

2016 Regular Session

HOUSE BILL NO. 146

BY REPRESENTATIVES MORENO, AMEDEE, BAGLEY, BAGNERIS, BILLIOT, BOUIE, CARPENTER, GARY CARTER, EDMONDS, EMERSON, FALCONER, GAINES, GLOVER, HALL, HILFERTY, HORTON, JACKSON, JAMES, LEGER, LYONS, MARCELLE, NORTON, PIERRE, REYNOLDS, SMITH, WHITE, AND ZERINGUE

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 that arises out of the  
15 performance of duties as a mentor, unless the injury or loss was caused by the gross  
16 negligence or intentional 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.

6                   (4) Nothing in this Subparagraph shall affect the vicarious liability of the  
 7                   employer pursuant to Civil Code Article 2320 or the ability of an employee to file  
 8                   a claim for workers' compensation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_