

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 13

BY REPRESENTATIVE TIM BURNS

A CONCURRENT RESOLUTION

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

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

WHEREAS, parties involved in litigation have asserted immunity granted to them by law through the peremptory exception of no cause of action, as an affirmative defense, 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.

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE