

2016 Regular Session

HOUSE BILL NO. 146

BY REPRESENTATIVES MORENO, EDMONDS, AND AMEDEE

LIABILITY/CIVIL: Provides a limitation of liability for certain persons mentoring an offender on probation

1 AN ACT

2 To enact Code of Criminal Procedure Article 895(O), relative to limitations of liability for  
3 court-approved mentors; to provide a limitation of liability to certain persons  
4 mentoring offenders on probation; to provide a limitation of liability for the court,  
5 and court officers, agents, and employees; to provide definitions; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 895(O) is hereby enacted to read as  
9 follows:

10 Art. 895. Conditions of probation

11 \* \* \*

12 O.(1) Any mentor of an offender on probation under the supervision of any  
13 court division created pursuant to R.S. 13:5304, 5354, 5366, or 5401 shall not be  
14 liable for any injury or loss caused or suffered by an offender, unless the injury or  
15 loss was caused by the gross negligence or intentional acts of the mentor.

16 (2) Neither the court nor any officer, agent, or employee of the court shall  
17 be liable for any injury or loss to the offender, the mentor, or any third party for the  
18 actions of the mentor or the offender.

19 (3) As provided in this Subsection, "mentor" means a person approved by  
20 the court who volunteers to provide support and personal, educational, rehabilitation,

1        and career guidance to the offender during probation and who has either completed  
 2        a court-approved mentor training program or who has successfully completed his  
 3        sentence pursuant to R.S. 13:5304, 5354, 5366, or 5401.

4                (4) Nothing in this Subparagraph shall affect the vicarious liability of the  
 5        employer pursuant to Civil Code Article 2320.

#### 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 146 Reengrossed

2016 Regular Session

Moreno

**Abstract:** Provides a limitation of liability for specialty courts and any volunteer mentor of an offender on probation under the supervision of any specialty court division.

Present law provides for conditions of probation, including the participation in certain special programs offered during probation.

Present law provides for the creation of various special programs and divisions of court, including the drug division (R.S. 13:5304), the mental health treatment program (R.S. 13:5354), the veterans court program (R.S. 13:5366), and the reentry division (R.S.13:5401).

Proposed law provides a limitation of liability for any mentor of an offender on probation under the supervision of any court division created pursuant to present law, for any injury or loss caused or suffered by an offender.

Proposed law provides a limitation of liability for the court and any officer, agent, or employee of the court from liability for any injury or loss to the offender, the mentor, or any third party for the actions of the mentor or the offender.

Proposed law specifies that the proposed law limitations of liability shall not affect vicarious liability of the employer.

(Adds C.Cr.P. Art. 895(O))

#### Summary of Amendments Adopted by House

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

1. Deletes the proposed law reference to the offender being in the training program for purposes of the limitation of liability.

#### The House Floor Amendments to the engrossed bill:

1. Adds provision specifying that the proposed limitations of liability shall not affect the vicarious liability of the employer.