

GREEN SHEET REDIGEST

HB 293

2017 Regular Session

Amedee

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

DISTRICT ATTORNEYS: Provides relative to the limitation of liability of the state

-----

DIGEST

Present law prevents the state from having any liability for damage caused by a district attorney.

Proposed law creates an exception to present law and requires the state to indemnify the district attorney's office against claims or suits in federal court based on the constitutional validity of a statute when the district attorney's office has not initiated any prosecution based upon that statute.

Proposed law provides that payment of a final judgment or payment of legal services shall be made by legislative appropriation and any payment must be approved by a subcommittee of the Joint Legislative Committee on the Budget.

Proposed law provides that the attorney defending the claim must present a detailed abstract of the facts of the case and the calculation of fees to the subcommittee of JLCB.

Proposed law provides that the abstract submitted by the defense attorney and the amount of the final judgment will be public record, except material that reflect the mental impressions, conclusions, opinions, or theories of an attorney.

(Amends R.S. 42:1441(A); adds R.S. 42:1441(D))

Summary of Amendments Adopted by Senate

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

1. Changes the effective date.
2. Adds provisions for the hiring of special counsel.
3. Makes changes to the payment procedure of final judgments and for legal services.
4. Makes changes regarding the submission of an abstract.

Committee Amendments Proposed by Senate Committee on Finance to the reengrossed bill

1. Deletes change to the effective date to August 1, 2017.
2. Deletes provisions for the hiring of special counsel.
3. Deletes changes to the payment procedure of final judgments and for legal services.
4. Deletes changes regarding the submission of an abstract.
5. Deletes retroactivity provisions.