

2016 Regular Session

HOUSE BILL NO. 146

BY REPRESENTATIVE MORENO

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

1 AN ACT

2 To enact Code of Criminal Procedure Article 895(O), relative to limitations of liability for
3 court-approved mentors; to provide a limitation of liability to certain persons
4 mentoring offenders on probation; to provide a limitation of liability for the court,
5 and court officers, agents, and employees; to provide definitions; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 895(O) is hereby enacted to read as
9 follows:

10 Art. 895. Conditions of probation

11 * * *

12 O.(1) Any mentor of an offender on probation under the supervision of any
13 court division created pursuant to R.S. 13:5304, 5354, 5366, or 5401 shall not be
14 liable for any injury or loss caused or suffered by an offender in the training
15 program, unless the injury or loss was caused by the gross negligence or intentional
16 acts of the mentor.

17 (2) Neither the court nor any officer, agent, or employee of the court shall
18 be liable for any injury or loss to the offender, the mentor, or any third party for the
19 actions of the mentor or the offender.

1 (3) As provided in this Subsection, "mentor" means a person approved by
2 the court who volunteers to provide support and personal, educational, rehabilitation,
3 and career guidance to the offender during probation and who has either completed
4 a court-approved mentor training program or who has successfully completed his
5 sentence pursuant to R.S. 13:5304, 5354, 5366, or 5401.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

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Abstract: Provides a limitation of liability for specialty courts and any volunteer mentor of an offender on probation under the supervision of any specialty court division.

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 in the training program.

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.

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