

Regular Session, 2011

HOUSE BILL NO. 206

BY REPRESENTATIVE CROMER

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

CIVIL/IMMUNITY: Provides for a limitation of liability for community service nonprofit organizations designated by city or municipal courts

1 AN ACT

2 To amend and reenact R.S. 9:2792.8(A)(1), relative to limitations of liability; to provide
3 relative to certain nonprofit organizations supervising or coordinating community
4 service programs; to provide a limitation of liability for community service nonprofit
5 organizations designated by city or municipal courts; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2792.8(A)(1) is hereby amended and reenacted to read as follows:

9 §2792.8. Limitation of liability; employees of certain nonprofit organizations
10 supervising or coordinating community services

11 A. As used in this Section:

12 (1) "Designated nonprofit organization" means a private, nonprofit,
13 tax-exempt organization under Section 501(c)(3), Internal Revenue Code, pursuant
14 to 26 U.S.C. §501(c)(3), which has been designated by the judges of the judicial
15 district or any city or municipal court within which it is located to coordinate or
16 supervise the utilization of the community service of persons sentenced to perform
17 community service as an alternative to incarceration.

18 * * *

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)]

Cromer

HB No. 206

Abstract: Limits the liability of nonprofit organizations designated by city or municipal courts to supervise or coordinate community service programs.

Present law defines "designated nonprofit organization" as a private, nonprofit, tax-exempt organization under Section 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), which has been designated by the judges of the judicial district within which it is located to coordinate or supervise the utilization of the community service of persons sentenced to perform community service as an alternative to incarceration.

Present law provides that the state shall hold harmless and indemnify designated nonprofit organizations for acts or omission of a community service worker resulting in damage or injury unless the damage or injury was caused by willful or wanton conduct.

Present law provides that employees of designated nonprofit organizations shall not be individually liable for any act or omission resulting in damage or injury unless the damage or injury was caused by willful or wanton conduct.

Present law provides that a community service worker shall have no cause of action for damages, except for the payment of medical expenses, against the entity conducting or supervising the program.

Proposed law retains present law but also specifies that the same limitations of liability are applicable to nonprofit organizations designated by city or municipal courts.

(Amends R.S. 9:2792.8(A)(1))