AN ACT

2024 Second Extraordinary Session

HOUSE BILL NO. 2

BY REPRESENTATIVES BACALA AND MIKE JOHNSON AND SENATOR SEABAUGH

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

Be it enacted by the Legislature of Louisiana:

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

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

A. As used in this Section:

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

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

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

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

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(1) 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.

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

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

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

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

D. The provisions of this Section shall not relieve a peace officer from the duty to drive or 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, including when subject to the provisions of R.S. 32:24.