

2016 Regular Session

HOUSE BILL NO. 145

BY REPRESENTATIVES MORENO AND EDMONDS

LIABILITY/CIVIL: Provides for the issuance of a certificate of employability by a reentry division of court under certain circumstances

1 AN ACT

2 To enact R.S. 23:291.1, relative to the employment of certain persons; to provide for the
3 issuance of a permanent and a temporary certificate of employability under certain
4 conditions; to provide for revocation of certificates of employability; to prohibit
5 certain causes of action under certain circumstances; to provide for applicability to
6 certain forms of liability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:291.1 is hereby enacted to read as follows:

9 §291.1. Certificate of employability

10 A.(1) Any judge presiding over a reentry division of court created pursuant
11 to R.S. 13:5401 shall issue a temporary certificate of employability to an offender
12 under the intensive supervision of the reentry division of court.

13 (2) Any judge presiding over a reentry division of court created pursuant to
14 R.S. 13:5401 shall issue a permanent certificate of employability to an offender who
15 has successfully completed his sentence under R.S. 13:5401.

16 B.(1) A temporary certificate of employability shall be deemed null and void
17 if the offender fails to successfully complete his sentence under R.S. 13:5401 and is
18 revoked from probation.

1 (2) A certificate of employability shall be deemed null and void if the
2 offender is convicted of any felony offense subsequent to the issuance of the
3 certificate of employability.

4 C. Any employer, general contractor, premises owner, or other third party
5 shall not be subject to a cause of action for negligent hiring of or failing to
6 adequately supervise an offender certified to be employed due to damages or injury
7 caused by that employee or independent contractor solely because that employee or
8 independent contractor has been previously convicted of a criminal offense.

9 D. Nothing in this Subsection shall affect the vicarious liability of the
10 employer pursuant to Civil Code Article 2320.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 145 Engrossed

2016 Regular Session

Moreno

Abstract: Provides for the issuance of a certificate of employability for an offender who is in the reentry division of court.

Present law (R.S. 13:5401) authorizes the district courts to assign a certain division of the court as a reentry division of court.

Present law provides that the reentry division of court shall establish a workforce development sentencing program, which shall establish guidelines for the issuance of sentences providing inmate rehabilitation and workforce development, and which shall work in conjunction with the Louisiana Workforce Commission.

Proposed law requires a judge presiding over a reentry division of court to issue a temporary certificate of employability to an offender in the reentry program and a permanent certificate of employability to an offender who has successfully completed his sentence.

Proposed law provides that a temporary certificate shall be deemed null and void if the offender fails to complete his sentence under R.S. 13:5401, and that a certificate of employability is void if the offender is convicted of any felony offense subsequent to the issuance of the certificate of employability.

Proposed law provides that an employer, general contractor, premises owner, or other third party shall not be subject to a cause of action for negligent hiring of or failing to adequately supervise an offender certified to be employed solely because that employee or independent contractor has been previously convicted of a criminal offense.

Proposed law provides that proposed law shall not affect the vicarious liability of the employer.

(Adds R.S. 23:291.1)