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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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DIGEST

SB 492 Original

2018 Regular Session

Perry

Present law relative to suits against the state provides relative to coverage and indemnification of state officials and employees for certain acts. Present law provides that if the attorney general concludes that the covered individual was engaged in the performance of the duties of his office or employment with the state at the time the events that form the basis of the cause of action happened and that the covered individual was free of criminal conduct, then the attorney general shall provide a defense to the covered individual.

Proposed law provides that if the attorney general concludes that the covered individual was engaged in the performance of the duties of his office or employment with the state at the time the events that form the basis of the cause of action happened and that the covered individual was not engaged in criminal conduct, then the attorney general shall provide a defense to the covered individual.

Present law provides that such a decision shall be communicated in writing to the covered individual and the head of the department of the state in which the individual is employed within 10 working days of delivery of the petition to the attorney general.

Proposed law retains present law but changes 10 days to 30 days.

Present law provides that present law imposing liability on a master for the offenses and quasi offenses of his servant shall not extend or apply to and shall not impose liability on the state for the offenses and quasi offenses of any person who is not expressly specified by present law to be an official, officer, or employee of the state entitled to indemnification. Proposed law retains present law and removes obsolete citation.

Present law in Code of Civil Procedure provides that a defendant shall file his answer within 15 days after service of citation upon him, except as otherwise provided by present law.

Present law provides that when an exception is filed prior to answer and is overruled or referred to the merits, or is sustained and an amendment of the petition ordered, the answer shall be filed within 10 days after the exception is overruled or referred to the merits, or 10 days after service of the amended petition.

Present law provides that the court may grant additional time for answering.

Proposed law retains present law, and adds that the state, a state agency, or a state official, officer or employee sued in the course and scope of his employment with the state shall file his answer within 60 days after service of citation.

Effective August 1, 2018.

(Amends R.S. 13:5108.1(B)(3), R.S. 42:1441.1 and C.C.P. Art. 1001)