The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

## DIGEST 2018 Regular Session

Morrell

<u>Proposed law</u> provides that a court shall stay proceedings in cases of defamation of character, libel, slander, or damage to reputation brought by an alleged perpetrator of sexual misconduct against the alleged victim. Further provides that the stay shall remain until the completion of all investigations, hearings, or proceedings relating to the allegations of sexual misconduct.

<u>Proposed law</u> provides that if the court determines that the defamation of character, libel, slander, or damage to reputation claim brought by an alleged perpetrator is fraudulent or frivolous, the court shall order the plaintiff to pay all court costs and reasonable attorney fees and the defendant is entitled to exemplary damages.

<u>Proposed law</u> provides that there is no limit to the amount of exemplary damages a defendant may receive.

<u>Proposed law</u> provides that the party instituting the suit against an alleged victim waives all privileges and protections relating to the findings and evidence of the investigation, hearing, or proceeding on the allegations of sexual misconduct.

Proposed law provides that the waiver does not apply to attorney-client privilege.

<u>Proposed law</u> provides that a defendant shall not be required to prepay costs to file an answer in a defamation of character, libel, slander, or damage to reputation claim brought pursuant to <u>proposed</u> law.

<u>Proposed law</u> provides that if the plaintiff in a claim brought pursuant to <u>proposed law</u> is a person against whom a bill of information or indictment has been made for the pertinent sexual misconduct, there shall be a presumption that no defamation of character, libel, slander, or damage to reputation occurred.

Effective August 1, 2018.

SB 147 Engrossed

(Adds R.S. 13:3381 and 3384)

## Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds that a plaintiff shall pay court costs and reasonable attorney fees if his claim is

found to be fraudulent or frivolous.

- 2. Adds that a defendant is not required to prepay costs for filing an answer to a defamation of character, libel, slander, or damage of reputation claim brought pursuant to provisions of proposed law.
- 3. Creates a presumption that defamation of character, libel, slander, or damage to reputation did not occur if the plaintiff is a person against whom a bill of information or indictment has been made for the pertinent sexual misconduct.