
SENATE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 118 by Representative Jim Morris

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and (B)" and before the comma "," insert "and 2593"

3 AMENDMENT NO. 2

4 On page 1, line 4, after "constable;" and before "and to" insert "to require legal
5 representation by the attorney general for deputy constables;"

6 AMENDMENT NO. 3

7 On page 1, line 6, after "and (B)" and before the "are hereby" insert "and 2593"

8 AMENDMENT NO. 4

9 On page 2, after line 8, add the following:

- 10 "§2593. Legal representation by the attorney general
11 A. It is hereby declared to be the public policy of this state that the state,
12 through the attorney general, shall provide legal representation to a justice of the
13 peace ~~or a constable~~ , constable, or deputy constable of this state in all claims,
14 demands, or suits, if such a claim, demand, or suit arises out of the discharge of his
15 duties and within the scope of his office and the claim, demand, or suit did not result
16 from his intentional wrongful act or gross negligence.
17 B. Within five days after a justice of the peace ~~or constable~~ , constable, or
18 deputy constable is served with any summons, complaint, process, notice, demand,
19 or pleading, he shall deliver the original or a copy thereof to the attorney general.
20 If, after thorough investigation by the attorney general, it appears that the defendant
21 was not acting in the discharge of his duties and within the scope of his office at the
22 time of the alleged act or omission, or that he was acting in an intentionally wrongful
23 manner or was grossly negligent, the attorney general's office shall decline
24 representation and the state shall not be responsible for providing any representation
25 to him.
26 C. The decision of the attorney general not to defend a justice of the peace
27 ~~or constable~~ , constable, or deputy constable, and any and all information obtained
28 by him as a result of the investigations conducted pursuant to Subsection B shall be
29 considered confidential and shall not be admissible as evidence in any legal
30 proceeding and no reference thereto shall be made in any trial or hearing.
31 D. Nothing in this Section shall in any way impair, limit, or modify the rights
32 and obligations of any insurer under any policy of insurance or impair the right of
33 the individual to obtain private counsel in his own behalf.
34 E. This Section shall not be construed as creating a right of indemnification
35 by a justice of the peace ~~or constable~~ , constable, or deputy constable against the
36 state for any claim, demand, suit, or judgment whatsoever."