

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 2** HLS 242ES 19

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: February 18, 2024 11:53 AM	Author: BACALA
Dept./Agy.: Courts/Attorney General/Municipal Association	Analyst: Daniel Druilhet
Subject: Provides Immunity from Civil Liability for Peace Officers	

CIVIL/IMMUNITY OR DECREASE SG EX See Note Page 1 of 1

Provides for immunity from civil liability under certain circumstances for peace officers and public entities that employ or appoint peace officers (Item #13)

Proposed law prohibits claims for damages against a peace officer or public entity that employs or appoints a peace officer if the conduct or actions of the peace officer arise out of the performance of any discretionary function within the course and scope of the peace officer's law enforcement duties or the success of the claim necessarily implies the validity of a criminal conviction or sentence (unless the conviction or sentence has been invalidated through appropriate legal proceedings). Proposed law does not apply to any act or omission of a peace officer which constitutes criminal, fraudulent, or intentional misconduct or any private non-governmental person or entity (including any private employer of a peace officer during that officer's off-duty hours). Proposed law provides the definitions of discretionary function, peace officer, and public entity.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable decrease in expenditures to public entities currently liable for damages in judgments or settlements for claims against peace officers who they currently employ. To the extent that proposed law reduces potential claims for damages against public entities that employ peace officers, there will likely be a decline in expenditures related to payments for judgments and settlements.

The State of Louisiana currently has 309 municipalities, which comprise a total of 64 parishes, and peace officers employed by 348 separate law enforcement agencies, including the Louisiana State Police. To determine the fiscal impact of the proposed law on the state and all political subdivisions within the state, obtaining historical information regarding the total dollar value of settlements and judgments paid by political subdivisions for claims against peace officers within Louisiana for the last five years is necessary.

Note: The LFO is working with the Louisiana Department of Justice and the Louisiana Municipal Association to obtain historical information relative to expenditures for payments for judgments and settlements related to civil claims against peace officers and public entities that employ peace officers. This fiscal note will be updated once additional information is received.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer