
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)]

HB 2 Engrossed

2024 Second Extraordinary Session

Bacala

Abstract: Prohibits civil claims against peace officers and certain public entities based upon the conduct or actions of a peace officer in performance of any discretionary function within the course and scope of his law enforcement duties.

Proposed law provides definitions for "discretionary function", "peace officer", and "public entity".

Proposed law prohibits civil claims for damages against a peace officer or public entity that employs or appoints a peace officer under any of the following circumstances:

- (1) The conduct or actions of the peace officer arise out of the performance of any discretionary function within the course and scope of the peace officer's law enforcement duties.
- (2) The success of the claim necessarily implies the invalidity of a criminal conviction or sentence, unless the conviction or sentence has been invalidated through appropriate legal proceedings.

Proposed law provides that proposed law shall not apply to any of the following:

- (1) Any act or omission of a peace officer which constitutes criminal, fraudulent, or intentional misconduct.
- (2) Any private nongovernmental person or entity, including any private employer of a peace officer during that officer's off-duty hours.

(Adds R.S. 9:2793.11)

Summary of Amendments Adopted by House

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

1. Expand the definition of peace officer to include the definition of peace officer as provided in present law (R.S. 14:112.4(B)(2)).