

2018 Regular Session

HOUSE BILL NO. 844

BY REPRESENTATIVE GAROFALO

1 AN ACT

2 To amend and reenact R.S. 42:1441(A) and to enact R.S. 42:1441(E), relative to limitation
3 of liability of the clerks of court and their employees; to provide for indemnification;
4 to provide for the payment of judgments; to provide for legislative appropriation and
5 review; to require reporting of certain information; to provide for effectiveness; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1441(A) is hereby amended and reenacted and R.S. 42:1441(E)
9 is hereby enacted to read as follows:

10 §1441. Limitation on the liability of the state of Louisiana; indemnification

11 A. The state of Louisiana shall not be liable for any damage caused by a
12 district attorney, except as provided in Subsection D of this Section, a coroner,
13 assessor, sheriff, clerk of court, except as provided in Subsection E of this Section,
14 or public officer of a political subdivision within the course and scope of his official
15 duties, or damage caused by an employee of a district attorney, except as provided
16 for in Subsection D of this Section, a coroner, assessor, sheriff, clerk of court, except
17 as provided in Subsection E of this Section, or public officer of a political
18 subdivision.

19 * * *

20 E.(1) The state of Louisiana shall indemnify any clerk of court or any
21 employee of his office against any claim, demand, or suit when the allegation is
22 based on a challenge of the constitutional validity of a statute and when the clerk of
23 court is acting in accordance with state law.

1 (2) Payment of a final judgment or consent judgment shall be by legislative
2 appropriation. The payment of a final judgment or consent judgment, of any amount,
3 against any clerk of court or any employee of his office shall not be made unless the
4 payment is approved by a majority of members of a subcommittee of the Joint
5 Legislative Committee on the Budget, comprised of three members of the Senate and
6 three members of the House of Representatives as designated by the chairman.
7 Notwithstanding any other provision of law to the contrary, the subcommittee may
8 meet in executive session to consider such agreements.

9 (3) The clerk of court shall present the subcommittee with a concise abstract
10 of the facts and principles of law upon which the claim is based. The abstract shall
11 include a detailed analysis of the calculation of damages as well as attorney fees,
12 court costs, and interest thereon. The abstract, the amount of the final or consent
13 judgment, any terms and conditions of any agreement, and any other information
14 submitted to the subcommittee shall be public record, with the exception of any
15 material that reflects the mental impressions, conclusions, opinions, or theories of
16 an attorney.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____