

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 47

2016 Regular Session

Lambert

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

ATTORNEY GENERAL. Provides that it is the legal duty of the attorney general to represent deputy constables under certain circumstances. (8/1/16)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Allows the attorney general to decline representation of a deputy constable not in compliance with statutory requirements including the failing to file an oath of office or in compliance with requisite training requirements.
2. Allows the attorney general to recover court costs and reasonable attorney fees from a deputy constable if a court determines that the deputy was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission or that he was acting in an intentionally wrongful manner or was grossly negligent.
3. Applies only to deputy constables serving on or before August 1, 2016.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 47 Reengrossed

2016 Regular Session

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Present law requires the attorney general to provide legal representation to a justice of the peace or constable for claims arising out of the discharge of his duties, within the scope of his office, and not resulting from an intentional wrongful act or gross negligence.

Proposed law adds deputy constables to the offices to be represented under these circumstances by the attorney general.

Present law requires justices of the peace and constables to provide a copy of any pleading they are served with to the attorney general within five days of service.

Proposed law requires that deputy constables also provide a copy of pleadings to the attorney general within five days of service.

Proposed law retains provisions allowing the attorney general to decline representation if he determines the defendant was not acting in the discharge of his duties, within the scope of his office, or if the act was intentional or grossly negligent.

Proposed law provides that if a court determines that justice of the peace, constable, or deputy constable was not acting in the discharge of his duties or within the scope of his office or intentionally acting in wrongful or grossly negligent manner, then requires that they reimburse the attorney general for expenses incurred, including court costs and reasonable attorney fees.

Present law provides the attorney general's decision to not represent a justice of the peace or constable and all information obtained in the attorney general's investigation is confidential and inadmissible as evidence and no reference to the attorney general's decision is to be made in any trial or hearing. Proposed law retains these provisions and applies them to decisions by the attorney general regarding acts by a deputy constable.

Proposed law authorizes the attorney general to decline to represent a deputy constable who is not in compliance with statutory requirements as to qualifications, oaths, compensation,

and requisite training requirements. Provides that if a court determines that the deputy constable was not acting in the discharge of his duties or the scope of his office at the time of the alleged act or omission or that he was acting in an intentionally wrongful manner or was grossly negligent, then the deputy may be required to reimburse the attorney general's office for court costs and reasonable attorney fees.

Proposed law applies only to deputy constables serving on or before August 1, 2016.

Effective August 1, 2016.

(Amends R.S. 13:2593(A), (B), (C), and (E); Adds R.S. 13:2593 (F) and (G))

Thomas L. Tyler
Deputy Chief of Staff