

2021 Regular Session

HOUSE BILL NO. 21

BY REPRESENTATIVE CHARLES OWEN

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

LIABILITY/CIVIL: Provides for civil liability for the intentional dissemination of personally identifiable information

1 AN ACT

2 To enact R.S. 9:2800.28, relative to civil liability; to provide for civil liability for
3 intentionally disseminating personally identifiable information; to provide for
4 definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2800.28 is hereby enacted to read as follows:

7 §2800.28. Civil liability for intentional dissemination of personally identifiable
8 information

9 A. Any person who engages in the act of dissemination of another's
10 personally identifiable information with the intent to intimidate, abuse, threaten,
11 harass, or frighten that results in placing that person in reasonable fear of death or
12 serious bodily injury shall be civilly liable to any of the following:

13 (1) The person whose personally identifiable information was published.

14 (2) A household member of the person whose personally identifiable
15 information was published.

16 B. For the purposes of this Section, the following definitions shall apply:

17 (1) "Dissemination" means electronically publishing, posting, or otherwise
18 disclosing information to an internet site or forum.

1 (2) "Household member" means anyone who has lived at the same address
2 as the person whose personally identifiable information was published for the twelve
3 months prior to the dissemination in question.

4 (3) "Personally identifiable information" means information that identifies
5 or can reasonably be used to identify an individual, including but not limited to any
6 of the following:

7 (a) First and last name.

8 (b) Social security number or other government-issued identifier.

9 (c) Date of birth.

10 (d) Home or physical address.

11 (e) Electronic mail address or telephone number.

12 (f) Financial account number or credit or debit card number.

13 (g) Biometric, health, or medical data, or insurance information.

14 (h) School or employment locations.

15 C.(1) Nothing in this Section shall be construed to limit or prohibit any other
16 available cause of action for injury or damages incurred by a person whose
17 personally identifiable information was disseminated.

18 (2) Nothing in this Section shall be construed to prohibit the application of
19 the limitations of liability as provided by R.S. 9:2800.19.

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 21 Original

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Charles Owen

Abstract: Provides for civil liability for intentionally disseminating personally identifying information.

Proposed law provides that any person who engages in the act of intentionally disseminating another's personally identifiable information that places the person in reasonable fear of death or serious bodily injury shall be civilly liable.

Proposed law defines "dissemination", "household member", and "personally identifiable information".

Proposed law does not prohibit or limit any other cause of action or infringe upon the rights of a person to use deadly force or violence for the purpose of preventing a forcible offense against the person or his property if the person's personally identifiable information is disseminated.

(Adds R.S. 9:2800.28)