

2024 Second Extraordinary Session

HOUSE BILL NO. 2

BY REPRESENTATIVES BACALA AND MIKE JOHNSON AND SENATOR SEABAUGH

1 AN ACT

2 To enact R.S. 9:2793.11, relative to immunity from liability for peace officers and certain
3 public entities; to provide for immunity from civil liability for peace officers and
4 certain public entities; to provide for definitions; to provide for exceptions; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2793.11 is hereby enacted to read as follows:

8 §2793.11. Limitation of liability for peace officers performing their duties;
9 definitions; exceptions

10 A. As used in this Section:

11 (1) "Discretionary function" means any action or conduct of a peace officer,
12 acting within the course and scope of his law enforcement duties, that includes
13 exercising judgment in the enforcement of the criminal laws of the state including
14 but not limited to arresting or attempting to arrest persons or carrying out any other
15 duties or obligations imposed upon a peace officer in this state.

16 (2) "Peace officer" shall include all individuals as defined in R.S. 40:2402(3)
17 and R.S. 14:112.4(B)(2).

18 (3) "Public entity" means the state or a political subdivision of the state that
19 employs or appoints any peace officer as defined in Paragraph (2) of this Subsection.

20 B. A civil claim for damages against a peace officer or public entity that
21 employs or appoints a peace officer shall be prohibited in any of the following
22 circumstances:

1 (1) The conduct or actions of the peace officer arise out of the performance
2 of any discretionary function within the course and scope of the peace officer's law
3 enforcement duties.

4 (2) The success of the claim necessarily implies the invalidity of a criminal
5 conviction or sentence, unless the conviction or sentence has been invalidated
6 through appropriate legal proceedings.

7 C. The provisions of Subsection B of this Section shall not apply to any of
8 the following:

9 (1) Any act or omission of a peace officer which constitutes criminal,
10 fraudulent, or intentional misconduct.

11 (2) Any private nongovernmental person or entity, including any private
12 employer of a peace officer during that officer's off-duty hours.

13 D. The provisions of this Section shall not relieve a peace officer from the
14 duty to drive or ride with due regard for the safety of all persons when he is the
15 driver or rider of a vehicle operated in the course and scope of his employment,
16 including when subject to the provisions of R.S. 32:24.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____