

2020 Regular Session

HOUSE BILL NO. 119

BY REPRESENTATIVE HUVAL

EVIDENCE: Provides relative to evidence of compromise and offers to compromise

1 AN ACT

2 To amend and reenact Code of Evidence Article 408(A), relative to evidence of compromise  
3 and offers to compromise; to provide for the admission of evidence of compromise  
4 for certain purposes; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Evidence Article 408(A) is hereby amended and reenacted to read  
7 as follows:

8 Art. 408. Compromise and offers to compromise

9 A. Civil cases. In a civil case, evidence of (1) furnishing or offering or  
10 promising to furnish, or (2) accepting or offering or promising to accept, anything  
11 of value in compromising or attempting to compromise a claim which was disputed  
12 as to either validity or amount, is not admissible to prove liability for or invalidity  
13 of the claim or its amount. Evidence of conduct or statements made in compromise  
14 negotiations is likewise not admissible. This Article does not require the exclusion  
15 of any evidence otherwise admissible merely because it is presented in the course of  
16 compromise negotiations. This Article also does not require exclusion when the  
17 evidence is offered for another purpose, such as proving bias or prejudice of a  
18 witness, negating a contention of undue delay, ~~or~~ proving an effort to obstruct a  
19 criminal investigation or prosecution, or explaining to a jury the reason for a party's  
20 absence as a defendant.

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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)]

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HB 119 Original

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**Abstract:** Authorizes parties to provide evidence of compromise to a jury for the purpose of showing the reason a party is not a defendant at trial.

Present law prohibits the admission of certain evidence of offering or accepting anything of value to compromise a claim, but present law provides exceptions allowing admissibility of such evidence for other purposes, such as proving bias or prejudice.

Proposed law provides that such evidence may be admissible to a jury for the reason of explaining a party's absence as a defendant.

(Amends C.E. Art. 408(A))