

2020 Second Extraordinary Session

HOUSE BILL NO. 45

BY REPRESENTATIVE MIGUEZ

LIABILITY: Provides immunity from civil liability and criminal prosecution for certain persons during COVID-19 declared emergency (Items #28 and 60)

1 AN ACT

2 To enact R.S. 29:776, relative to the applicability of certain limitations of liability during
3 declared COVID-19 public emergency; to provide for immunity from civil liability
4 or criminal prosecution for failure to comply with a declared state of emergency
5 order; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:776 is hereby enacted to read as follows:

8 §776. Immunity for failure to comply with a COVID-19 declared emergency order

9 A. Notwithstanding any law to the contrary, no natural or juridical person
10 shall be liable for any civil damages, fines, or penalties imposed by a governmental
11 entity for failure to comply with restrictions set forth in an emergency order declared
12 in response to COVID-19, including public health emergencies, as declared by this
13 Chapter or Chapter 6 of this Title.

14 B. Notwithstanding any law to the contrary, no natural or juridical person
15 shall be liable for criminal prosecution for failure to comply with restrictions set
16 forth in an emergency order declared in response to COVID-19, including public
17 health emergencies, as declared by this Chapter or Chapter 6 of this Title.

18 Section 2. Due to the impact of COVID-19, the provisions of this Act shall be given
19 prospective and retroactive application to March 11, 2020.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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 45 Original

2020 Second Extraordinary Session

Miguez

Abstract: Provides immunity from civil liability and criminal prosecution for certain persons violating COVID-19 declared emergency orders.

Proposed law provides that no natural or juridical person, including businesses, shall be subject to civil or criminal liability for violating a declared COVID-19 order.

Proposed law provides for prospective and retroactive application to March 11, 2020.

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

(Adds R.S. 29:776)