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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

HB 293

2017 Regular Session

Amedee

#### Keyword and oneliner of the instrument as it left the House

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

#### Report adopts Senate amendments to:

1. Clarify that indemnification pursuant to proposed law takes place for both the district attorney and his office.
2. Delete provisions that make proposed law applicable to all claims filed in court on or after Nov. 1, 2015.

#### Report amends the bill to:

1. Delete the requirement that the relief being sought in federal court is damages, so that indemnification required by proposed law occurs when any claim, demand, suit, complaint, or petition contesting the constitutional validity of a state statute is filed in federal court against a district attorney and the district attorney has not enforced the state statute being contested.

#### Digest of the bill as proposed by the Conference Committee

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 requires the abstract submitted by the defense attorney and the amount of the final judgment to be a 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))