

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 13

BY REPRESENTATIVE TIM BURNS

CIVIL/PROCEDURE: Provides for certain peremptory exceptions

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study Louisiana's existing laws
3 governing peremptory exceptions and immunity and to make specific
4 recommendations as to whether immunity should be added as a peremptory
5 exception.

6 WHEREAS, the Legislature of Louisiana has enacted numerous statutes providing
7 various entities with civil liability immunity including the state, state agencies, or political
8 subdivisions of the state; and

9 WHEREAS, parties involved in litigation have asserted immunity granted to them
10 by law through the peremptory exception of no cause of action, as an affirmative defense,
11 and motions for summary judgment; and

WHEREAS, courts have been inconsistent in determining whether immunity is properly raised in any one of the preceding procedural vehicles.

14 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
15 urge and request the Louisiana State Law Institute to study peremptory exceptions and
16 immunity and to make specific recommendations as to whether immunity should be added
17 as a peremptory exception.

18 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
19 to the director of the Louisiana State Law Institute.

1 BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its
2 findings and recommendations in the form of specific proposed legislation to the Legislature
3 of Louisiana on or before January 1, 2013.

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)]

Tim Burns

HCR No. 13

Requests the La. State Law Institute to study laws governing peremptory exceptions and civil liability immunity and make recommendations on or before Jan. 1, 2013, relative to establishing immunity as a peremptory exception.