

SENATE BILL NO. 147

BY SENATOR MORRELL AND REPRESENTATIVE MORENO

1 AN ACT

2 To enact Chapter 12-A of Title 13 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 13:3381 through 3383, relative to certain claims initiated by
4 alleged perpetrators of sexual misconduct; to provide for special procedures when
5 claims are against the alleged victim; to provide for waivers; to provide for damages;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 12-A of Title 13 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 13:3381 through 3383, is hereby enacted to read as follows:

10 **CHAPTER 12-A. SLANDER, DEFAMATION, OR LIBEL PROCEEDINGS**

11 **RELATED TO SEXUAL MISCONDUCT**

12 **§3381. Stay of proceedings**

13 **A.(1) Notwithstanding any provision of law to the contrary, upon the**
14 **filing of a motion to stay by the defendant, the court shall stay the proceedings**
15 **on a claim for defamation of character, libel, slander, or damage to reputation**
16 **when the plaintiff is an alleged perpetrator of sexual misconduct against the**
17 **defendant who is the alleged victim until such time as all civil or criminal**
18 **investigations, administrative hearings, or any other hearing or legal proceeding**

1 regarding the allegations of sexual misconduct are complete and final.

2 (2) For purposes of this Subsection, the motion to stay shall identify the
3 forum of the pending investigation, hearing, or proceeding.

4 (3) For purposes of this Chapter, a plaintiff is "an alleged perpetrator
5 of sexual misconduct" if there is a pending claim of unwelcome behavior of a
6 sexual nature that was allegedly committed without consent or by force,
7 intimidation, coercion, or manipulation and the victim of the unwelcome
8 behavior is the defendant.

9 B.(1) Notwithstanding any provision of law to the contrary, if the claim
10 for defamation of character, libel, slander, or damage to reputation referred to
11 in Subsection A of this Section is determined by the court to be fraudulent or
12 frivolous, the court shall order the plaintiff to pay all court costs and reasonable
13 attorney fees and the defendant shall be entitled to exemplary damages.

14 (2) For the purposes of this Section, "fraudulent" and "frivolous" shall
15 have the same meaning as provided in R.S. 13:5241.

16 (3) The amount of exemplary damages that may be awarded to the
17 defendant by the court pursuant to Paragraph (1) of this Subsection shall be at
18 the court's discretion and shall not be subject to any cap or similar limitation
19 provided by law.

20 §3382. Waiver

21 A. Notwithstanding any provision of law to the contrary, a plaintiff filing
22 a claim for defamation of character, libel, slander, or damage to reputation
23 referenced in R.S. 13:3381, waives all privileges and protections relating to the
24 civil or criminal investigations, administrative hearings, or any other hearing
25 or legal proceeding regarding the alleged sexual misconduct.

26 B. Such waiver shall apply but not be limited to all evidence, records,
27 testimony, and findings of an investigation, hearing, or proceeding.

28 C. Such waiver shall not be construed to waive the attorney-client
29 privilege of any party.

30 §3383. Costs

1 A defendant shall not be required to prepay costs to file an answer to a
2 claim for defamation of character, libel, slander, or damage to reputation
3 referenced in R.S. 13:3381.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____