

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 147

2018 Regular Session

Morrell

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIMINAL JUSTICE. Provides relative to a defamation claim brought by an alleged perpetrator of sexual misconduct against the alleged victim. (8/1/18)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes the 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.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 147 Engrossed

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Proposed law 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.

Proposed law 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.

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

Proposed law 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.

Proposed law 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 proposed law.

Effective August 1, 2018.

(Adds R.S. 13:3381 - 3383)

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