

SENATE BILL NO. 173

BY SENATOR GARY SMITH AND REPRESENTATIVE GARY CARTER

1 AN ACT

2 To enact R.S. 13:2564.3, relative to parish court judges; to provide for legal representation
3 by the attorney general; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 13:2564.3 is hereby enacted to read as follows:

6 **§2564.3. Legal representation by the attorney general**

7 **A. It is hereby declared to be the public policy of this state that the state,**
8 **through the attorney general, shall provide legal representation to a parish**
9 **court judge of this state in all claims, demands, or suits, if such claim, demand,**
10 **or suit arises out of the discharge of his duties and is within the scope of his**
11 **office and such claim, demand, or suit did not result from the intentional**
12 **wrongful act or gross negligence of the parish court judge.**

13 **B. Within five days after a parish court judge is served with any**
14 **summons, complaint, process, notice, demand, or pleading, he shall deliver the**
15 **original or a copy thereof to the attorney general. If, after thorough**
16 **investigation by the attorney general, it appears that the parish court judge was**
17 **not acting in the discharge of his duties and within the scope of his office at the**
18 **time of the alleged act or omission, or that he was acting in an intentionally**
19 **wrongful manner or was grossly negligent, the attorney general's office shall**
20 **decline representation and the state shall not be responsible for providing any**
21 **representation to the parish court judge.**

22 **C. The decision of the attorney general not to defend a parish court**
23 **judge and any and all information obtained by him as a result of the**
24 **investigations conducted pursuant to Subsection B of this Section shall be**
25 **considered confidential and shall not be admissible as evidence in any legal**
26 **proceeding and no reference thereto shall be made in any trial or hearing.**

1 D. Nothing in this Section shall in any way impair, limit, or modify the
2 rights and obligations of any insurer under any policy of insurance or impair
3 the right of the individual to obtain private counsel in his own behalf.

4 E. This Section shall not be construed as creating a right of
5 indemnification by a parish court judge against the state for any claim, demand,
6 suit, or judgment whatsoever.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____