
DIGEST

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HB 525 Reengrossed

2017 Regular Session

Seabaugh

Abstract: Provides a cause of action against a law enforcement agency in cases where the law enforcement agency intentionally violates a Department of Homeland Security Form I-247 immigration detainer order, and the person who is released from custody in violation of the detainer order subsequently causes injury or death to another person.

Proposed law provides for legislative findings regarding the importance of the protection of the health, safety, and welfare of the people of this state by law enforcement agencies, and provides for legislative findings regarding the state's compelling interest in and an obligation to ensure compliance with the provisions of local, state, and federal law to help safeguard the health, safety, and welfare of the people of this state.

Proposed law provides that, notwithstanding certain other provisions of present law to the contrary, a state or local law enforcement agency shall be deemed to have breached its obligation and shall be liable for the damages incurred when the law enforcement agency releases a person from custody in an intentional violation of a Department of Homeland Security Form I-247 immigration detainer order, and the person who is released from custody in violation of the detainer order subsequently causes injury or death to another person.

Proposed law provides for solidary liability of the state or local law enforcement agency and the person who was released in an intentional violation of the immigration detainer order who caused the injury to or death of the other person.

Proposed law provides a one-year prescriptive period commencing on the date of release of the detainee.

(Adds R.S. 9:2800.25)

Summary of Amendments Adopted by House

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

1. Add provisions specifying that the violation of the detainer order be intentional.

The House Floor Amendments to the engrossed bill:

1. Add technical amendments.
2. Add one-year prescriptive period.