

2024 Second Extraordinary Session

HOUSE BILL NO. 2

BY REPRESENTATIVES BACALA AND MIKE JOHNSON

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

1 AN ACT

2 To enact R.S. 9:2793.11, relative to immunity from liability for peace officers and certain
3 public entities; to provide for immunity from civil liability for peace officers and
4 certain public entities; to provide for definitions; to provide for exceptions; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §2793.11. Limitation of liability for peace officers performing their duties;

9 definitions; exceptions

10 A. As used in this Section:

11 (1) "Discretionary function" means any action or conduct of a peace officer,
12 acting within the course and scope of his law enforcement duties, that includes
13 exercising judgment in the enforcement of the criminal laws of the state including
14 but not limited to arresting or attempting to arrest persons or carrying out any other
15 duties or obligations imposed upon a peace officer in this state.

16 (2) "Peace officer" shall include all individuals as defined in R.S. 40:2402(3)
17 and R.S. 14:112.4(B)(2).

18 (3) "Public entity" means the state or a political subdivision of the state that
19 employs or appoints any peace officer as defined in Paragraph (2) of this Subsection.

1 B. A civil claim for damages against a peace officer or public entity that
2 employs or appoints a peace officer shall be prohibited in any of the following
3 circumstances:

4 (1) The conduct or actions of the peace officer arise out of the performance
5 of any discretionary function within the course and scope of the peace officer's law
6 enforcement duties.

7 (2) The success of the claim necessarily implies the invalidity of a criminal
8 conviction or sentence, unless the conviction or sentence has been invalidated
9 through appropriate legal proceedings.

10 C. The provisions of Subsection B of this Section shall not apply to any of
11 the following:

12 (1) Any act or omission of a peace officer which constitutes criminal,
13 fraudulent, or intentional misconduct.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 2 Engrossed

2024 Second Extraordinary Session

Bacala

Abstract: Prohibits civil claims against peace officers and certain public entities based upon the conduct or actions of a peace officer in performance of any discretionary function within the course and scope of his law enforcement duties.

Proposed law provides definitions for "discretionary function", "peace officer", and "public entity".

Proposed law prohibits civil claims for damages against a peace officer or public entity that employs or appoints a peace officer under any of the following circumstances:

- (1) 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.
- (2) The success of the claim necessarily implies the invalidity of a criminal conviction or sentence, unless the conviction or sentence has been invalidated through appropriate legal proceedings.

Proposed law provides that proposed law shall not apply to any of the following:

- (1) Any act or omission of a peace officer which constitutes 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.

(Adds R.S. 9:2793.11)

Summary of Amendments Adopted by House

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

1. Expand the definition of peace officer to include the definition of peace officer as provided in present law (R.S. 14:112.4(B)(2)).