

ACT No. 35

2019 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE FOIL

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§5109.1. Settlement of claims; prohibited terms

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

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

(2) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____