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SB 39 Engrossed

DIGEST
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.

Proposed law provides for definitions of "department", "offender", "false imprisonment" 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 civil action for damages based on claims of false imprisonment shall be governed by present law.

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 in the parish of EBR in the 19th JDC.

Proposed law provides that no civil action for damages based on claims of false imprisonment arising from the computation or calculation of the offender's sentence, release date, good time date, or parole date shall be brought against a sheriff or the department, or any officer or employee thereof, unless the offender first obtains a bona fide termination in the offender's favor in proceedings brought pursuant to present law (R.S. 15:1171 et seq.), including judicial review.

Proposed law provides that any civil action for damages claiming false imprisonment brought after the offender fails to timely initiate or pursue the procedure required to challenge the computation or calculation of the offender's sentence, release date, good time date, or parole date, shall be dismissed with prejudice.

Proposed law provides that proposed law shall have prospective application only.

Effective August 1, 2025.

(Adds R.S. 9:2800.30)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Removes legislative findings.
2. Provides that "false imprisonment" means the unlawful detention of an offender by or on behalf of the Department of Public Safety and Corrections, including incarceration of an offender beyond the date the offender was legally required to be released from prison.
3. Provides that any civil action for damages based on claims of false imprisonment shall be governed by the terms of the Prison Litigation Reform Act (R.S. 15:1181 et seq.).
4. Adds that judicial review of an offender challenging computation or calculation of the offender's sentence, release date, good time date, or parole date occurs in the parish of EBR in the 19th JDC.
5. Provides that no civil action for damages based on claims of false imprisonment arising from the computation or calculation of the offender's sentence, release date, good time date, or parole date shall be brought against a sheriff, the Department of Public Safety and Corrections, or any of the department's officers or employees, unless the offender first obtains a bona fide termination.
6. Provides that any civil action for damages claiming false imprisonment brought after the offender fails to timely initiate or pursue the procedure required to challenge the computation or calculation of the offender's sentence, release date, good time date, or parole date, shall be dismissed with prejudice.
7. Removes proposed limitations on various causes of action.
8. Provides for prospective application only.
9. Makes technical changes.