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DIGEST

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SB 47 Reengrossed

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 allows the attorney general to 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. Proposed law further allows the attorney general to decline representation of a deputy constable who is not in compliance with statutory requirements (R.S. 13:2583.1-2583.7) including but not limited to failing to file an oath of office or attend requisite training.

Proposed law provides that if the court determines that a deputy constable was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission or that he was acting in an intentionally wrongful manner or was grossly negligent, a deputy constable may be required to reimburse the attorney general's office for court costs and reasonable attorney fees.

Proposed law provisions applicable to deputy constables apply only to deputy constables serving on or before Aug. 1, 2016.

Effective Aug. 1, 2016.

(Amends R.S. 13:2593(A), (B), (C), and (E); Adds R.S. 13:2593 (F) and (G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the reengrossed bill:

1. Allow the attorney general to decline representation of a deputy constable not in compliance with statutory requirements including the failing to file an oath of office or attend requisite training.
2. Allow the attorney general to recover court costs and reasonable attorney fees from a deputy constable if the court makes a determination that the deputy constable was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission or that he was acting in an intentionally wrongful manner or was grossly negligent.

3. Make proposed law provisions that are applicable to deputy constables apply to deputy constables serving on or before Aug. 1, 2016.
4. Make technical amendments.