

2026 Regular Session

HOUSE BILL NO. 418

BY REPRESENTATIVE CARLSON

LIABILITY: Provides for defense and indemnification for officials, officers, and employees of a political subdivision

1 AN ACT

2 To enact R.S. 13:5108.1.1, relative to the defense and indemnification of officials, officers,
3 and employees of a political subdivision; to provide for the payment of expenses and
4 attorney fees of officials, officers, and employees of a political subdivision; to permit
5 the purchase of insurance coverage for officials, officers, or employees of a political
6 subdivision; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5108.1.1 is hereby enacted to read as follows:

9 §5108.1.1. Defense and indemnification of officials, officers, or employees of a
10 political subdivision

11 A. A political subdivision shall defend, indemnify against loss or liability,
12 and hold harmless any of its officials, officers, or employees whenever a claim or
13 demand is made or threatened, or whenever such persons are proceeded against in
14 any investigation or before any court, board, commission, or other public body to
15 defend or maintain his official position or a position taken in the course of the
16 execution of his duties, or because of any act or omission arising out of the
17 performance of his official duties, if it is determined that the official, officer or
18 employee acted in good faith and in a manner he reasonably believed to be in or not
19 opposed to the best interests of the political subdivision. The provisions of this

1 Subsection do not apply if an official, officer, or employee is adjudged liable for
2 malfeasance in office or an intentional tort.

3 B. To the extent that an official, officer, or employee of a political
4 subdivision has been successful on the merits or otherwise in defense of any action,
5 suit, or proceeding referred to in or in defense of any claim, issue, or matter, he shall
6 be indemnified against expenses, including attorney fees, actually and reasonably
7 incurred by him in connection with his defense.

8 C. Expenses, including attorney fees, incurred in defending a civil action,
9 suit, or proceeding may be paid by the political subdivision in advance of the final
10 disposition of such action, suit, or proceeding as authorized in the manner provided
11 in this Section upon receipt of an undertaking by or on behalf of the official, officer
12 or employee, to repay such amount unless a determination is made that he is entitled
13 to be indemnified by the political subdivision as authorized in this Section.

14 D. The indemnification provided by this Section shall not be deemed
15 exclusive of any other rights to which those indemnified may be entitled, both as to
16 action in his official capacity and as to action in another capacity while holding such
17 office, and shall continue as to a person who has ceased to be an official, officer, or
18 employee, and shall inure to the benefit of the heirs, executors, and administrators
19 of such a person.

20 E. A political subdivision may purchase and maintain insurance on behalf
21 of any person who is or was an official, officer, or employee of the political
22 subdivision against any liability asserted against him and incurred by him in his
23 capacity or arising out of his status as such, whether or not the political subdivision
24 would have the power to indemnify him, against liability pursuant to the provisions
25 of this Section.

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 418 Original

2026 Regular Session

Carlson

Abstract: Provides for defense and indemnification for officials, officers, and employees of a political subdivision

Present law (R.S. 13:5108.1) provides for the defense and indemnification of certain individuals who are officials, officers, and employees of the state for actions taken while in their official capacity.

Present law excludes officials, officers, and employees of a political subdivision from the right to receive a defense and indemnification for actions taken while in their official capacity.

Present law (R.S. 13:5102) defines "political subdivision" as any parish, municipality, special district, school board, sheriff, public board, institution, department, commission, district, corporation, agency, authority, or an agency or subdivision of any of these, and other public or governmental body of any kind which is not a state agency.

Proposed law provides for the defense and indemnification of officials, officers, and employees of a political subdivision by the political subdivision provided that the official, officer, or employee acted in good faith and not in a manner opposed to the best interests of the political subdivision.

Proposed law provides for the reimbursement of expenses and attorney fees expended in defending a civil action or proceeding upon a successful ruling on the merits.

Proposed law provides that the indemnification is not exclusive to any other rights the official, officer, or employee is otherwise entitled to while acting in their official capacity.

Proposed law provides that the political subdivision may purchase insurance on behalf of an official, officer, or employee of a political subdivision regardless of whether indemnification would be appropriate.

(Adds R.S. 13:5108.1.1)