

2019 Regular Session

SENATE BILL NO. 114

BY SENATOR APPEL

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

EVIDENCE. Provides for admissibility of worker's compensation payments in a civil proceeding for damages for the same injury. (8/1/19)

1 AN ACT  
2 To amend and reenact Code of Evidence Art. 414, relative to worker's compensation  
3 payments; to provide with respect to civil damages relative to the same injury for  
4 which worker's compensation benefits are claimed or paid; to provide relative to the  
5 admissibility of payment of worker's compensation benefits into evidence in any  
6 civil proceeding with respect to a claim for damages; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Evidence Art. 414 is hereby amended and reenacted to read as  
10 follows:

11 Art. 414. Worker's compensation payments

12 Evidence of the nature and extent of a worker's compensation claim or of  
13 payment of past or future worker's compensation benefits shall ~~not~~ be admissible to  
14 a jury, directly or indirectly, in any civil proceeding with respect to a claim for  
15 damages relative to the same injury for which the worker's compensation benefits are  
16 claimed or paid. ~~Such evidence shall be admissible and presented to the judge only~~

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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Present law in Code of Evidence provides that evidence of the nature and extent of a worker's compensation claim or of payment of past or future worker's compensation benefits shall not be admissible to a jury, directly or indirectly, in any civil proceeding with respect to a claim for damages relative to the same injury for which the worker's compensation benefits are claimed or paid. Such evidence shall be admissible and presented to the judge only.

Proposed law provides that evidence of the nature and extent of a worker's compensation claim or of payment of past or future worker's compensation benefits shall be admissible to a jury, directly or indirectly, in any civil proceeding with respect to a claim for damages relative to the same injury for which the worker's compensation benefits are claimed or paid.

Proposed law deletes the provision of present law that such evidence shall be admissible and presented to the judge only.

Effective August 1, 2019.

(Amends C.E. Art. 414)