

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 2** HLS 242ES 19
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: February 26, 2024 7:23 PM	Author: BACALA
Dept./Agy.: Courts/Attorney General/Municipal Association	
Subject: Provides Immunity from Civil Liability for Peace Officers	Analyst: Daniel Druilhet

CIVIL/IMMUNITY EG1 DECREASE SG EX See Note Page 1 of 2

Provides for immunity from civil liability under certain circumstances for peace officers and public entities that employ or appoint peace officers (Item #13)

Proposed law prohibits claims for damages against a peace officer or public entity that employs or appoints a peace officer if the conduct or actions of the peace officer arise out of the performance of any discretionary function within the course and scope of the peace officer's law enforcement duties or the success of the claim necessarily implies the validity of a criminal conviction or sentence (unless the conviction or sentence has been invalidated through appropriate legal proceedings). Proposed law does not apply to any act or omission of a peace officer which constitutes criminal, fraudulent, or intentional misconduct or any private non-governmental person or entity (including any private employer of a peace officer during that officer's off-duty hours). Proposed law provides the definitions of discretionary function, peace officer, and public entity (including peace officers as defined in both La. R.S. 4:2402(3) and La R.S. 14:112.4(B)(2)). Proposed law clarifies that police officers are not relieved of the duty to ride with due regard for the safety of all persons when he is the driver or rider of a vehicle operated in the course and scope of his employment duties.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable decrease in expenditures to public entities currently liable for damages in judgments or settlements for claims against peace officers who they currently employ. To the extent that proposed law reduces potential claims for damages against public entities that employ peace officers, there will likely be a decline in expenditures related to payments for judgments and settlements.

The State of Louisiana currently has 309 municipalities, which comprise a total of 64 parishes, and peace officers employed by 348 separate law enforcement agencies, including the Louisiana State Police, as well as military police, security personnel employed by the courts, capitol security and security officers employed by the legislature, marshals, constables, wildlife enforcement agents, park wardens, livestock brand inspectors, forestry officers, investigators with the Louisiana Department of Justice, investigators with the Louisiana District Attorney, investigators with the inspector general and parole officers. To determine the fiscal impact of the proposed law on the state and all political subdivisions within the state, obtaining historical information regarding the total dollar value of settlements and judgments, along with defense costs paid by political subdivisions for claims against peace officers within Louisiana for the last five to ten years is necessary.

For informational purposes, the Louisiana Municipal Association reports that over the last 10 years (2014 through 2023), Risk Management, Inc., an insurer that provides liability insurance for municipalities throughout the state, has paid a total of 322 claims totaling \$6,062,626, with an average settlement amount of \$37,427, and has expended \$6,290,911 in defense costs, with an average cost of defense per claim at \$21,617. These totals are for liability coverage extended to an average of 1,690 law enforcement officers and a range of 155 to 184 law enforcement officer groups/municipalities, or between 50% and 60% of the number of municipalities within the state. These figures do not include the dollar value of settlements or judgments, or defense costs paid by the three largest municipalities within the state (the City of Shreveport, the City of Baton Rouge/Parish of East Baton Rouge, or the City of New Orleans), all of which are self-insured. These figures also do not include the municipalities not covered by Risk Management, Inc., or peace officers employed by other public entities.


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REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

Note: The LFO is working with the Louisiana Department of Justice and other municipalities to obtain historical information relative to expenditures for payments for judgments and settlements related to civil claims against peace officers and public entities that employ peace officers. This fiscal note will be updated once additional information is received.

Senate Dual Referral Rules
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