

2018 Regular Session

SENATE BILL NO. 91

BY SENATOR CLAITOR

CIVIL PROCEDURE. Authorizes exemplary damages in civil actions for death from hazing. (gov sig)

1 AN ACT

2 To enact Civil Code Art. 2315.10, relative to civil liability for offenses and quasi offenses;  
3 to provide relative to hazing; to authorize exemplary damages for death caused by  
4 hazing; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Art. 2315.10 is hereby enacted to read as follows:

7 **Art. 2315.10. Liability for death caused by hazing; additional damages**

8 **In addition to general and special damages, exemplary damages may be**  
9 **awarded upon proof that the death on which the action is based was caused by**  
10 **a wanton and reckless disregard for the rights and safety of the victim through**  
11 **an act of hazing, as defined by R.S. 17:1801, regardless of whether the**  
12 **defendant was prosecuted for his acts.**

13 Section 2. This Act shall become effective upon signature by the governor or, if not  
14 signed by the governor, upon expiration of the time for bills to become law without signature  
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

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Proposed law provides that, in addition to general damages, exemplary damages may be awarded upon proof that the death of a person was caused by the wanton and reckless disregard for the rights and safety of the person through an act of hazing, regardless of whether the defendant was prosecuted for his acts.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds C.C. Art. 2315.10)