

2015 Regular Session

HOUSE BILL NO. 497

BY REPRESENTATIVE HENRY

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

CIVIL/ACTIONS: Provides for the recovery of exemplary damages for injuries arising out of an act of terrorism

1 AN ACT

2 To enact Civil Code Article 2315.9, relative to exemplary damages; to provide for
3 exemplary damages in actions for injury caused by acts of terror; to authorize a
4 maximum amount recoverable in such suits; to provide for court costs and attorneys
5 fees; to provide for a prescriptive period; and to provide for 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.(1) In addition to general and special damages, exemplary damages may
10 be awarded up to three times the amount of the actual damages or ten thousand
11 dollars, whichever is greater, upon proof that the injuries on which the action is
12 based were caused by a wanton and reckless disregard through acts of terror or
13 terrorism resulting in injury to the plaintiff or the plaintiff's property. The action to
14 recover damages shall only be applicable against the terrorist.

15 (2) A prevailing plaintiff shall also be awarded court costs and attorney fees
16 in the appropriate district or appellate court.

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

19 C. The prescriptive period for a claim pursuant to this Article is five years
20 from the date of the injury.

- 1 D. As used in this Article, the terms shall be defined as follows:
- 2 (1) "Act of terror" or "terrorism" means the commission of any of the acts
3 occurring primarily in this state and as enumerated in this Subparagraph, when the
4 offender has the intent to intimidate or coerce the civilian population, influence the
5 policy of a unit of government by intimidation or coercion, or affect the conduct of
6 a unit of government by intimidation or coercion:
- 7 (a) Intentional killing of a human being.
- 8 (b) Intentional infliction of serious bodily injury upon a human being.
- 9 (c) Kidnapping of a human being.
- 10 (d) Aggravated arson upon any structure, watercraft, or movable.
- 11 (e) Aggravated criminal damage to property.
- 12 (2) "Terrorist" means a person who commits an act of terror, including a
13 person who acts as an accessory before or after the fact, aids or abets, solicits, or
14 conspires to commit an act of terror or who lends material support to an act of terror.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 497 Original

2015 Regular Session

Henry

Abstract: Provides for limited exemplary damages in actions for injury caused by acts of terror.

Proposed law authorizes the award of exemplary damages in addition to general and special damages for up to three times the amount of actual damages or \$10,000, whichever is greater, for an action only against the terrorist for injury caused to a person or person's property by wanton and reckless disregard through acts of terror or terrorism.

Proposed law requires the prevailing party to be awarded court costs and attorney fees and provides that the remedies provided for in proposed law are in addition to any other rights and remedies.

Proposed law provides for a five-year prescriptive period.

Proposed law provides for the definition of "act of terror" or "terrorism" and "terrorist".

(Adds C.C. Art. 2315.9)