The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

SB 151 Original 2016 Regular Session Claitor

Present law provides that any party who files suit against any duly elected or appointed public official of the state or of any of its agencies or political subdivisions for any matter arising out of the performance of the duties of his office (other than matters pertaining to the collection and payment of taxes and those cases where the plaintiff is seeking to compel the defendant to comply with and apply the laws of this state relative to the registration of voters), and who is unsuccessful in his demands, shall be liable to the public official for all attorney fees incurred by the public official in the defense of the lawsuit or lawsuits. Provides that the attorney fees shall be fixed by the court. Provides further that the defendant public official shall have the right, by rule, to require the plaintiff to furnish bond as in the case of bond for costs, to cover such attorney fees before proceeding with the trial. However, in the case of *Detraz v. Fontana*, 416 So.2d 1291, 1296-97 (La. 1982), the Louisiana Supreme Court held present law to be unconstitutional.

Proposed law repeals unconstitutional provisions.

Effective August 1, 2016.

(Repeals R.S. 42:261(E))