

Existing 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.

New law retains existing law and provides that no prisoner in the custody of the sheriff or law enforcement officer who was evacuated to another prison or jail during and immediately after Hurricane Katrina or Rita and who was not released timely in accordance with law shall have a cause of action for damages against the sheriff or law enforcement agency for the failure to timely release the prisoner due to the effects of Hurricane Katrina or Rita and the lack of access to prison records to ascertain when the prisoner is to be released. Provides that the sheriff or law enforcement agency shall be liable if the sheriff or law enforcement agency within a reasonable length of time following Hurricane Katrina or Rita makes no attempt to ascertain when the prisoner is to be released and fails to release the prisoner.

New law provides for retroactive application to August 29, 2005.

Effective upon signature of governor (December 6, 2005).

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