

Regular Session, 2014

SENATE BILL NO. 291

BY SENATOR MORRELL AND REPRESENTATIVE MORENO

CIVIL PROCEDURE. Authorizes exemplary damages in certain suits arising from domestic abuse. (8/1/14)

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AN ACT

To enact Civil Code Article 2315.8, relative to exemplary damages; to provide for exemplary damages in suits between certain household members arising from domestic abuse; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 2315.8 is hereby enacted to read as follows:

**Art. 2315.8. Liability for damages caused by domestic abuse**

**A. In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton and reckless disregard for the rights and safety of a family or household member, as defined in R.S. 46:2132, through acts of domestic abuse resulting in serious bodily injury or severe emotional and mental distress, regardless of whether the defendant was prosecuted for his or her acts.**

**B. Upon motion of the defendant or upon its own motion, if the court determines that any action alleging domestic abuse is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested**

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**pursuant to Code of Civil Procedure Article 863.**

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The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

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## DIGEST

Morrell (SB 291)

Proposed law authorizes exemplary damages to be awarded in suits between certain household members arising from acts of domestic abuse when the injuries are caused by a wanton and reckless disregard for the rights and safety of the household member through acts of domestic abuse resulting in serious bodily injury or severe emotional and mental distress.

Proposed law further provides that if the court finds an action alleging domestic abuse is frivolous or fraudulent, it shall award costs of court, reasonable attorney fees, and other related costs to the defendant and other sanctions and relief requested under CCP Article 863.

Effective August 1, 2014.

(Adds C.C. Art. 2315.8)

**Summary of Amendments Adopted by Senate****Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill**

1. Adds that acts of domestic abuse result in serious bodily injury or severe emotional and mental distress.
2. Adds penalties for frivolous or fraudulent claims alleging domestic abuse.