

ACT No. 335

Regular Session, 2014

HOUSE BILL NO. 505

BY REPRESENTATIVES DIXON, WESLEY BISHOP, BURRELL, COX, FOIL, GAINES, HARRIS, HOWARD, HUNTER, KATRINA JACKSON, JEFFERSON, MORENO, NORTON, PRICE, THIBAUT, PATRICK WILLIAMS, AND WOODRUFF

1 AN ACT

2 To enact R.S. 23:291(E), relative to the disclosure of employment related information; to
3 provide with respect to liability; to provide with respect to employers; to provide
4 exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:291(E) is hereby enacted to read as follows:

7 §291. Disclosure of employment related information; liability for hiring certain
8 employees; presumptions; causes of action; definitions

9 * * *

10 E.(1) Any employer, general contractor, premises owner, or other third party
11 shall not be subject to a cause of action for negligent hiring of or failing to
12 adequately supervise an employee or independent contractor due to damages or
13 injury caused by that employee or independent contractor solely because that
14 employee or independent contractor has been previously convicted of a criminal
15 offense.

16 (2) The provisions of Paragraph (1) of this Subsection shall not apply to any
17 of the following:

18 (a) Acts of the employee arising out of the course and scope of his
19 employment that give rise to damages or injury when the act is substantially related
20 to the nature of the crime for which the employee was convicted and the employer,
21 general contractor, premises owner, or other third party knew or should have known
22 of the conviction.

1 (b) Acts of an employee who has been previously convicted of any crime of
 2 violence as enumerated in R.S. 14:2(B) or any sex offense as enumerated in R.S.
 3 15:541 and the employer, general contractor, premises owner, or other third party
 4 knew or should have known of the conviction.

5 (3) Nothing in this Subsection shall be construed to prohibit or create a cause
 6 of action for negligent hiring or inadequate supervision in situations not covered by
 7 this Subsection. Furthermore, nothing in this Subsection shall be construed to
 8 supplant the immunity from civil liability provided for in R.S. 23:1032.

9 (4) Nothing in this Subsection shall affect the employer's vicarious liability
 10 pursuant to Civil Code Article 2320.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____