

RÉSUMÉ DIGEST

ACT 123 (SB 439)

2020 Regular Session

Abraham

New law provides that a nonprofit organization or employee thereof shall not be held liable for disclosing in good faith to a prospective employer information about a former employee of the organization when such information is reasonably believed to be accurate regarding the engaging by that person in acts of sexual misconduct, sexual abuse, sexual harassment, sex trafficking, sexual assault, or other sexual offenses.

Provides that no nonprofit organization shall be required to provide a public body with personal information or otherwise release, publicize, or publicly disclose personal information in its custody or control, excepting a lawful warrant or request.

Defines the following terms:

- (1) "Employee" means an employee, volunteer, or independent contractor of the nonprofit.
- (2) "Nonprofit" means a not-for-profit organization qualified as a tax exempt organization under Section 501(c) of the Internal Revenue Code of 1954, as amended.
- (3) "Personal information" means any list, record, register, registry, roll, roster, or other compilation of data that directly or indirectly identifies a person as a member, supporter, donor, or volunteer of a nonprofit organization but does not include any report or disclosure required by the Campaign Finance Disclosure Act, the Code of Governmental Ethics, or the provisions of law relative to lobbyist disclosure including Part III of Chapter 1 of Title 24 of the LRS, Part IV of Chapter 1 of Title 49 of the LRS, and Chapter 46 of Title 33 of the LRS.

New law does not apply to damage or injury caused by gross negligence or wilful and wanton misconduct.

Effective August 1, 2020.

(Adds R.S. 9:2800.25)