
DIGEST

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HB 609 Original

2021 Regular Session

Jordan

Abstract: Prohibits qualified immunity from officers as a defense in certain cases

Present law (R.S. 9:2793.1) provides for civil liability immunity for officers for destruction of property caused while the officer was acting within the course and scope of employment and if necessary to abate a public emergency.

Present law (R.S. 9:2798.1) provides for civil liability immunity for policymaking or discretionary acts or omissions by public entities. Present law exempts acts or omissions not reasonably related to the legitimate governmental objective or to criminal or intentional misconduct.

Present law (R.S. 9:2800.10) provides for civil liability immunity for damages sustained by a perpetrator of a felony offense during the commission of the offense or while fleeing the scene. Present law exempts intentional acts involving the use of excessive force.

Proposed law (R.S. 9:2800.77) supersedes present law and provides that qualified immunity does not apply as a defense for claims of wrongful death, physical injury, or personal injury caused by law enforcement officers through the unreasonable use of physical force.

Proposed law (R.S. 9:2800.77) provides that individuals seeking relief bear the burden of proving a violation by preponderance of the evidence.

Present law (R.S. 14:134(A)) provides that malfeasance in office is committed when a public officer or employer does any of the following:

- (1) Intentionally refuses or fails to perform a required duty.
- (2) Intentionally performs the required duty in an unlawful manner.
- (3) Knowingly permits another public officer or employee under his authority to intentionally refuse or fail to perform any required duty or perform such duty in an unlawful manner.

Proposed law (R.S. 14:134(A)) retains present law and provides for malfeasance for a peace officer who knowingly or with reckless disregard either refuses or fails to perform any duty required of him or performs such duty in an unlawful manner.

(Adds R.S. 9:2800.77; Amends R.S. 14:134(A))

