

SENATE BILL NO. 47

BY SENATOR LAMBERT

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AN ACT

To amend and reenact R.S. 13:2593(A), (B), (C), and (E), and to enact R.S. 13:2593(F) and (G), relative to legal representation by the attorney general; to provide for representation of deputy constables; to provide for restrictions and limitations; to provide relative to reimbursement in certain cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2593(A), (B), (C), and (E) are hereby amended and reenacted and R.S. 13:2593(F) and (G) are hereby enacted to read as follows:

§2593. Legal representation by the attorney general

A. It is hereby declared to be the public policy of this state that the state, through the attorney general, shall provide legal representation to a justice of the peace, ~~or a constable,~~ **or deputy constable** of this state in all claims, demands, or suits, if such a claim, demand, or suit arises out of the discharge of his duties and within the scope of his office and the claim, demand, or suit did not result from his intentional wrongful act or gross negligence.

B. **(1)** Within five days after a justice of the peace, ~~or a constable,~~ **or deputy constable** is served with any summons, complaint, process, notice, demand, or pleading, he shall deliver the original or a copy thereof to the attorney general. If, after thorough investigation by the attorney general, it appears that the defendant was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission, or that he was acting in an intentionally wrongful

1 manner or was grossly negligent, the attorney general's office shall decline  
 2 representation and the state shall not be responsible for providing any representation  
 3 to him.

4 **(2) If a determination is made by a court that a justice of the peace,**  
 5 **constable, or a deputy constable was not acting in the discharge of his duties and**  
 6 **within the scope of his office at the time of the alleged act or omission, or that**  
 7 **he was acting in an intentionally wrongful manner or was grossly negligent, the**  
 8 **justice of the peace, constable, or deputy constable shall reimburse the office of**  
 9 **the attorney general for expenses incurred including court costs and reasonable**  
 10 **attorney fees.**

11 C. The decision of the attorney general not to defend a justice of the peace,  
 12 ~~or a constable,~~ **or deputy constable** and any and all information obtained by him as  
 13 a result of the investigations conducted pursuant to Subsection B **of this Section**  
 14 shall be considered confidential and shall not be admissible as evidence in any legal  
 15 proceeding and no reference thereto shall be made in any trial or hearing.

16 \* \* \*

17 E. This Section shall not be construed as creating a right of indemnification  
 18 by a justice of the peace, ~~or a constable,~~ **or deputy constable** against the state for  
 19 any claim, demand, suit, or judgment whatsoever.

20 **F.(1) The attorney general may decline to provide representation to a**  
 21 **deputy constable who is not in compliance with the provisions of R.S. 13:2583.1**  
 22 **through 2583.7 including but not limited to the failure to file a copy of the oath**  
 23 **of office with the office of the attorney general or failure to attend requisite**  
 24 **training.**

25 **(2) If a determination is made by a court that a deputy constable was not**  
 26 **acting in the discharge of his duties and within the scope of his office at the time**  
 27 **of the alleged act or omission, or that he was acting in an intentionally wrongful**  
 28 **manner or was grossly negligent, a deputy constable may be required to**  
 29 **reimburse the office of the attorney general for expenses incurred including**  
 30 **court costs and reasonable attorney fees.**

1                    **G. The provisions of this Section that are applicable to deputy constables**  
2                    **shall apply only to deputy constables serving on or before August 1, 2016.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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