

ACT No. 538

HOUSE BILL NO. 145

BY REPRESENTATIVES MORENO, ADAMS, ANDERS, BAGLEY, BOUIE, CHAD BROWN, CARMODY, GARY CARTER, STEVE CARTER, CHANEY, COX, DAVIS, EDMONDS, EMERSON, FALCONER, GAINES, GISCLAIR, GLOVER, HALL, HILFERTY, HODGES, HOFFMANN, HORTON, HOWARD, JACKSON, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TERRY LANDRY, LEGER, LYONS, MARCELLE, MIGUEZ, NORTON, PIERRE, PRICE, REYNOLDS, SEABAUGH, SMITH, WHITE, AND ZERINGUE

1 AN ACT

2 To enact R.S. 23:291.1, relative to the employment of certain persons; to provide for the
3 issuance of a permanent and a temporary certificate of employability under certain
4 conditions; to provide for revocation of certificates of employability; to prohibit
5 certain causes of action under certain circumstances; to provide for applicability to
6 certain forms of liability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:291.1 is hereby enacted to read as follows:

9 §291.1. Certificate of employability

10 A.(1) Any judge presiding over a reentry division of court created pursuant
11 to R.S. 13:5401 shall issue a temporary certificate of employability to an offender
12 under the intensive supervision of the reentry division of court.

13 (2) Any judge presiding over a reentry division of court created pursuant to
14 R.S. 13:5401 shall issue a permanent certificate of employability to an offender who
15 has successfully completed his sentence under R.S. 13:5401.

16 B.(1) A temporary certificate of employability shall be deemed null and void
17 if the offender fails to successfully complete his sentence under R.S. 13:5401 and is
18 revoked from probation.

1 (2) A certificate of employability shall be deemed null and void if the
2 offender is convicted of any felony offense subsequent to the issuance of the
3 certificate of employability.

4 C. Any employer, general contractor, premises owner, or other third party
5 shall not be subject to a cause of action for negligent hiring of or failing to
6 adequately supervise an offender certified to be employed due to damages or injury
7 caused by that employee or independent contractor solely because that employee or
8 independent contractor has been previously convicted of a criminal offense.

9 D. Nothing in this Subsection shall affect the vicarious liability of the
10 employer pursuant to Civil Code Article 2320.

11 E. The provisions of this Section shall not supersede the provisions of R.S.
12 17:15.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____