

First Extraordinary Session, 2005

HOUSE BILL NO. 28

BY REPRESENTATIVES MARTINY, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER, AND THEUNISSEN

LAW ENFORCEMENT: Limits liability of law enforcement agencies to prison detainees during emergencies and disasters (Item #69)

1 AN ACT

2 To amend and reenact R.S. 29:735(A), relative to immunity of personnel during a  
3 declaration of emergency or disaster; to provide for limitation of liability for law  
4 enforcement agencies and officers based on detention of persons in any parish prison  
5 or local jail under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:735(A) is hereby amended and reenacted to read as follows:

8 §735. Immunity of personnel

9 A.(1) Neither the state nor any political subdivision thereof, nor other  
10 agencies, nor, except in case of willful misconduct, the agents' employees or  
11 representatives of any of them engaged in any homeland security and emergency  
12 preparedness activities, while complying with or attempting to comply with this  
13 Chapter or any rule or regulation promulgated pursuant to the provisions of this  
14 Chapter shall be liable for the death of or any injury to persons or damage to property  
15 as a result of such activity.

