

2019 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE FOIL

1 AN ACT

2 To enact R.S. 13:5109.1, relative to the settlement of certain claims; to provide relative to  
3 claims based upon allegations of sexual harassment or sexual assault; to provide for  
4 prohibitions of the use of certain terms of settlement agreements; to provide for  
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5109.1 is hereby enacted to read as follows:

8 §5109.1. Settlement of claims; prohibited terms

9 A. No settlement agreement of a claim against the state, a state agency, a  
10 political subdivision, or any employee or officer of the state, a state agency, or a  
11 political subdivision shall contain a provision prohibiting the disclosure by the  
12 claimant of the terms of or the facts associated with the underlying claim of the  
13 settlement agreement when the underlying claim is based on an allegation of sexual  
14 harassment or sexual assault of the claimant and public funds are paid, in whole or  
15 in part, as satisfaction of the terms of the settlement agreement.

16 B.(1) "Sexual assault" means any nonconsensual sexual contact including but  
17 not limited to any act provided in R.S. 15:541(24) or obscenity as provided by R.S.  
18 14:106.

19 (2) "Sexual harassment" means unwelcome sexual advances, requests for  
20 sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature  
21 when the conduct explicitly or implicitly affects an individual's employment or the

- 1           holding of office, unreasonably interferes with an individual's work performance, or
- 2           creates an intimidating, hostile, or offensive work environment.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_