

SENATE BILL NO. 173

BY SENATOR GARY SMITH AND REPRESENTATIVE GARY CARTER

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AN ACT

To enact R.S. 13:2564.3, relative to parish court judges; to provide for legal representation by the attorney general; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2564.3 is hereby enacted to read as follows:

§2564.3. Legal representation by the attorney general

A. It is hereby declared to be the public policy of this state that the state, through the attorney general, shall provide legal representation to a parish court judge of this state in all claims, demands, or suits, if such claim, demand, or suit arises out of the discharge of his duties and is within the scope of his office and such claim, demand, or suit did not result from the intentional wrongful act or gross negligence of the parish court judge.

B. Within five days after a parish court judge is served with any summons, complaint, process, notice, demand, or pleading, he shall deliver the original or a copy thereof to the attorney general. If, after thorough investigation by the attorney general, it appears that the parish court judge was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission, or that he was acting in an intentionally wrongful manner or was grossly negligent, the attorney general's office shall decline representation and the state shall not be responsible for providing any representation to the parish court judge.

C. The decision of the attorney general not to defend a parish court judge and any and all information obtained by him as a result of the investigations conducted pursuant to Subsection B of this Section shall be considered confidential and shall not be admissible as evidence in any legal proceeding and no reference thereto shall be made in any trial or hearing.

1 D. Nothing in this Section shall in any way impair, limit, or modify the
2 rights and obligations of any insurer under any policy of insurance or impair
3 the right of the individual to obtain private counsel in his own behalf.

4 E. This Section shall not be construed as creating a right of
5 indemnification by a parish court judge against the state for any claim, demand,
6 suit, or judgment whatsoever.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____