
DIGEST

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HB 515 Original

2019 Regular Session

Garofalo

Abstract: Provides relative to the provision of a defense for defendants in suits against the state, state officials, and employees, specifies who is an official, officer, or employee of the state, and provides for the delays for answering such suits.

Present law provides relative to coverage and indemnification of state officials and employees for certain acts. Present law provides that if the attorney general concludes that the covered individual was engaged in the performance of the duties of his office or employment with the state at the time the events that form the basis of the cause of action happened and that the covered individual was free of criminal conduct, then the attorney general shall provide a defense to the covered individual.

Proposed law retains present law but provides that if the attorney general concludes that the covered individual was not engaged in criminal conduct, then the attorney general shall provide a defense to the covered individual.

Present law provides that the decision of the attorney general shall be communicated in writing to the covered individual and the head of the department of the state in which the individual is employed within 10 working days of delivery of the petition to the attorney general.

Proposed law retains present law but changes 10 days to 30 days.

Present law provides that present law imposing liability on a master for the offenses and quasi offenses of his servant shall not apply to and shall not impose liability on the state for the offenses and quasi offenses of any person who is not expressly specified by present law to be an official, officer, or employee of the state entitled to indemnification.

Proposed law retains present law and replaces incorrect citations.

Present law provides that a defendant shall file his answer within 15 days after service of citation upon him, except as otherwise provided by present law.

Proposed law changes the delay for filing an answer from 15 days to 30 days and adds that the state, a state agency, or a state official, officer or employee sued in the course and scope of his employment with the state shall file his answer within 60 days after service of citation.

(Amends R.S. 13:5108.1(B)(3), R.S. 42:1441.1 and C.C.P. Art. 1001)