The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 47 Engrossed | 2016 Regular Session | Lambert

Present law requires the attorney general provide legal representation to a justice of the peace or constable for claims arising out of the discharge of his duties, within the scope of his office, and not resulting from an intentional wrongful act or gross negligence.

Proposed law adds deputy constables to the offices to be represented under these circumstances.

Present law provides that justices of the peace and constables must provide a copy of any pleading they are served to the attorney general within five days of service.

Proposed law places this requirement on deputy constables.

Present law allows the attorney general to decline representation if he determines the defendant was not acting in the discharge of his duties, within the scope of his office, or the act was intentional or grossly negligent. Present law further provides the decision to decline representation to a justice of the peace or constable and all information obtained in the attorney general's investigation is confidential and inadmissable as evidence.

Proposed law provides the attorney general may decline representation of a deputy constable for the same reasons he would decline representation of a justice of the peace or constable and the decision to decline representation of a deputy constable and all information from the attorney general's investigation is confidential and inadmissable.

Effective August 1, 2016.

(Amends R.S. 13:2593(A), (B), (C), and (E))