The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST 2025 Regular Session

SB 39 Original

Morris

<u>Proposed law</u> provides for limitation of liability of a public entity for false imprisonment of an offender sentenced to a term of imprisonment, and provides for legislative findings.

<u>Proposed law</u> provides for definitions of "department", "false imprisonment", "unlawful detention of a convicted prisoner", "offender", and "bona fide termination" as related to the limitation of liability of a public entity for false imprisonment of a prisoner.

<u>Proposed law</u> provides that any delictual action claiming unlawful detention of a convicted prisoner shall be governed by <u>present law</u>.

<u>Proposed law</u> provides that an offender is lawfully imprisoned once convicted and sentenced to a term of imprisonment, and that an offender's lawful imprisonment becomes unlawful when the offender is incarcerated longer than the term of imprisonment in the offender's sentence, unless another lawful basis exists for the offender's continued confinement.

<u>Proposed law</u> provides that an offender challenging the computation or calculation of the offender's sentence, release date, good time date, or parole date shall pursue that claim through the Corrections Administrative Remedy Procedure (CARP), including judicial review, and that any finding during that process that the offender's sentence was miscalculated shall not render the imprisonment illegal, unless the department willfully or wantonly fails to comply with a court order rendered by a court of competent jurisdiction.

<u>Proposed law</u> provides that an offender challenging the lawfulness of the offender's conviction or sentence shall seek appropriate post-conviction relief or habeas corpus relief pursuant to <u>present law</u>. <u>Proposed law</u> provides that a ruling in favor of the offender which invalidates the offender's conviction or sentence shall not render the offender's imprisonment illegal unless the department willfully or wantonly fails to comply with a court order rendered by a court of competent jurisdiction in post-conviction or habeas corpus proceedings.

<u>Proposed law</u> provides that no delictual action claiming false imprisonment shall be brought against a sheriff or the department by an offender unless the offender first obtains a bona fide termination in the offender's favor in proceedings brought pursuant to <u>proposed law</u> to invalidate the offender's confinement.

<u>Proposed law</u> provides that any lawsuit brought claiming false imprisonment while underlying proceedings seeking a bona fide termination are ongoing, but before bona fide termination is

obtained, shall be dismissed without prejudice. <u>Proposed law</u> further provides that if the offender fails to timely initiate or pursue the procedure required to invalidate the offender's confinement or any part thereof, the lawsuit shall be dismissed with prejudice as frivolous. Further provides that <u>proposed law</u> does not affect the requirement that offenders exhaust available administrative remedies and comply with <u>present law</u>.

<u>Proposed law</u> provides that no prisoner shall have a cause of action for false imprisonment against the department for damages unless the department had actual knowledge the prisoner was being falsely imprisoned, had a reasonable opportunity to release the prisoner, and willfully or wantonly failed to do so. <u>Proposed law</u> further provides that such actual knowledge may be inferred from a department headquarters response granting the prisoner's administrative remedy requested or from service of a final judgment on the department on an appeal from an underlying sentence, petition for judicial review, writ of habeas corpus, or similar judicial proceeding.

<u>Proposed law</u> provides that no cause of action shall exist against the state, the department or any officer or employee thereof arising from any of the following failures or errors:

- (1) Failure of a judicial official, clerk of court, sheriff, district attorney, or other parish or municipal officer to comply with obligations pursuant to law.
- (2) Failure to implement policies to compel a judicial official, clerk of court, sheriff, district attorney, or other parish or municipal officer to comply with obligations pursuant to law.
- (3) A miscalculation of an offender's sentence except in the case of willful or wanton misconduct.
- (4) An error in records received from a judicial official, clerk of court, sheriff, district attorney, or other parish or municipal officer, or an error in a database maintained by a local, parish, state or federal entity.

Effective August 1, 2025.

(Adds R.S. 9:2800.30)