

GREEN SHEET REDIGEST

HB 497

2015 Regular Session

Henry

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**CIVIL/ACTIONS: Provides for the recovery of damages for injuries arising out of an act of terror**

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DIGEST

**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 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.

Proposed law provides that an action brought under the provisions of proposed law shall be subject to a liberative prescriptive period of two years.

(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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Removed the requirement that damages awarded for injuries caused by an act of terror do not also require the plaintiff to show the perpetrator demonstrated "a wanton and reckless disregard for the rights and safety of the person or the person's property through" that act of terror.
2. Added that an action brought under the provisions of proposed law shall be subject to a liberative prescriptive period of two years.