

GREEN SHEET REDIGEST

HB 293

2017 Regular Session

Amedee

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

DISTRICT ATTORNEYS: Provides relative to the limitation of liability of the state

DIGEST

Present law prevents the state from having any liability for damage caused by a district attorney.

Proposed law creates an exception to present law and requires the state to indemnify the district attorney's office against claims or suits in federal court based on the constitutional validity of a statute when the district attorney's office has not initiated any prosecution based upon that statute.

Proposed law allows the district attorney to employ special counsel with permission from the attorney general and, if such authorization is given, the attorney general must approve the special counsel.

Proposed law provides that compensation for legal services shall be paid by the state and according to the attorney general's fee schedule.

Proposed law provides that payment of a final judgment or payment of legal services shall be made by legislative appropriation and any payment over \$500,000 must be approved by the litigation subcommittee of the Joint Legislative Committee on the Budget.

Proposed law provides that the attorney defending the claim must present a detailed abstract of the facts of the case and the calculation of fees to the litigation subcommittee of JLCB.

Proposed law provides that the abstract submitted by the defense attorney and the amount of the final judgment will be public record, except material that reflect the mental impressions, conclusions, opinions, or theories of an attorney.

Proposed law provides that the provisions of proposed law will apply to all claims, demands, suits, complaints, or petitions seeking damages, costs, or attorney fees filed on or after November 1, 2015.

(Amends R.S. 42:1441(A); Adds R.S. 42:1441(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Changes the effective date.
2. Adds provisions for the hiring of special counsel.
3. Makes changes to the payment procedure of final judgments and for legal services.
4. Makes changes regarding the submission of an abstract.