SLS 18RS-113

REENGROSSED

2018 Regular Session

SENATE BILL NO. 60

BY SENATOR MARTINY

DOMESTIC VIOLENCE. Provides relative to civil actions for domestic abuse. (gov sig)

1	AN ACT
2	To enact Code of Evidence Article 412.5, relative to civil actions for domestic abuse; to
3	provide certain requirements, terms, and procedures; to provide relative to certain
4	evidence; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Evidence Article 412.5 is hereby enacted to read as follows:
7	Art. 412.5. Evidence of similar crimes, wrongs, or acts in certain civil cases
8	A. In any civil action alleging acts of domestic abuse as defined in R.S.
9	46:2132(3), family violence as defined in R.S. 9:362(4), or sexual abuse as
10	defined in R.S. 9:362(6), evidence of the defendant's commission of a crime,
11	wrong, or act involving acts of domestic abuse, family violence, or sexual abuse
12	may be admissible and may be considered for its bearing on any matter to
13	which it is relevant subject to the balancing test provided in Article 403.
14	B. A plaintiff in a tort action intending to offer evidence under the
15	provisions of this Article shall provide reasonable notice in advance of trial of
16	the nature of such evidence.
17	C. The provisions of this Article shall not be construed to preclude or

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. SLS 18RS-113

1	limit the introduction or consideration of any evidence otherwise authorized
2	under law.
3	Section 2. This Act shall become effective upon signature by the governor or, if not
4	signed by the governor, upon expiration of the time for bills to become law without signature
5	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6	vetoed by the governor and subsequently approved by the legislature, this Act shall become
7	effective on the day following such approval.
	The original instrument was prepared by Vavier I. Alexander. The following

The original instrument was prepared by Xavier I. Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

	DIGEST
SB 60 Reengrossed	2018 Regular Session

Martiny

<u>Proposed law</u> authorizes the admissibility and consideration of evidence of the defendant's commission of a crime, wrong, or act involving domestic abuse, family violence, or sexual abuse in civil actions alleging acts of domestic abuse, family violence, or sexual abuse.

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

(Adds C.E. Art. 412.5)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Removes provision that includes dating partner as a person who may recover exemplary damages.
- 2. Removes provision providing certain prescriptive period terms for a civil action for an act of domestic abuse, family violence, or sexual abuse.