

2016 Regular Session

SENATE BILL NO. 47

BY SENATOR LAMBERT

ATTORNEY GENERAL. Provides that it is the legal duty of the attorney general to represent deputy constables. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 13:2593(A), (B), (C), and (E), relative to legal representation by
3 the attorney general; to provide for representation of deputy constables; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:2593(A), (B), (C), and (E) are hereby amended and reenacted to
7 read as follows:

8 §2593. Legal representation by the attorney general

9 A. It is hereby declared to be the public policy of this state that the state,
10 through the attorney general, shall provide legal representation to a justice of the
11 peace, ~~or a constable,~~ **or deputy constable** of this state in all claims, demands, or
12 suits, if such a claim, demand, or suit arises out of the discharge of his duties and
13 within the scope of his office and the claim, demand, or suit did not result from his
14 intentional wrongful act or gross negligence.

15 B. Within five days after a justice of the peace, ~~or a constable,~~ **or deputy**
16 **constable** is served with any summons, complaint, process, notice, demand, or
17 pleading, he shall deliver the original or a copy thereof to the attorney general. If,

1 after thorough investigation by the attorney general, it appears that the defendant was
 2 not acting in the discharge of his duties and within the scope of his office at the time
 3 of the alleged act or omission, or that he was acting in an intentionally wrongful
 4 manner or was grossly negligent, the attorney general's office shall decline
 5 representation and the state shall not be responsible for providing any representation
 6 to him.

7 C. The decision of the attorney general not to defend a justice of the peace,
 8 ~~or a constable, or deputy constable~~ and any and all information obtained by him as
 9 a result of the investigations conducted pursuant to Subsection B shall be considered
 10 confidential and shall not be admissible as evidence in any legal proceeding and no
 11 reference thereto shall be made in any trial or hearing.

12 * * *

13 E. This Section shall not be construed as creating a right of indemnification
 14 by a justice of the peace, ~~or a constable, or deputy constable~~ against the state for
 15 any claim, demand, suit, or judgment whatsoever.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 47 Engrossed

2016 Regular Session

Lambert

Present law requires the attorney general provide legal representation to a justice of the peace or constable for claims arising out of the discharge of his duties, within the scope of his office, and not resulting from an intentional wrongful act or gross negligence.

Proposed law adds deputy constables to the offices to be represented under these circumstances.

Present law provides that justices of the peace and constables must provide a copy of any pleading they are served to the attorney general within five days of service.

Proposed law places this requirement on deputy constables.

Present law allows the attorney general to decline representation if he determines the defendant was not acting in the discharge of his duties, within the scope of his office, or the act was intentional or grossly negligent. Present law further provides the decision to decline representation to a justice of the peace or constable and all information obtained in the attorney general's investigation is confidential and inadmissible as evidence.

Proposed law provides the attorney general may decline representation of a deputy constable for the same reasons he would decline representation of a justice of the peace or constable and the decision to decline representation of a deputy constable and all information from the

attorney general's investigation is confidential and inadmissible.

Effective August 1, 2016.

(Amends R.S. 13:2593(A), (B), (C), and (E))