

RÉSUMÉ DIGEST

ACT 368 (SB 233)

2018 Regular Session

Morrell

Prior law provided 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.

New law retains prior law.

New 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.

New 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 new law apply.

New law applies to any agreement, contract, settlement, or other similar instrument entered into, revised, or amended before, on, and after August 1, 2018.

Effective August 1, 2018.

(Amends R.S. 9:2717)