

2024 Regular Session

HOUSE BILL NO. 590

BY REPRESENTATIVE JORDAN

CORRECTIONS/PRISONERS: Provides relative to inmates held beyond their release dates within the Dept. of Public Safety and Corrections

1 AN ACT

2 To enact R.S. 15:834, relative to certain persons within the custody of the Department of
3 Public Safety and Corrections; to provide relative to procedures with respect to post
4 sentence statements and documents; to provide for the time period within which
5 certain documents are to be provided; to provide relative to liability in certain cases;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:834 is hereby enacted to read as follows:

9 §834. Detention of inmates beyond scheduled release date; penalty

10 A. All documents that Code of Criminal Procedure Article 892(B) requires
11 a clerk to prepare and submit to a sheriff shall be submitted on the date of
12 sentencing.

13 B. All statements and documents that Code of Criminal Procedure Article
14 892 requires a sheriff to prepare and submit to the Department of Public Safety and
15 Corrections shall be submitted within one day of sentencing.

16 C. The Department of Public Safety and Corrections shall be liable to any
17 person sentenced to the custody of the department who was incarcerated more than
18 one day past the end of his sentence.

19 D. A sheriff shall be liable to any person sentenced to the custody of the
20 sheriff who was incarcerated more than one day past the end of his sentence. A

1 sheriff shall be liable to any person if the sheriff fails to comply with Subsection B
2 of this Section.

3 E. Liability pursuant to this Section shall include general and special
4 damages in an amount not less than one thousand dollars per day of incarceration
5 past one day after the end of a sentence. In addition to damages, a prevailing
6 plaintiff shall also be awarded court costs and reasonable attorney fees. Any
7 prohibition on the seizure of assets to enforce a judgment pursuant to this Section
8 shall be waived.

9 F. Liability under this Section shall not apply to any period of incarceration
10 prior to sentencing and shall not limit any other source of liability elsewhere in the
11 law.

12 G. Failure to comply with the provisions of this Section shall not affect the
13 validity of a prosecution, conviction, or sentence.

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 590 Original

2024 Regular Session

Jordan

Abstract: Provides relative to inmates within the custody of DPS&C who are held past their release dates.

Proposed law provides that all documents that present law (C.Cr.P. Art. 892(B)) requires a clerk to prepare and submit to a sheriff shall be submitted on the date of sentencing.

Proposed law provides that all statements and documents that (C.Cr.P. Art. 892) requires a sheriff to prepare and submit to the DPS&C shall be submitted within one day of sentencing.

Proposed law provides that the DPS&C shall be liable to any person sentenced to the custody of the department who was incarcerated more than one day past the end of his sentence.

Proposed law provides that a sheriff shall be liable to any person sentenced to the custody of the sheriff who was incarcerated more than one day past the end of his sentence. Further provides that a sheriff shall be liable to any person if the sheriff fails to comply with proposed law.

Proposed law provides that liability pursuant to proposed law shall include general and special damages in an amount not less than \$1,000 per day of incarceration past one day after the end of a sentence. Further provides that in addition to damages, a prevailing plaintiff shall also be awarded court costs and reasonable attorney fees and that any

prohibition on the seizure of assets to enforce a judgment pursuant to proposed law shall be waived.

Proposed law provides that liability under proposed law shall not apply to any period of incarceration prior to sentencing and shall not limit any other source of liability elsewhere in the law.

Proposed law provides that failure to comply with the provisions of proposed law shall not affect the validity of a prosecution, conviction, or sentence.

(Adds R.S. 15:834)