

GREEN SHEET REDIGEST

HB 146

2016 Regular Session

Moreno

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

LIABILITY/CIVIL. Provides a limitation of liability for certain persons mentoring an offender on probation

DIGEST

Present law provides for conditions of probation, including the participation in certain special programs offered during probation.

Present law provides for the creation of various special programs and divisions of court, including the drug division (R.S. 13:5304), the mental health treatment program (R.S. 13:5354), the veterans court program (R.S. 13:5366), and the reentry division (R.S. 13:5401).

Proposed law provides a limitation of liability for any mentor of an offender on probation under the supervision of any court division created pursuant to present law, for any injury or loss caused or suffered by an offender that arises out of the performance of his duties as a mentor.

Proposed law provides a limitation of liability for the court and any officer, agent, or employee of the court from liability for any injury or loss to the offender, the mentor, or any third party for the actions of the mentor or the offender.

Proposed law specifies that the proposed law limitations of liability shall not affect vicarious liability of the employer or the ability of an employee to file a claim for worker's compensation.

(Adds C.Cr.P. Art. 895(O))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Deletes the proposed law reference to the offender being in the training program for purposes of the limitation of liability.

The House Floor Amendments to the engrossed bill:

1. Adds provision specifying that the proposed limitations of liability shall not affect the vicarious liability of the employer.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Adds a provision specifying that the limitation of liability for any mentor of an offender on probation under the supervision of any court division created pursuant to present law, for any injury or loss caused or suffered by an offender is limited to an injury or loss that arises out of the performance of duties as a mentor.