

2020 Regular Session

SENATE BILL NO. 435

BY SENATORS ABRAHAM AND FOIL

LIABILITY. Provides relative to certain immunity from civil liability during state of emergencies. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 29:735(A)(1), relative to immunity from civil liability; to
3 provide relative to certain immunity by public entities and persons from civil liability
4 during disasters and emergencies; to provide relative to the Louisiana Homeland
5 Security and Emergency Assistance and Disaster Act; to provide certain terms and
6 conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:735(A)(1) is hereby amended and reenacted to read as follows:

9 §735. Immunity of personnel

10 A.(1) Neither the state nor any political subdivision thereof, nor other **state**
11 agencies, nor, except in case of willful misconduct, the ~~agents~~ employees or
12 representatives of any of them engaged in any homeland security and emergency
13 preparedness and recovery activities, while complying with or attempting to comply
14 with this Chapter or any rule or regulation promulgated pursuant to the provisions
15 of this Chapter shall be liable for the death of or any injury to persons or damage to
16 property as a result of such activity.

17 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 435 Original

2020 Regular Session

Abraham

Present law provides for the La. Homeland Security and Emergency Assistance and Disaster Act ("Act").

Present law provides for certain powers of the state and political subdivisions during a declared state of emergency.

Proposed law retains present law.

Present law provides for certain immunity from civil liability for actions taken under the Act by state, political subdivisions, other agencies, agents, employees or representatives of any of them.

Proposed law provides such immunity for action taken under the Act by the state, political subdivision, other state agencies or employees or representatives of any of them.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 29:735(A)(1))