
DIGEST

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HB 515 Reengrossed

2019 Regular Session

Garofalo

Abstract: Provides relative to the provision of a defense for defendants in suits against the state, state officials, and employees; specifies who is an official, officer, or employee of the state; and provides for the delays for answering such suits.

Present law 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 retains present law but provides that if the attorney general concludes 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 the decision of the attorney general 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 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 replaces incorrect citations.

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

Proposed law retains present law but changes the delay for filing an answer by the state, a state agency, or a state official, officer, or employee sued in the course and scope of his employment from 15 days to 60 days from service of citation.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change the general delay for filing an answer from proposed law 30 days to present law 15 days.
2. Add provisions authorizing the defendant 30 days from service of citation to file an answer if the attorney general is obligated to provide a defense.
3. Add provisions authorizing a defendant to file an answer 15 days from issuance of written notice that the attorney general is not obligated to provide a defense.

The House Floor Amendments to the engrossed bill:

1. Remove provisions providing for different delays for answering suit based on whether the attorney general is obligated to provide a defense.
2. Provide a 60-day delay for answering suit by the state, a state agency, or a state official, officer, or employee.