
DIGEST

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Martiny

HB No. 28

Abstract: Provides that no person shall have a cause of action against any law enforcement agency or officer based on his detention in a parish prison or local jail during a declaration of emergency or disaster for a period of time in excess of that required by the Code of Criminal Procedure or Title 15 of the Louisiana Revised Statutes of 1950.

Present law provides that neither the state nor any political subdivision thereof, nor other agencies, nor, except in case of willful misconduct, the agents' employees or representatives of any of them engaged in any homeland security and emergency preparedness activities, while complying with or attempting to comply with the provisions of the Louisiana Homeland Security and Emergency Assistance and Disaster Act or any rule or regulation promulgated pursuant to those provisions shall be liable for the death of or any injury to persons or damage to property as a result of such activity.

Proposed law retains present law and provides that no person detained or incarcerated in any parish prison or local jail shall have a cause of action of damages for any injury or loss against any law enforcement agency or officer thereof based on his detention in such prison or jail during a declaration of emergency or disaster for a period of time in excess of that required by the Code of Criminal Procedure or Title 15 of the Louisiana Revised Statutes of 1950.

Effective upon signature or lapse of time for gubernatorial action.

(Amends R.S. 29:735(A))