

2015 Regular Session

HOUSE BILL NO. 497

BY REPRESENTATIVE HENRY

1 AN ACT

2 To enact Civil Code Article 2315.9, relative to damages; to provide relative to actions for
3 injury caused by acts of terror; to provide for definitions; to provide for frivolous or
4 fraudulent claims; to provide for court costs and attorney fees; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 2315.9 is hereby enacted to read as follows:

8 Art. 2315.9. Liability for damages caused by acts of terror

9 A. In addition to general and special damages, a prevailing plaintiff shall
10 also be awarded court costs and reasonable attorney fees in the appropriate district
11 or appellate court upon proof that the injuries on which the action is based were
12 caused by an act of terror or terrorism resulting in injury to the person or damage to
13 the person's property, regardless of whether the defendant was prosecuted for his
14 acts.

15 B. The rights and remedies provided by this Article are in addition to any
16 other rights and remedies provided by law.

17 C. As used in this Article, the terms shall be defined as follows:

18 (1) "Act of terror" or "terrorism" means the commission of any of the acts
19 occurring primarily in this state and as enumerated in this Subparagraph, when the
20 offender has the intent to intimidate or coerce the civilian population, influence the
21 policy of a unit of government by intimidation or coercion, or affect the conduct of
22 a unit of government by intimidation or coercion:

23 (a) Intentional killing of a human being.

24 (b) Intentional infliction of serious bodily injury upon a human being.

- 1 (c) Kidnapping of a human being.
- 2 (d) Aggravated arson upon any structure, watercraft, or movable.
- 3 (e) Aggravated criminal damage to property.
- 4 (2) "Terrorist" means a person who knowingly does any of the following:
 - 5 (a) Commits an act of terror.
 - 6 (b) Acts as an accessory before or after the fact, aids or abets, solicits, or
 - 7 conspires to commit an act of terror.
 - 8 (c) Lends material support to an act of terror.
- 9 D. Upon motion of the defendant or upon its own motion, if the court
- 10 determines that any action alleging an act of terror is frivolous or fraudulent, the
- 11 court shall award costs of court, reasonable attorney fees, and any other related costs
- 12 to the defendant and any other sanctions and relief requested pursuant to Code of
- 13 Civil Procedure Article 863.
- 14 E. An action under the provisions of this Article shall be subject to a
- 15 liberative prescriptive period of two years.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____