

**GREEN SHEET REDIGEST**

**HB 2**

**2024 Second Extraordinary Session**

**Bacala**

**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).**

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DIGEST

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.

Proposed law does not relieve a police officer from the duty to drive or ride with due regard for the safety of all persons when he is the driver or rider of a vehicle operated in the course and scope of his employment.

(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)).

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the engrossed bill

1. Provide that proposed law does not relieve a police officer of his duty to drive or ride with regard to public safety.