

SENATE BILL NO. 291

BY SENATORS MORRELL, ADLEY, ALARIO, APPEL, BROOME, BUFFINGTON, CHABERT, CROWE, DONAHUE, DORSEY-COLOMB, KOSTELKA, LAFLEUR, LONG, MILLS, MURRAY, NEVERS, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH AND WARD AND REPRESENTATIVE MORENO

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

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

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

14 **B. Upon motion of the defendant or upon its own motion, if the court**
15 **determines that any action alleging domestic abuse is frivolous or fraudulent,**
16 **the court shall award costs of court, reasonable attorney fees, and any other**
17 **related costs to the defendant and any other sanctions and relief requested**
18 **pursuant to Code of Civil Procedure Article 863.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____