

HOUSE SUMMARY OF SENATE AMENDMENTS

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)

Synopsis of Senate Amendments

1. Makes technical change to title.
2. Provides that proposed law does not relieve a police officer from the duty to drive with regard to safety of all persons when he is the driver or rider of a vehicle operated in the course and scope of his employment subject to the provisions of R.S. 32:24.

Digest of Bill as Finally Passed by Senate

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 provides that the provisions of proposed law do not relieve a police officer from the duty to drive with regard to safety of all persons when he is the driver or rider of a vehicle operated in the course and scope of his employment subject to the provisions of R.S. 32:24.

(Adds R.S. 9:2793.11)