action claiming false imprisonment shall be brought against**

1 a sheriff or the department by an offender unless the offender first obtains a
2 bona fide termination in the offender's favor in proceedings brought pursuant
3 to Subsection D of this Section to invalidate the offender's confinement or any
4 part thereof.

5 (1) Any lawsuit brought claiming false imprisonment while underlying
6 proceedings seeking a bona fide termination are ongoing, but before bona fide
7 termination is obtained, shall be dismissed without prejudice.

8 (2) If the offender fails to timely initiate or pursue the procedure
9 required to invalidate the offender's confinement or any part thereof, the
10 lawsuit shall be dismissed with prejudice as frivolous.

11 (3) The requirements of this Subsection do not affect the requirement
12 that an offender shall exhaust available administrative remedies pursuant to the
13 provisions of R.S. 15:1171 et seq., and comply with any applicable law,
14 including R.S. 15:1184 and Louisiana Administrative Code, Title 22, Part 1,
15 §325.

16 F. Determining department's actual knowledge of false imprisonment

17 No prisoner shall have a cause of action for false imprisonment against
18 the department for damages unless the department had actual knowledge the
19 prisoner was being falsely imprisoned, had a reasonable opportunity to release
20 the prisoner, and willfully or wantonly failed to do so. Such actual knowledge
21 may be inferred from a department headquarters response granting the
22 prisoner's administrative remedy requested or from service of a final judgment
23 on the department on an appeal from an underlying sentence, petition for
24 judicial review, writ of habeas corpus, or similar judicial proceeding.

25 G. Limitation of various causes of action

26 (1) No cause of action shall exist against the state, the department, or any
27 officer or employee thereof arising from the failure of a judicial official, clerk
28 of court, sheriff, district attorney, or other parish or municipal officer to comply
29 with obligations pursuant to law.

1 **(2) No cause of action shall exist against the state, the department, or any**
 2 **officer or employee thereof for failure to implement policies to compel a judicial**
 3 **official, clerk of court, sheriff, district attorney, or other parish or municipal**
 4 **officer to comply with obligations pursuant to law.**

5 **(3) No cause of action shall exist against the state, the department or any**
 6 **officer or employee thereof arising out of a miscalculation of an offender's**
 7 **sentence except for willful or wanton misconduct.**

8 **(4) No cause of action shall exist against the state, the department, or any**
 9 **officer or employee thereof arising out of an error in records received from a**
 10 **judicial official, clerk of court, sheriff, district attorney, or other parish or**
 11 **municipal officer, or out of an error in a database maintained by a local, parish,**
 12 **state or federal entity.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 39 Original

2025 Regular Session

Morris

Proposed law provides for limitation of liability of a public entity for false imprisonment of an offender sentenced to a term of imprisonment, and provides for legislative findings.

Proposed law provides for definitions of "department", "false imprisonment", "unlawful detention of a convicted prisoner", "offender", and "bona fide termination" as related to the limitation of liability of a public entity for false imprisonment of a prisoner.

Proposed law provides that any delictual action claiming unlawful detention of a convicted prisoner shall be governed by present law.

Proposed law provides that an offender is lawfully imprisoned once convicted and sentenced to a term of imprisonment, and that an offender's lawful imprisonment becomes unlawful when the offender is incarcerated longer than the term of imprisonment in the offender's sentence, unless another lawful basis exists for the offender's continued confinement.

Proposed law provides that an offender challenging the computation or calculation of the offender's sentence, release date, good time date, or parole date shall pursue that claim through the Corrections Administrative Remedy Procedure (CARP), including judicial review, and that any finding during that process that the offender's sentence was miscalculated shall not render the imprisonment illegal, unless the department willfully or wantonly fails to comply with a court order rendered by a court of competent jurisdiction.

Proposed law provides that an offender challenging the lawfulness of the offender's conviction or sentence shall seek appropriate post-conviction relief or habeas corpus relief pursuant to present law. Proposed law provides that a ruling in favor of the offender which

invalidates the offender's conviction or sentence shall not render the offender's imprisonment illegal unless the department willfully or wantonly fails to comply with a court order rendered by a court of competent jurisdiction in post-conviction or habeas corpus proceedings.

Proposed law provides that no delictual action claiming false imprisonment shall be brought against a sheriff or the department by an offender unless the offender first obtains a bona fide termination in the offender's favor in proceedings brought pursuant to proposed law to invalidate the offender's confinement.

Proposed law provides that any lawsuit brought claiming false imprisonment while underlying proceedings seeking a bona fide termination are ongoing, but before bona fide termination is obtained, shall be dismissed without prejudice. Proposed law further provides that if the offender fails to timely initiate or pursue the procedure required to invalidate the offender's confinement or any part thereof, the lawsuit shall be dismissed with prejudice as frivolous. Further provides that proposed law does not affect the requirement that offenders exhaust available administrative remedies and comply with present law.

Proposed law provides that no prisoner shall have a cause of action for false imprisonment against the department for damages unless the department had actual knowledge the prisoner was being falsely imprisoned, had a reasonable opportunity to release the prisoner, and willfully or wantonly failed to do so. Proposed law further provides that such actual knowledge may be inferred from a department headquarters response granting the prisoner's administrative remedy requested or from service of a final judgment on the department on an appeal from an underlying sentence, petition for judicial review, writ of habeas corpus, or similar judicial proceeding.

Proposed law provides that no cause of action shall exist against the state, the department or any officer or employee thereof arising from any of the following failures or errors:

- (1) Failure of a judicial official, clerk of court, sheriff, district attorney, or other parish or municipal officer to comply with obligations pursuant to law.
- (2) Failure to implement policies to compel a judicial official, clerk of court, sheriff, district attorney, or other parish or municipal officer to comply with obligations pursuant to law.
- (3) A miscalculation of an offender's sentence except in the case of willful or wanton misconduct.
- (4) An error in records received from a judicial official, clerk of court, sheriff, district attorney, or other parish or municipal officer, or an error in a database maintained by a local, parish, state or federal entity.

Effective August 1, 2025.

(Adds R.S. 9:2800.30)