

2024 Second Extraordinary Session

SENATE BILL NO. 6

BY SENATOR SEABAUGH AND REPRESENTATIVE BACALA

LIABILITY. Provides for limitation of civil liability for certain peace officers. (gov sig)
(Item #13)

1 AN ACT

2 To enact R.S. 9:2793.11, relative to liability of peace officers; to provide relative to

3 immunity from civil liability for peace officers; to provide for definitions; to provide

4 for exceptions; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2793.11 is hereby enacted to read as follows:

7 **§2793.11. Limitation of liability for peace officers performing their duties;**

8 **definitions; exceptions**

9 **A.(1) As used in this Section, the term "peace officer" shall include every**

10 **person as defined in R.S. 40:2402.**

11 **(2) As used in this Section, the term "public entity" shall mean the state,**

12 **or a political subdivision thereof which employs or appoints any peace officer**

13 **as defined in Paragraph (A)(1).**

14 **(3) As used in this Section, the term "discretionary function" shall mean**

15 **any action or conduct of a peace officer, acting within the course and scope of**

16 **his duties that include exercising judgment in the enforcement of the criminal**

17 **laws of the state, including but not limited to arresting or attempting to arrest**

1 persons or carrying out any other duties or obligations imposed upon a peace
2 officer in this state.

3 B. Liability shall not be imposed on any peace officer or any public entity
4 which employs or appoints such peace officer based upon the conduct or actions
5 of a peace officer in performance of any discretionary function within the
6 course and scope of his duties.

7 C. The provisions of Subsection B of this Section shall not be applicable
8 to any of the following:

9 (1) Acts or omissions which constitute criminal, fraudulent, or
10 intentional misconduct.

11 (2) Any private nongovernmental person or entity, including any private
12 employer of a peace officer during that officer's off-duty hours.

13 D. In addition to the provisions of Subsection B of this Section, no person
14 who has been convicted of a criminal offense in this state shall have a right or
15 cause of action for damages or injuries arising from conduct or actions related
16 to the commission of the criminal offense or events prior to, or following the
17 commission of the criminal offense.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Hanna Gettys.

DIGEST

SB 6 Original

2024 Second Extraordinary Session

Seabaugh

Proposed law provides that as used in proposed law, the term "peace officer" shall include every person as defined in present law (R.S. 40:2402).

Proposed law provides that as used in proposed law, the term "public entity" shall mean the state, or a political subdivision thereof which employs or appoints any peace officer as defined in proposed law.

Proposed law provides that as used in proposed law, the term "discretionary function" shall mean any action or conduct of a peace officer, acting within the course and scope of his duties that includes exercising judgment in the enforcement of the criminal laws of the state, including, but not limited to, arresting or attempting to arrest persons or carrying out any other duties or obligations imposed upon a peace officer in this state.

Proposed law provides that liability shall not be imposed on any peace officer or any public entity which employs or appoints such peace officer based upon the conduct or actions of a peace officer in performance of any discretionary function within the course and scope of his duties.

Proposed law provides that the provisions of proposed law shall not be applicable to any of the following:

- (1) Acts or omissions which constitute criminal, fraudulent, or intentional misconduct.
- (2) Any private nongovernmental person or entity, including any private employer of a peace officer during that officer's off-duty hours.

Proposed law provides that in addition to the provisions of proposed law, no person who has been convicted of a criminal offense in this state shall have a right or cause of action for damages or injuries arising from conduct or actions related to the commission of the criminal offense and events prior to, or following the commission of the criminal offense.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 9:2793.11)