

CONFERENCE COMMITTEE REPORT

HB 293

2017 Regular Session

Amedee

June 7, 2017

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 293 by Representative Amedee, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Committee Amendments by the Senate Committee on Judiciary B (#2160) be adopted.
- 2. That the set of Senate Committee Amendments by the Senate Committee on Finance (#2857) be adopted.
- 3. That the following amendment to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 19, after "complaint" delete the remainder of the line and insert a comma "," and insert "or petition in a federal"

Respectfully submitted,

Representative Beryl Amedee

Senator Gary L. Smith, Jr.

Representative Cameron Henry

Senator Jay Luneau

Representative Alan T. Seabaugh

Senator Rick Ward

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

CONFERENCE COMMITTEE REPORT DIGEST
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Keyword and oneliner of the instrument as it left the House

DISTRICT ATTORNEYS: Provides relative to the limitation of liability of the state

Report adopts Senate amendments to:

1. Clarify that indemnification pursuant to proposed law takes place for both the district attorney and his office.
2. Delete provisions that make proposed law applicable to all claims filed in court on or after Nov. 1, 2015.

Report amends the bill to:

1. Delete the requirement that the relief being sought in federal court is damages, so that indemnification required by proposed law occurs when any claim, demand, suit, complaint, or petition contesting the constitutional validity of a state statute is filed in federal court against a district attorney and the district attorney has not enforced the state statute being contested.

Digest of the bill as proposed by the Conference Committee

Present law prevents the state from having any liability for damage caused by a district attorney.

Proposed law creates an exception to present law and requires the state to indemnify the district attorney's office against claims or suits in federal court based on the constitutional validity of a statute when the district attorney's office has not initiated any prosecution based upon that statute.

Proposed law provides that payment of a final judgment or payment of legal services shall be made by legislative appropriation and any payment must be approved by a subcommittee of the Joint Legislative Committee on the Budget.

Proposed law provides that the attorney defending the claim must present a detailed abstract of the facts of the case and the calculation of fees to the subcommittee of JLCB.

Proposed law requires the abstract submitted by the defense attorney and the amount of the final judgment to be a public record, except material that reflect the mental impressions, conclusions, opinions, or theories of an attorney.

(Amends R.S. 42:1441(A); Adds R.S. 42:1441(D))