

SENATE BILL NO. 39

BY SENATOR MORRIS

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

1 AN ACT

2 To enact R.S. 9:2800.30, relative to liability of public entities; to provide relative to
3 limitation of liability for false imprisonment of an offender sentenced to a term of
4 imprisonment; to provide relative to the limitation of the use of civil actions for
5 certain injuries and damages to an offender; to provide relative to false imprisonment
6 and unlawful detention of a convicted offender; to provide relative to certain
7 challenges to lawful imprisonment; to provide relative to the calculation of an
8 offender's sentence, release date, good time date, or parole date; to provide relative
9 to jurisdiction and venue; to provide for definitions, terms, conditions, and
10 procedures; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

13 **§2800.30. Limitation of liability of a public entity for false imprisonment of an**
14 **offender sentenced to a term of imprisonment**

15 **A. Definitions**

16 **For purposes of this Section:**

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

19 **(2) "Offender" means a person convicted of a crime and sentenced to**
20 **serve a term of imprisonment.**

21 **(3) "False imprisonment" means the unlawful detention of an offender**
22 **by or on behalf of the department, including incarceration of an offender**
23 **beyond the date the offender was legally required to be released from prison.**

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

26 **B. Civil actions**

27 **(1) Any civil action for damages based on claims of false imprisonment**

1 shall be governed by the terms and provisions of the Prison Litigation Reform
2 Act, R.S. 15:1181 et seq.

3 (2) An offender challenging the computation or calculation of the
4 offender's sentence, release date, good time date, or parole date shall pursue
5 that claim pursuant to the provisions of R.S. 15:1171 et seq., including judicial
6 review in the parish of East Baton Rouge in the Nineteenth Judicial District
7 Court.

8 C. Threshold requirement of bona fide termination

9 No civil action for damages based on claims of false imprisonment
10 arising from the computation or calculation of the offender's sentence, release
11 date, good time date, or parole date shall be brought against a sheriff, the
12 department, or any officer or employee thereof, unless the offender first obtains
13 a bona fide termination in the offender's favor in proceedings brought pursuant
14 to the provisions of R.S. 15:1171 et seq., including judicial review.

15 (1) Any civil action for damages claiming false imprisonment brought
16 while underlying proceedings seeking a bona fide termination are ongoing, but
17 before a bona fide termination is obtained, shall be dismissed without prejudice.

18 (2) Any civil action for damages claiming false imprisonment brought
19 after the offender fails to timely initiate or pursue the procedure required to
20 challenge the computation or calculation of the offender's sentence, release date,
21 good time date, or parole date, shall be dismissed with prejudice.

22 Section 2. The provisions of this Act shall have prospective application only.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____