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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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## DIGEST

Donahue (SB 339)

Proposed law provides that, when a lawsuit is based upon the negligent hiring or failing to adequately supervise an employee or independent contractor who has been convicted of a misdemeanor or felony offense, there shall be immunity from civil liability for all of the following:

- (1) The employer.
- (2) The principal in a statutory employer relationship.
- (3) The owner of the premises on which the employee was performing his employment duties.
- (4) The subcontractor.

Proposed law provides that the evidence that an employee or independent contractor was convicted of a nonviolent, non-sexual offense shall not be introduced into evidence in any lawsuit based upon the negligent hiring or inadequate supervision of an employee or independent contractor.

Proposed law provides that immunity from civil liability for the negligent hiring of an employee or independent contractor as provided for in proposed law will not apply in any of the following causes of action:

- (1) The misuse of funds if on the date the employee or independent contractor was hired, the employee or independent contractor had been convicted of a crime that includes fraud or the misuse of funds or property as an element of the offense and it was foreseeable that the position for which the employee or independent contractor was hired would involve discharging a fiduciary responsibility in the management of funds or property.
- (2) The misappropriation of funds by an employee or independent contractor if the employee or independent contractor was hired as an attorney and, on the date the employee or independent contractor was hired, the employee or independent contractor had been convicted of a crime that includes fraud or the misuse of funds or property as an element of the offense.
- (3) An act of violence or an improper use of excessive force by an employee or independent contractor if the employee or independent contractor was hired to serve as a law enforcement officer or security guard.

Proposed law provides that nothing in proposed law shall be interpreted to imply that a cause of action exists regarding any matter not covered by proposed law.

Proposed law provides that immunity from liability shall not extend to the hiring or supervision of offenders convicted of violent or sexual offenses or any of the following:

- (1) Homicide, feticide, assisted suicide, assault, battery, rape, sexual battery, kidnaping, false imprisonment, or defamation.
- (2) Robbery, armed robbery, carjacking or purse snatching.
- (3) Sexual offenses against a minor, prostitution, abortion, or crimes against nature.
- (4) Offenses affecting the health and morals of minors.
- (5) Offenses affecting the health and safety of the infirm.
- (6) Illegal carrying and discharge of weapons.

Effective August 1, 2014.

(Adds R.S. 9:2800.23 and R.S. 23:291(E))