2016 Regular Session

SENATE BILL NO. 369

BY SENATOR CLAITOR

CORRECTIONAL FACILITIES. Repeals provisions relative to administrative remedy procedures for Department of Public Safety and Corrections declared unconstitutional. (gov sig)

1   AN ACT

2   To repeal Part XV of Chapter 7 of the Louisiana Revised Statutes of 1950, comprised of

3   R.S. 15:1171 through 1179, relative to administrative remedy procedures for the

4   Department of Public Safety and Corrections; to repeal provisions of law declared

5   unconstitutional; and to provide for related matters.

6   Be it enacted by the Legislature of Louisiana:

7   Section 1. Part XV of Chapter 7 of the Louisiana Revised Statutes of 1950,

8   comprised of R.S. 15:1171 through 1179, is hereby repealed in its entirety.

9   Section 2. This Act shall become effective upon signature by the governor or, if not

10   signed by the governor, upon expiration of the time for bills to become law without signature

11   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

12   vetoed by the governor and subsequently approved by the legislature, this Act shall become

13   effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST
SB 369 Original   2016 Regular Session   Claitor

Present law provides relative to administrative remedy procedures to be utilized by the Dept.
of Public Safety and Corrections for receiving, hearing, and disposing of any and all
complaints and grievances by adult or juvenile offenders against the state, the governor, the
department, or any officials or employees thereof, among other specified individuals and
entities, that arise while the offender is within the custody or under the supervision of the
department, a contractor operating a private prison facility, or a sheriff. Present law further
provides relative to records, confidentiality, judicial review of administrative acts, service
of process, and definitions.

Present law was held unconstitutional by the La. Supreme Court in *Pope v. State*, 792 So.2d
713 (La. 2001). The court held that present law divests the district courts of the original
jurisdiction granted by the La. Constitution in all civil matters and vests original jurisdiction
over certain tort actions in department officials who administer the administrative remedy
procedure. The court further held that present law is an invalid attempt to alter the original
jurisdiction of the district courts by legislative act. For these reasons, the court held present
law to be unconstitutional as applied to tort actions by offenders.

Accordingly, proposed law repeals present law in its entirety.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Repeals R.S. 15:1171-1179)

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.