

2021 Regular Session

HOUSE BILL NO. 379

BY REPRESENTATIVES LARVADAIN AND LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/TORTS: Provides for liability for damages caused by sexual harassment

1 AN ACT

2 To enact Civil Code Article 2315.11, relative to damages; to provide for exemplary
3 damages; to provide relative to sexual harassment in the workplace; to provide for
4 attorney fees and court costs; to provide for liberative prescription; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 2315.11 is hereby enacted to read as follows:

8 Art. 2315.11. Liability for damages caused by sexual harassment

9 A. In addition to general and special damages, exemplary damages may be
10 awarded upon proof that the injuries on which the action is based were caused by an
11 act or acts of sexual harassment in the workplace, as provided in R.S. 42:342.

12 B. The provisions of this Article shall be applicable only to the perpetrator
13 of the sexual harassment.

14 C. Upon motion of the defendant or upon its own motion, if the court
15 determines that an action seeking damages under this Article is frivolous or
16 fraudulent, the court shall award costs of court, reasonable attorney fees, and any
17 other related costs to the defendant and any other sanctions and relief requested
18 pursuant to Code of Civil Procedure Article 863.

19 D. An action under the provisions of this Article shall be subject to a
20 liberative prescriptive period of three years.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 379 Engrossed

2021 Regular Session

Larvadain

Abstract: Provides for exemplary damages for sexual harassment in the workplace.

Proposed law (C.C. Art. 2315.11) provides for liability for damages caused by an act or acts of sexual harassment in the workplace for the perpetrator of the sexual harassment.

Proposed law (C.C. Art. 2315.11) defines acts or acts of sexual harassment in the workplace as provided in R.S. 42:342. Present law (R.S. 42:342) provides that each agency head institute a policy to prevent sexual harassment that is applicable to all public servants in the agency.

Present law (C.C.P. Art. 863) provides for sanctions for pleadings not verified or certified by an attorney.

Proposed law (C.C. Art. 2315.11) provides for an amount of court costs, reasonable attorney fees, and other related costs to the defendant, as well as other sanctions and relief under C.C.P. Art. 863, for frivolous or fraudulent claims.

Proposed law (C.C. Art. 2315.11) provides for a liberative prescriptive period of three years.

(Adds C.C. Art. 2315.11)

Summary of Amendments Adopted by House

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

1. Define an act of sexual harassment in the workplace as provided in R.S. 42:342.