

2025 Regular Session

SENATE BILL NO. 39

BY SENATOR MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY. Provides for limitation of liability of public entities for false imprisonment of an offender sentenced to a term of imprisonment. (8/1/25)

AN ACT

To enact R.S. 9:2800.30, relative to liability of public entities; to provide relative to limitation of liability for false imprisonment of an offender sentenced to a term of imprisonment; to provide relative to the limitation of the use of civil actions for certain injuries and damages to an offender; to provide relative to false imprisonment and unlawful detention of a convicted offender; to provide relative to certain challenges to lawful imprisonment; to provide relative to the calculation of an offender's sentence, release date, good time date, or parole date; to provide relative to jurisdiction and venue; to provide for definitions, terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.30 is hereby enacted to read as follows:

§2800.30. Limitation of liability of a public entity for false imprisonment of an offender sentenced to a term of imprisonment

A. Definitions

For purposes of this Section:

(1) "Department" means the Department of Public Safety and

1 Corrections.

2 (2) "Offender" means a person convicted of a crime and sentenced to
3 serve a term of imprisonment.

4 (3) "False imprisonment" means the unlawful detention of an offender
5 by or on behalf of the department, including incarceration of an offender
6 beyond the date the offender was legally required to be released from prison.

7 (4) "Bona fide termination" means that the underlying proceeding is
8 brought to a conclusion on the merits and all appeals are exhausted.

9 B. Civil actions

10 (1) Any civil action for damages based on claims of false imprisonment
11 shall be governed by the terms and provisions of the Prison Litigation Reform
12 Act, R.S. 15:1181 et seq.

13 (2) An offender challenging the computation or calculation of the
14 offender's sentence, release date, good time date, or parole date shall pursue
15 that claim pursuant to the provisions of R.S. 15:1171 et seq., including judicial
16 review in the parish of East Baton Rouge in the Nineteenth Judicial District
17 Court.

18 C. Threshold requirement of bona fide termination

19 No civil action for damages based on claims of false imprisonment
20 arising from the computation or calculation of the offender's sentence, release
21 date, good time date, or parole date shall be brought against a sheriff, the
22 department, or any officer or employee thereof, unless the offender first obtains
23 a bona fide termination in the offender's favor in proceedings brought pursuant
24 to the provisions of R.S. 15:1171 et seq., including judicial review.

25 (1) Any civil action for damages claiming false imprisonment brought
26 while underlying proceedings seeking a bona fide termination are ongoing, but
27 before a bona fide termination is obtained, shall be dismissed without prejudice.

28 (2) Any civil action for damages claiming false imprisonment brought
29 after the offender fails to timely initiate or pursue the procedure required to

challenge the computation or calculation of the offender's sentence, release date, good time date, or parole date, shall be dismissed with prejudice.

Section 2. The provisions of this Act shall have prospective application only.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 39 Reengrossed

2025 Regular Session

Morris

Proposed law provides for limitation of liability of a public entity for false imprisonment of an offender sentenced to a term of imprisonment.

Proposed law provides for definitions of "department", "offender", "false imprisonment" and "bona fide termination" as related to the limitation of liability of a public entity for false imprisonment of a prisoner.

Proposed law provides that any civil action for damages based on claims of false imprisonment shall be governed by present law.

Proposed law provides that an offender challenging the computation or calculation of the offender's sentence, release date, good time date, or parole date shall pursue that claim through the Corrections Administrative Remedy Procedure (CARP), including judicial review in the parish of EBR in the 19th JDC.

Proposed law provides that no civil action for damages based on claims of false imprisonment arising from the computation or calculation of the offender's sentence, release date, good time date, or parole date shall be brought against a sheriff or the department, or any officer or employee thereof, unless the offender first obtains a bona fide termination in the offender's favor in proceedings brought pursuant to present law (R.S. 15:1171 et seq.), including judicial review.

Proposed law provides that any civil action for damages claiming false imprisonment brought while underlying proceedings seeking a bona fide termination are ongoing, but before a bona fide termination is obtained, shall be dismissed without prejudice.

Proposed law provides that any civil action for damages claiming false imprisonment brought after the offender fails to timely initiate or pursue the procedure required to challenge the computation or calculation of the offender's sentence, release date, good time date, or parole date, shall be dismissed with prejudice.

Proposed law provides that proposed law shall have prospective application only.

Effective August 1, 2025.

(Adds R.S. 9:2800.30)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Removes legislative findings.

2. Provides that "false imprisonment" means the unlawful detention of an offender by or on behalf of the Department of Public Safety and Corrections, including incarceration of an offender beyond the date the offender was legally required to be released from prison.
3. Provides that any civil action for damages based on claims of false imprisonment shall be governed by the terms of the Prison Litigation Reform Act (R.S. 15:1181 et seq.).
4. Adds that judicial review of an offender challenging computation or calculation of the offender's sentence, release date, good time date, or parole date occurs in the parish of EBR in the 19th JDC.
5. Provides that no civil action for damages based on claims of false imprisonment arising from the computation or calculation of the offender's sentence, release date, good time date, or parole date shall be brought against a sheriff, the Department of Public Safety and Corrections, or any of the department's officers or employees, unless the offender first obtains a bona fide termination.
6. Provides that any civil action for damages claiming false imprisonment brought after the offender fails to timely initiate or pursue the procedure required to challenge the computation or calculation of the offender's sentence, release date, good time date, or parole date, shall be dismissed with prejudice.
7. Removes proposed limitations on various causes of action.
8. Provides for prospective application only.
9. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.