

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)]

SB 72 Engrossed

2018 Regular Session

Martiny

Present law provides relative to persons suffering from mental illness or disorders.

Present law provides procedures when executing an order for protective custody and the use of forced entry when executing a protective order. Further provides for limitations of civil liability for law enforcement agencies when executing an order of protective custody.

Proposed law provides that a coroner or his staff may apply to the court for an order of protective custody that allows law enforcement to use forced entry to gain access into premises when executing an order of protective custody.

Proposed law further provides for accompanying documents for an order for protective custody and provides for both oral and telephonic orders of protections under exceptional circumstances.

Proposed law further provides for limitations of civil liability to law enforcement agencies and its officers for acts done in good faith while executing an order of protective custody. Proposed law provides that such limitation does not apply in instances of gross negligence or willful and wanton misconduct. Further provides that the limitation of civil liability does not extend to injuries or damages sustained by a third party physically injured during the execution of a request and order for protective custody.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 28:53.2(G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill:

1. Change references from "civil immunity" to "limitation of civil liability".
2. Provide that the limitation of civil liability does not extend to an elected coroner and his support staff, and the executing law enforcement agency and its officers in instances of gross negligence and willful and wanton misconduct.
3. Clarify that the limitation of civil liability does not extend to injuries or damages sustained by a third party physically injured during the execution of a request and order for protective custody.