
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 609 Reengrossed

2021 Regular Session

Jordan

Abstract: Prohibits qualified immunity for 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 peace officers through the unreasonable use of physical force.

Proposed law (R.S. 9:2800.77) provides a definition for "peace officers".

Proposed law (R.S. 9:2800.77) provides that if judgment is rendered in favor of the defendant peace officer, then all costs, expenses, and attorney fees shall be cast upon the party bringing the action against the peace officer.

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.

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

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Remove references to U.S. and La. constitutions.
3. Remove provisions related to burden of proof and applicable state laws.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Provide for an award of costs, expenses, and attorney fees when judgment is rendered in favor of a defendant peace officer.