

2020 First Extraordinary Session

HOUSE BILL NO. 51

BY REPRESENTATIVE JORDAN

CIVIL/IMMUNITY: Provides with respect to immunity from civil liability for law enforcement engaged in certain actions (Item #40)

1 AN ACT

2 To amend and reenact R.S. 9:2800.10(C) and to enact 9:2793.1(D), 2798.1(E) and  
3 2800.10(D), relative to immunity from civil liability; to provide relative to law  
4 enforcement immunity; to provide for exceptions to immunity; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.10(C) is hereby amended and reenacted and R.S.  
8 9:2793.1(D), 2798.1(E), and 2800.10(D) are hereby enacted to read as follows:

9 §2793.1. Immunity from liability for public entities; fire department; law  
10 enforcement agency; public emergencies; F.B.I. agents

11 \* \* \*

12 (D) No element of qualified immunity or any other kind of immunity are  
13 available to law enforcement officers as a defense to liability for claims for wrongful  
14 death or physical injury by law enforcement officers.

15 \* \* \*

16 §2798.1. Policymaking or discretionary acts or omissions of public entities or their  
17 officers or employees

18 \* \* \*

1            (E) No element of qualified immunity or any other kind of immunity are  
2            available to law enforcement officers as a defense to liability for claims for wrongful  
3            death or physical injury by law enforcement officers.

4            §2800.10. Immunity from liability for injuries sustained while committing a felony  
5            offense

6    \*        \*        \*

7            C. No element of qualified immunity or any other kind of immunity are  
8            available to law enforcement officers as a defense to liability for claims of wrongful  
9            death or physical injury by law enforcement officers.

10            ~~C.~~D. For purposes of this Section "damages" includes all general and special  
11            damages which may be recoverable for personal injury, death, or loss of or damage  
12            to property, including those otherwise recoverable in a survival or wrongful death  
13            action.

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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)]

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**Abstract:** Prohibits qualified immunity from officers as a defense in certain cases

Present law (R.S. 9:2793.1) provides for civil liability immunity for officers for destruction of property caused while the officer was acting within the course and scope of employment and if necessary to abate a public emergency.

Present law (R.S. 9:2798.1) provides for civil liability immunity for policymaking or discretionary acts or omissions by public entities. Present law exempts acts or omissions not reasonably related to the legitimate governmental objective or to criminal or intentional misconduct.

Present law (R.S. 9:2800.10) provides for civil liability immunity for damages sustained by a perpetrator of a felony offense during the commission of the offense or while fleeing the scene. Present law exempts intentional acts involving the use of excessive force.

Proposed law retains present law and provides that qualified immunity does not apply as a defense for claims of wrongful death or physical injury caused by law enforcement officers.

(Amends R.S. 9:2800.10(C); Adds 9:2793.1(D), 2798.1(E) and 2800.10(D))