

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 damages for injuries arising out of an act of terror

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 a wanton and reckless disregard for the rights and safety of the person or
13 the person's property through an act of terror or terrorism resulting in injury to the
14 person or damage to the person's property, regardless of whether the defendant was
15 prosecuted for his acts.

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

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

19 (1) "Act of terror" or "terrorism" means the commission of any of the acts
20 occurring primarily in this state and as enumerated in this Subparagraph, when the

- 1 offender has the intent to intimidate or coerce the civilian population, influence the
2 policy of a unit of government by intimidation or coercion, or affect the conduct of
3 a unit of government by intimidation or coercion:
- 4 (a) Intentional killing of a human being.
5 (b) Intentional infliction of serious bodily injury upon a human being.
6 (c) Kidnapping of a human being.
7 (d) Aggravated arson upon any structure, watercraft, or movable.
8 (e) Aggravated criminal damage to property.
- 9 (2) "Terrorist" means a person who knowingly does any of the following:
- 10 (a) Commits an act of terror.
11 (b) Acts as an accessory before or after the fact, aids or abets, solicits, or
12 conspires to commit an act of terror.
13 (c) Lends material support to an act of terror.
- 14 D. Upon motion of the defendant or upon its own motion, if the court
15 determines that any action alleging an act of terror is frivolous or fraudulent, the
16 court shall award costs of court, reasonable attorney fees, and any other related costs
17 to the defendant and any other sanctions and relief requested pursuant to Code of
18 Civil Procedure Article 863.

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 Engrossed

2015 Regular Session

Henry

Abstract: Provides for an award of court costs and reasonable attorney fees in actions for injury caused by acts of terror.

Proposed law authorizes the award of court costs and reasonable attorney fees for an action for injury caused to a person or person's property by wanton and reckless disregard through acts of terror or terrorism.

Proposed law specifies that the rights and remedies provided by proposed law are in addition to any other rights and remedies.

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

Proposed law provides for payment of costs and reasonable attorney fees by the plaintiff upon determination by the court that the action is frivolous or fraudulent.

(Adds C.C. Art. 2315.9)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Delete the awarding of exemplary damages and the limitation of the right of recovery against the terrorist only.
2. Delete the five-year prescriptive period.
3. Specify in the definition of "terrorist" that his actions are committed knowingly.