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DIGEST

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SB 233 Engrossed

2018 Regular Session

Morrell

Present law provides that any contract between a political subdivision and a person or entity entered into as a result of fraud, bribery, or other criminal acts, for which a final conviction has been obtained, shall be absolutely null and shall be void and unenforceable as contrary to public policy.

Proposed law retains present law.

Proposed law provides that a party may petition a court for a declaratory judgment that a clause in an agreement, contract, settlement, or other similar instrument that prevents a party to the instrument from disclosing factual information related to acts that if proven would establish a cause of action for civil damages for any act that may be prosecuted as a criminal offense is null, void, and unenforceable as a matter of law and shall be considered against public policy.

Proposed law provides that the fact that an agreement, contract, settlement, or similar instrument states that the providing of consideration is not an admission of liability for an alleged criminal offense, of the commission of a criminal offense, or of an awareness of a criminal offense shall not be conclusive in determining whether the provisions of proposed law apply.

Proposed law provides that the provisions of proposed law apply prospectively and retroactively.

Effective Aug. 1, 2018.

(Amends R.S. 9:2717)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Add a technical amendment.