

SENATE BILL NO. 185

BY SENATOR PRESSLY AND REPRESENTATIVES WILFORD CARTER,
CHENEVERT, GLORIOSO, LARVADAIN, MELERINE, SCHLEGEL
AND TAYLOR

1 AN ACT

2 To enact Chapter 1-D of Code Title IV of Title 9 of the Louisiana Revised Statutes of 1950,
3 to be comprised of R.S. 9:2720.21 through 2720.23, relative to requisites for a valid
4 agreement; to prohibit nondisclosure agreements involving victims of child sexual
5 abuse; to provide for terms and definitions; to provide relative to enforcement of
6 nondisclosure agreements in certain circumstances; to provide for retroactive
7 application; to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 1-D of Code Title IV of Title 9 of the Louisiana Revised Statutes
10 of 1950, comprised of R.S. 9:2720.21 through 2720.23 is hereby enacted to read as follows:

11 **CHAPTER 1-D. TERMINATING RESTRICTIVE ENFORCEMENT**
12 **OF YOUTH SETTLEMENTS LAW**

13 **§2720.21. Short title**

14 **This Chapter shall be known and may be cited as the "Terminating**
15 **Restrictive Enforcement of Youth Settlements Law" or "TREY'S Law".**

16 **§2720.22. Definitions**

17 **As used in this Chapter, the following terms have the following**
18 **meanings:**

19 **(1) "Minor" means a person who has not attained eighteen years of age.**

20 **(2) "Nondisclosure clause" means a provision in a contract or agreement**
21 **that prohibits one or more parties to the contract or agreement from disclosing**
22 **conduct or information covered by the terms and conditions of the contract or**
23 **agreement.**

24 **(3) "Sexual abuse" means:**

25 **(a) Any sexual act or conduct constituting a crime under the laws of this**
26 **state, including a sex offense or sexual offense as defined in R.S. 15:541,**

1 regardless of whether the conduct results in a criminal charge, conviction,
2 adjudication, or sentence.

3 (b) Any sexual act or conduct constituting abuse as defined in Children's
4 Code Article 603, including the aiding or toleration of a minor's involvement in
5 any sexual act or sexual activity.

6 §2720.23. Nondisclosure agreements; victims of child sexual abuse; void and
7 unenforceable

8 A. A nondisclosure clause shall be void and unenforceable as against
9 public policy only to the extent that the nondisclosure clause prohibits the
10 following:

11 (1) A victim or alleged victim of sexual abuse against a minor from
12 disclosing that act of sexual abuse, or facts related to that act of sexual abuse.

13 (2) Any other person from disclosing facts related to sexual abuse against
14 a minor in support of, in furtherance of, or consistent with the right of a victim
15 or alleged victim to disclose under Paragraph (A)(1) of this Section.

16 B. Notwithstanding any provision of law to the contrary, nothing in this
17 Section shall be construed to prohibit a person, including a victim or alleged
18 victim of sexual abuse against a minor, from entering into a contract or
19 agreement that restricts the disclosure of information, including the amount or
20 payment terms of a settlement, by another party to the contract or agreement,
21 including an alleged perpetrator, provided that such restriction does not
22 prevent disclosure protected pursuant to Subsection A of this Section.

23 C. No person may enforce or attempt to enforce a nondisclosure clause
24 provided for in this Section, regardless of the date that the contract or
25 agreement containing the nondisclosure clause was entered into.

26 Section 2. The provisions of this Act shall apply retroactively and prospectively to
27 any nondisclosure clause in a contract or agreement entered into before, on, or after the
28 effective date of this Act.

29 Section 3. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____