



SELECTED CRIMINAL JUSTICE AND CIVIL LAW LEGISLATION

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of the Louisiana Legislature

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SELECTED CRIMINAL JUSTICE LEGISLATION

Criminal Offenses

Act No. 8 (HB 65) by Rep. Dwight

Extends the exceptions to the crime of political payroll padding by a sheriff to apply to the following:

- (1) An incumbent sheriff, against whom no person has qualified to run, for any transfers or increases that occur after the date the qualifying period closes for the gubernatorial election through the first day of July following the election.
- (2) An incumbent sheriff, who is reelected to office, for any transfers or increases that occur after the date the official election results are declared by the election official through the first day of July following the election.

Effective August 1, 2020.

Act No. 32 (SB 32) by Sen. Connick

Under existing law, the penalty for the crime of second degree rape is imprisonment at hard labor for not less than five nor more than 40 years. Under prior law, at least two years of the sentence were required to be served without benefit of parole, probation, or suspension of sentence.

New law amends prior law to provide that the entire sentence of imprisonment for the crime of second degree rape shall be served without benefit of parole, probation, or suspension of sentence.

Effective August 1, 2020.

Act No. 64 (HB 67) by Rep. Fontenot

Amends the crime of battery of a police officer to provide specific penalties for the following:

- (1) For a second or subsequent offense - a fine of not more than \$1,000 and imprisonment with or without hard labor for not less than one nor more than three years. (At least 15 days shall be served without benefit of parole, probation, or suspension of sentence.)
- (2) If the battery produces an injury that requires medical attention and the offense is a second or subsequent offense - a fine of not more than \$2,000 and imprisonment with or without

hard labor for not less than two years nor more than five years. (At least 60 days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.)

Effective August 1, 2020.

Act No. 101 (HB 212) by Rep. Marino

Amends the crimes of domestic abuse battery and battery of a dating partner to provide for the following specific penalties that are applied when the crime of domestic abuse battery or battery of a dating partner is committed under the following circumstances:

- (1) When the offense is committed with a dangerous weapon, in addition to any other penalties imposed, the offender shall be imprisoned at hard labor for not more than ten years.
- (2) When the offense is committed with a dangerous weapon and when the offender intentionally inflicts serious bodily injury, in addition to any other penalties imposed, the offender shall be imprisoned at hard labor for not more than 15 years.

Adds that offenses committed under the circumstances described above and domestic abuse battery and battery of a dating partner involving strangulation to the list of crimes of violence.

Provides that any felony crime of violence committed by one dating partner against the person of another dating partner shall be designated as an act of domestic abuse for consideration in any criminal or civil proceeding.

For purposes of the crimes of domestic abuse battery and domestic abuse aggravated assault and for purposes of the Domestic Abuse Assistance Act, which provides for certain protections to victims of domestic abuse, expands the definition of "family member" to include other ascendants and descendants and the other parent or foster parent of any child or foster child of the offender.

Existing law provides that when an accused is charged with a crime involving abusive behavior against a family member, household member, or dating partner evidence of the accused's commission of another crime, wrong, or act involving assaultive behavior against a family member, household member, or dating partner may be admissible and may be considered for its bearing on any matter to which it is relevant unless its probative value is substantially outweighed by other factors including the danger of unfair prejudice, confusion of issues, or misleading the jury.

For these purposes, new law expands the definition of "family member" to include other ascendants and descendants and the other parent or foster parent of any child or foster child of the offender, and amends the definition of "household member" to include persons who have not reached the age of majority and, with regard to any person presently or formerly living in the same residence with the

offender, to include any person who is involved or has been involved in a sexual or intimate relationship with the offender.

Effective August 1, 2020.

Act No. 105 (HB 434) by Rep. Hilferty

Provides that manslaughter includes when an offender commits or attempts to commit any crime of violence, which is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to inflict great bodily harm. Further provides that it shall be immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.

Adds legislative commentary to fill in the gap left by *State v. Garner*, 238 La. 563, 115 So.2d 855 (1959).

Effective August 1, 2020.

Act No. 171 (HB 136) by Rep. Mincey

Creates the crime of adulterating a food product and defines the offense as the intentional contamination of a food product by adding to the product, or mingling with the product, any feces, urine, blood, saliva, semen, any form of human or animal waste, or other bodily substance with the intent that the product be provided to or consumed by another person who has no knowledge of nor consents to the contamination.

Defines "food product" as any food, drink, condiment, or medication, including all substances and preparations used for or entering into the composition of the product.

Provides that whoever commits the crime shall be fined not more than \$2,000, imprisoned with or without hard labor for not more than five years, or both.

Effective August 1, 2020.

Act No. 172 (HB 137) by Rep. Moore

Repeals the crime of vagrancy which previously imposed criminal penalties (a fine of not more than \$200, or imprisonment for not more than six months, or both) upon the following persons:

- (1) Habitual drunkards.
- (2) Persons who live in houses of ill fame or who habitually associate with prostitutes.
- (3) Able-bodied persons who beg or solicit alms, provided that this article shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization thereof.
- (4) Habitual gamblers or persons who for the most part maintain themselves by gambling.
- (5) Able-bodied persons without lawful means of support who do not seek employment and take employment when it is available to them.
- (6) Able-bodied persons of the age of majority who obtain their support gratis from persons receiving old age pensions or from persons receiving welfare assistance from the state.
- (7) Persons who loaf the streets habitually or who frequent the streets habitually at late or unusual hours of the night, or who loiter around any public place of assembly, without lawful business or reason to be present.
- (8) Persons found in or near any structure, movable, vessel, or private grounds, without being able to account for their lawful presence therein.
- (9) Prostitutes.

Provides that the repeal of the crime of vagrancy shall have prospective application only and shall have no effect on the lawfulness of any arrest, conviction, or sentence which occurred prior to the repeal.

Effective August 1, 2020.

Act No. 174 (HB 150) by Rep. Bacala

Amends the crime of battery of a police officer to include the throwing of water or other liquids and removes the requirement that the offender be incarcerated or detained at the time of the throwing for the offense to apply.

Effective August 1, 2020.

Act No. 288 (HB 450) by Rep. Hilferty

Amends the crime of simple burglary to provide that if the offender, while committing the crime of simple burglary, is armed with a firearm or, after entering, arms himself with or possesses a firearm, the offender shall be imprisoned with or without hard labor for not less than three nor more than 12 years.

Effective August 1, 2020.

Act No. 353 (SB 384) by Sen. Reese

Relative to the crime of unlawful posting of criminal activity for notoriety and publicity, adds that the court, upon motion of the district attorney and after a contradictory hearing, may order the destruction of the contraband after it is determined that it is no longer needed as evidence. However, the contraband shall be presumed necessary as evidence if an appeal of the conviction is pending, if the convicted person is pursuing post-conviction remedies, or the time for pursuing an appeal or post-conviction remedies has not expired.

Provides that any property or material alleged to constitute evidence of the crime of unlawful posting of criminal activity for notoriety and publicity shall remain in the care, custody, and control of the investigating law enforcement agency, the court, or the district attorney. Further requires the court to deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that is alleged to constitute evidence of unlawful posting of criminal activity for notoriety and publicity, provided that the district attorney makes the property or material reasonably available to the defendant.

Effective August 1, 2020.

Criminal Procedure

Act No. 160 (HB 775) by Rep. Marino

Amends prior law to provide that for any **noncapital felony or misdemeanor** offense, the defendant who is confined in a jail, prison, or other detention facility in La., may, with the consent of the court and the district attorney, appear at the **entry of his plea of guilty**, at **any revocation hearing for a probation violation**, including any hearing for a **contempt of court**, and at **sentencing** by simultaneous audio-visual transmission if the court, by local rule, provides for the defendant's appearance in this manner.

Retains the existing law provisions which authorize the court to allow for the defendant's appearance at the **arraignment** and at **the entry of his plea of guilty or nolo contendere in misdemeanor cases** by way of simultaneous audio-visual transmission.

Retains the prior law requirement that the defendant waive his right to be physically present at the proceeding but, consistent with other provisions of existing law, removes the requirement that the waiver be in writing and signed electronically.

Authorizes the court, by local rule, to allow for the defendant's appearance at the pronouncement of sentence by simultaneous audio-visual transmission in accordance with existing law and new law.

Effective August 1, 2020.

Act No. 252 (HB 189) by Rep. W. Carter

Amends prior law to provide that all pretrial motions shall be made within 30 days after the receipt of initial discovery, instead of within 15 days after arraignment, unless a different time is provided by law or fixed by the court upon a showing of good cause.

Effective August 1, 2020.

Juvenile Jurisdiction Procedures

Act No. 39 (SB 229) by Sen. McMath

With regard to the certificates of examination and analysis of physical evidence issued by criminalistics laboratories, requires any party in a case in juvenile court which is of a noncriminal nature seeking to introduce such certificate to give notice of its intent to offer such certificate not less than five days prior to the commencement of trial. Requires the notice to include a copy of the certificate. Further provides that any written demand that the person making the examination or analysis testify in such cases shall be made within three days of the receipt of the notice issued by the party seeking to introduce the certificate.

Provides that a party in a case in juvenile court which is of a noncriminal nature seeking to offer testimony by authorized persons through simultaneous transmission through audiovisual equipment shall provide written notice to opposing counsel not less than three days prior to the commencement of the proceeding.

Effective upon signature of the governor (June 4, 2020).

Act No. 106 (HB 453) by Rep. Hilferty

Requires all motions for modification of disposition to be served upon all parties at least three days prior to the hearing except upon waiver by the parties.

Retains the existing law provision authorizing the court to deny a motion for modification without a hearing, but amends prior law to require all motions for modification to be tried at a contradictory hearing unless waived by the parties.

Effective August 1, 2020.

Probation and Parole

Act No. 70 (HB 178) by Rep. Marino

Amends existing law to provide that the court shall not defer a sentence for a violation of the Uniform Controlled Dangerous Substances Law that is punishable by a term of imprisonment of more than 10 years, instead of five years, or for a violation regarding the manufacture or distribution of certain controlled dangerous substances.

Also increases the limitations on the number of dismissals from prosecution from not more than once to not more than twice.

Effective August 1, 2020.

Act No. 98 (HB 77) by Rep. Devillier

Provides that a probation and parole officer who supervises a person released on probation or parole shall schedule meetings, which are required as a condition of the person's release, at such times and locations that take into consideration and accommodate the work schedule of a person who is employed by another person or entity.

Provides that, in lieu of requiring the defendant to appear in-person for the required reporting or meetings, the probation and parole officer may utilize technology portals, including cellular telephone and other electronic communication devices, that allow simultaneous voice and video communication in real time between the defendant and the probation officer. Further authorizes the use of such technology for required reporting or meetings of a person who is self-employed at the discretion of the defendant's probation officer and in accordance with any rules promulgated by the Dept. of Public Safety and Corrections.

Requires the Dept. of Public Safety and Corrections to promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of this new law, including rules that set forth minimum standards and guidelines for the authorized technology and standards for determining the eligibility and suitability of persons to meet their reporting requirements through the use of such technology.

Effective August 1, 2020.

Act No. 99 (HB 173) by Rep. James

Provides parole eligibility for any person serving a term or terms of imprisonment that result in a period of incarceration of 25 years or more and who was under the age of 18 years at the time of the commission if certain conditions are met including but not limited to the following:

- (1) The offender has not committed any major disciplinary offenses in the 12 consecutive months prior to the parole hearing date.
- (2) The offender has completed the mandatory minimum of 100 hours of prerelease programming.
- (3) The offender has completed substance abuse treatment as applicable.
- (4) The offender has obtained a GED certification or has completed certain other educational or job skills programs.
- (5) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument.
- (6) The offender has completed a reentry program.

For each offender eligible for parole consideration pursuant to these provisions, provides that the committee on parole shall meet in a three-member panel, shall consider the impact that the lack of brain development in adolescence has on culpability and behavior, a juvenile offender's unique ability to mature and grow, and any other relevant evidence or testimony pertaining to the offender. Further requires the three-member panel to render specific findings of fact in support of its decision.

Effective August 1, 2020.

Act No. 203 (HB 643) by Rep. Jones

Requires the committee on parole's determination of time and conditions of release on parole of any offender who has been convicted of a felony, sentenced to imprisonment, and confined in any penal or correctional institution in this state to be in accordance with existing law (R.S. 15:574.7).

Provides that upon recommendation of the supervising parole officer and approval of the committee on parole, the level of supervision and fees associated with the supervision of a parolee may be reduced after the parolee has served a minimum of three years without a violation of the terms and conditions of parole for a crime that is not a crime of violence as defined by existing law (R.S. 14:2(B)) and a minimum of seven years without a violation of the terms and conditions of parole for a crime that is a crime of violence.

Provides that a parolee who satisfies the above conditions may be placed on inactive status upon approval of the committee on parole. Further prohibits a parolee on inactive status from being subject to the terms and conditions of parole.

Maintains the committee on parole's authority to revoke parole. Also maintains the committee's authority to reduce the terms and conditions of parole prior to a parolee satisfying the requirements.

Effective August 1, 2020.

Controlled Dangerous Substances

Act No. 10 (HB 89) by Rep. James

Adds Butyryl fentanyl, 4-Fluoroisobutyryl fentanyl, MT-45, Ocfentanil, Clonazepam, and Flualprazolam to Schedule I.

Removes isomers of opium and opiates from Schedule II substances of vegetable origin or chemical synthesis and adds 6 β -naltrexol as a Schedule II substance of vegetable origin or chemical synthesis.

Adds Norfentanyl to Schedule II.

Adds Brexanolone, Lemborexant, and Solriamfetol to Schedule IV.

Adds Cenobamate and Lasmiditan to Schedule V.

Effective August 1, 2020.

Act No. 147 (HB 418) by Rep. LaCombe

Adds that any facility licensed by the La. Dept. of Health that has patients in its care using medical marijuana and physicians who provide information on marijuana for therapeutic use within a bona fide doctor-patient relationship or who issue a recommendation to a patient for marijuana for therapeutic use shall be exempt from the prohibitions for possession and distribution of marijuana.

This Act does not prohibit the arrest or prosecution of any person for diversion of medical marijuana or any other conduct outside the scope of the state-sanctioned medical marijuana program.

Effective August 1, 2020.

Expungements

Act No. 71 (HB 179) by Rep. Marino

Relative to the expungement of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities, removes the requirement that the person be employed for a period of 10 consecutive years in order obtain an expungement.

Effective August 1, 2020.

Act No. 73 (HB 194) by Rep. Marino

Adds to the existing law forms for a motion for expungement, order of expungement, and supplemental forms to include options for which a person received a first offender pardon for an eligible offense.

Effective August 1, 2020.

Act No. 78 (HB 241) by Rep. James

Repeals the limitation on obtaining an expungement once every five years for an arrest and conviction of a misdemeanor offense and once every 10 years for a misdemeanor DWI offense.

Repeals the limitation on obtaining an expungement once every 15 years for an arrest and conviction of a felony offense.

Limits the prohibition on filing a motion for an expungement of a record of arrest to only those persons who are in the physical custody of the Dept. of Public Safety and Corrections and serving a sentence at hard labor.

Also amends the expungement forms to conform with the above changes.

Effective August 1, 2020.

Act No. 79 (HB 257) by Rep. Muscadelle

Relative to the form of payment for expungement of a record, authorizes payment to be made by U.S. postal money orders or money orders issued by any state or national bank or by checks issued by a law firm or an attorney.

Effective Aug. 1, 2020.

Act No. 132 (HB 129) by Rep. W. Carter

Provides that in addition to the district attorney declining to prosecute any offense arising out of an arrest, a person may file a motion to expunge a record of his arrest for a felony or misdemeanor offense that did not result in a conviction if the person successfully completes a pretrial diversion program.

Effective August 1, 2020.

HR 67 by Rep. James

Creates the Clean Slate Task Force to develop processes and procedures to implement automatic criminal record-clearing in La., and to recommend any legislative changes that would be necessary to enact automatic criminal record-clearing under La. expungement law to the governor and the House of Representatives of the Legislature of La. by February 1, 2021.

Weapons/Firearms

Act No. 186 (HB 334) by Rep. Fontenot

Amends prior law to prohibit the carrying of a concealed handgun in a church, synagogue, mosque, or other similar place of worship unless authorized by the person who has authority over the administration of the church, synagogue, mosque, or other similar place of worship.

Removes the prior law requirement that the congregation be informed that the church, synagogue, mosque, or other similar place of worship has authorized the carrying of concealed handguns by a concealed handgun permit holder.

Removes the prior law provision which required permit holders carrying a concealed handgun in a place of worship to annually complete eight hours of tactical training, in addition to other training requirements for all permit holders, if such training was required by the entity which has authority over the religious organization or by the owner of the building's liability insurance policy.

Effective August 1, 2020.

Act No. 299 (HB 140) by Rep. Miguez

Amends prior law to provide that a political subdivision may prohibit the possession of a weapon or firearm only in the commercial establishments and public buildings enumerated in the list of locations where a concealed handgun permit holder is prohibited from carrying a concealed handgun.

Amends the list of locations into which no concealed handgun may be carried and, pursuant to new law, the locations for which a political subdivision may adopt an ordinance prohibiting the possession of weapons or firearms, to include a municipal building or other public building or structure, only if the building or structure is utilized as the meeting place of the governing authority of a political subdivision.

Effective August 1, 2020.

Justice System Funding

Act No. 87 (HB 481) by Rep. Magee

States that it is the intent of the legislature to require the legislative auditor to develop a uniform format for audit reports for local and state auditees that assess, collect, or receive revenue from pre- or post-adjudication costs, fines, and fees. Provides that the report shall require the reporting of information that helps to provide a more complete and accurate understanding of the types of costs, fines, and fees that are assessed, the amounts of the assessments, how the assessed amounts are collected and disbursed, and the cost of collecting the assessed amounts.

Requires the legislative auditor and the La. Supreme Court to:

- (1) Require that uniform audit reports include the amounts of all pre- and post-adjudication court costs, fines, and fees assessed or imposed; the amounts collected; the amounts outstanding; the amounts retained; the amounts disbursed; and the amounts received from disbursements.

- (2) Develop, supervise, and require the use of uniform, standardized, and consistent terminology.
- (3) Develop reporting schedules to assist auditees with the standardized and uniform reporting requirements.

Provides for the review and revision of the reporting schedule and deadlines for initial implementation of new law.

Effective August 1, 2020.

HCR No. 2 by Rep. Magee

Suspends until August 1, 2021, the provisions of Code of Criminal Procedure Article 875.1, relative to the financial obligations of criminal offenders and the court's authority to take certain actions when the offender is unable to pay the financial obligations associated with the offense.

HCR No. 3 by Rep. Magee

Authorizes and directs the continuation of the La. Commission on Justice System Funding established by HCR No. 87 of the 2019 R.S. of the Legislature, provides for the membership, powers, and duties of the commission, and requires the commission to report its findings.

Law Enforcement

Act No. 96 (HB 29) by Rep. Bacala

Provides that any state or local law enforcement agency receiving a report of a missing child or the recovery of a missing child and having reasonable grounds to believe the report is accurate shall do all of the following immediately, instead of within 48 hours as provided by prior law, after receiving the report:

- (1) Enter the name of the child into the NCIC database.
- (2) Notify each of the following of the facts and contents of the report:
 - (a) The Dept. of Children and Family Services, to the extent that the reporting is required pursuant to existing law provisions relative to mandatory reporters of child abuse and neglect.
 - (b) The office of state police, if it did not originally receive the report.

- (c) The office of the sheriff for the parish in which the report was received, if it did not originally receive the report.
- (d) Any other local, state, or federal law enforcement agency that the law enforcement agency receiving the report deems necessary and appropriate depending upon the facts of each case.

Retains the existing law provisions which authorize the law enforcement agency to also notify any other appropriate local, state, or federal agency of the fact and contents of the report.

Retains the existing law requirement that these reports be made for each reported missing child without regard to whether the child is believed to be missing due to stranger abduction, parental abduction, or any other cause.

Effective August 1, 2020.

Act No. 140 (HB 344) by Rep. Landry

Provides that no prisoner in any penal or correctional institution who is pregnant, is less than eight weeks post medical release following a pregnancy, or is caring for a child in a penal or correctional institution shall be placed in solitary confinement.

Provides that the prohibition on the placement of prisoners in solitary confinement does not apply under either of the following circumstances:

- (1) The prisoner has engaged in an act of violence while incarcerated that either resulted in or was likely to result in serious bodily injury or death to another.
- (2) There is reasonable cause to believe that the use of solitary confinement is necessary to reduce a substantial risk of imminent serious bodily injury or death to another, as evidenced by the prisoner's recent conduct while incarcerated.

Effective August 1, 2020.

HR No. 9 by Rep. Lyons (2020 First Extraordinary Session)

Requests the Jefferson Parish Sheriff's Office to adopt policies and procedures relative to the use, storage, and maintenance of body-worn cameras and the storage, retention, and release of audio and video data recorded by body-worn cameras.

Requests that a status report on the adoption of the policies and procedures be provided to the House of Representatives of the Legislature of La. by Jan. 1, 2021.

SCR No. 7 by Sen. Fields (2020 First Extraordinary Session)

Establishes the Police Training, Screening, and De-escalation Task Force to study and make recommendations to the legislature on the topics, among others, of training, screening, de-escalation, racial bias training, misconduct, duty to report misconduct, penalties, use of force, identifying and eliminating bad actors, and any other recommendations the task force deems necessary to restore the public's trust that the law enforcement community is serving and protecting all the citizens of La. in a fair and unbiased manner.

Gaming

Act No. 141 (HB 357) by Rep. Magee

Relative to the "Louisiana Fantasy Sports Contests Act", adds definitions for the terms "confidential information", "entry fee", "fantasy sports contest operator", "fantasy sports contest player", "gross fantasy sports contest revenues", "location percentage", and "net revenue".

Provides that the rules adopted by the La. Gaming Control Board (board) in accordance with the Administrative Procedure Act to implement, administer, and regulate fantasy sports contests shall include but not be limited to:

- (1) The issuance of any license, contract, or permit, subject to regulation of the board.
- (2) The methods of and forms and procedures for making an application for a license, contract, or permit to be considered by the board.
- (3) The methods of and forms for providing to the board information concerning a person's family, habits, character, associates, criminal record, business activities, and financial affairs.

Requires a fantasy sports contest operator to be licensed by the board. Provides that a fantasy sports contest operator shall:

- (1) Be a person domiciled in La. or a domestic business entity with a certificate of existence from the secretary of state and in good standing or a foreign corporation with a certificate of authority to transact business in the state from the secretary of state and in good standing.
- (2) Demonstrate to the board that the operator is suitable for licensing pursuant to existing law (R.S. 27:28).

- (3) Provide the board with financial statements indicating any gross fantasy sports contest revenue for the previous three years.

Provides that the initial application fee shall be \$1,000 and shall be nonrefundable. Further provides for fees after a term of three years.

Provides that all fees, fines, and other monies collected by the division, shall be forwarded upon receipt to the state treasurer for immediate deposit into the state treasury. An amount shall be allocated to the Dept. of Public Safety and Corrections and to the Dept. of Justice, pursuant to legislative appropriation, for regulatory, administrative, investigative, enforcement, legal, and other such expenses as may be necessary and for activities associated with the enforcement of laws and regulations governing fantasy sports contests.

Provides that any fantasy sports contest operator that allows its license to lapse without requesting an extension of time to file for a renewal is required to resubmit an initial application for licensure. Further prohibits the transfer of a fantasy sports contest operator's license.

Requires the board to issue or deny a fantasy sports contest operator's license within 60 days of receipt of application for licensure. Requires the board to provide an operator with specific reasons if a license is not issued. Prohibits the transfer of a fantasy sports contest operator's license.

Provides that as a condition of licensure, a fantasy sports contest operator is required to submit evidence to the board that the operator has established and will implement certain commercially reasonable procedures for fantasy sports contests that:

- (1) Prevent employees of the fantasy sports contest operator and relatives of an employee living in the same household as an employee of an operator from competing in fantasy sports contests offered by an operator in which the operator offers a cash prize to the general public.
- (2) Prevent sharing of confidential information that could affect fantasy sports contests with third parties until the information is made publicly available.
- (3) Provide that no winning outcome is based on the score, point spread, or any performance of any single actual sports team or combination of such teams or solely on any single performance of an individual athlete or participant in any single real-world sporting event.
- (4) Ensure that any athletes and individuals who participate in or officiate a game or competition that is the subject of a fantasy sports contest or any sports agent, team employee, referee, or league official associated with a sport or athletic event do not participate in fantasy sports contests.
- (5) Verify that a fantasy sports contest player is 21 years of age or older.

- (6) Provide fantasy sports contest players with access to information on responsible play.
- (7) Provide fantasy sports contest players with access to the fantasy sports contest player's play history and account details.
- (8) Allow individuals to restrict themselves from entering a fantasy sports contest upon request and provide reasonable steps to prevent the person entering fantasy sports contests offered by an operator.
- (9) Segregate fantasy sports contest player funds from operational funds or maintain a reserve that exceeds the amount of player funds on deposit, which may not be used for operational activities. Provides that reserve funds may take the form of cash, cash equivalents, payment process reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof in the amount that must exceed the total balances of the fantasy sports contest players' accounts.

Prohibits fantasy sports contests operators from offering fantasy sports contests based on the performances of participants in high school or youth athletic events.

Requires a licensed fantasy sports contest operator to:

- (1) Annually contract with a certified public accountant to conduct an audit that is consistent with the standards accepted by the American Institute of Certified Public Accountants.
- (2) Submit to the board a copy of the audit report.
- (3) Submit financial reports.

Prohibits any person licensed or any agent or employee thereof from allowing a person under the age of 21 to be a fantasy sports contest player and from allowing a person to participate in a fantasy sports contest in a parish in which a majority of the qualified electors in the parish voting on the proposition to authorize fantasy sports in the parish voted against the proposition. Requires the licensee to withhold the winnings of such persons.

Requires periodic reporting of gross fantasy sports contests, revenues, net revenue, and financial statements regarding a fantasy sports contest operator's operations in La.

Requires the gaming division of state police to conduct investigations, hearings, and inquiries as it deems necessary to fulfill its responsibilities. Authorizes the suspension of a license prior to a hearing if there is a written finding of danger to public health and welfare.

Provides that as a condition of receiving a license, an operator shall agree that the division and its agents and employees shall have unrestricted access and the right to inspect any premises or electronic platform under the control of the operator.

Regarding active accounts, requires an operator to:

- (1) Limit each authorized player to one active and continuously used account.
- (2) Publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any contest or platform. Requires procedures to include a toll-free number to call for help in establishing such parental controls.
- (3) Make clear conspicuous statements that are not inaccurate or misleading concerning the chances of winning and the number of winners when referencing the chances or likelihood of winning.
- (4) Permit any authorized player to permanently close an account registered to the player on any and all platforms supported by the operator or registrant at any time and for any reason.
- (5) Identify all highly experienced players in any contest by a symbol attached to the players' username, or by other visible means, on all platforms supported by the operator or registrant.
- (6) Implement measures to protect the privacy and online security of authorized players, their accounts, and their personal financial information.

Prohibits an operator from charging players for inactive accounts and provides that an operator shall only charge players for entry fees placed or contests entered.

Effective June 9, 2020.

Act No. 215 (SB 130) by Sen. Cameron Henry

Provides for a proposition election to determine whether sports wagering activities and operations will be permitted in a particular parish. Provides that the proposition will be on the ballot at the statewide election occurring on November 3, 2020.

Provides that if a majority of the qualified electors in the parish voting on the proposition vote "for" the proposition, then sports wagering activities and operations will be permitted in such parish only after state laws providing for the licensing, regulation, and taxation of such activities and operations are enacted and become effective.

Further provides that if a majority of the qualified electors in the parish voting on the proposition vote "against" the proposition, then sports wagering activities and operations will not be permitted in the parish.

Provides that in the event of the legalization of sports wagering, the La. Gaming Control Board shall have all regulatory authority, control and jurisdiction, including investigation, licensing, and enforcement and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of sports wagering activities and operations. Defines "sports wagering" as the business of accepting wagers on any sports event or sports contest by any system or method of wagering.

Provisions providing relative to the authority of the La. Gaming Control Board to regulate any legal sports wagering are effective January 1, 2021. Other provisions of the Act are effective June 10, 2020.

Emergency- and Disaster-Related Issues

Act No. 285 (HB 759) by Rep. Marino

Provides that if the governor has declared a disaster or emergency or a public health emergency, the supreme court is authorized to issue an order, or series of orders as it determines to be necessary and appropriate, that shall have the full force and effect of suspending all time periods, limitations, and delays pertaining to the initiation, continuation, prosecution, defense, appeal, and post-conviction relief of any prosecution of any state or municipal criminal, juvenile, wildlife, or traffic matter within the state of La. including but not limited to any such provisions in the Code of Criminal Procedure, the Children's Code, and Titles 14, 15, 32, 40, and 56 of the La. Revised Statutes, or in any other provision of La. law, for a determinate period of 30 days except as otherwise provided by new law.

Provides that the 30-day period shall commence to run from the date the supreme court issues the order or from a particular date specified by the court in the order, whichever is earlier.

Provides that the 30-day period may be extended by further order of the supreme court for additional successive periods with each period not exceeding 30 days.

Provides that the period of suspension authorized by the provisions of new law shall terminate upon order of the supreme court or upon termination of the declared emergency, disaster, or public health emergency, whichever is earlier.

Provides that this new law does not apply to time periods, delays, or limitations applicable to the maximum time for appearance before a judge for the purpose of appointment of counsel (C.Cr.P. Art. 230.1), the time period within which a probable cause determination is required to be made (C.Cr.P. Art. 230.2), the time period within which an arrested person is required to be taken before

a judge to determine the lawfulness of the arrest (C.Cr.P. Art. 232), and the time period within which a continued custody hearing is required after a child has been taken into custody in Child in Need of Care and delinquency cases (Ch.C. Art. 624 and 819).

Provides that nothing in new law shall be construed to negate or impair the application of any other provision of existing law regarding the suspension or interruption of time periods, limitations, or delays.

Effective upon signature of governor (June 11, 2020).

Act No. 325 (HB 781) by Rep. Miguez

Removes the authority of the governor, the parish president, the chief executive officer of a municipality, and the chief law enforcement officer of the political subdivision from regulating the sale, dispensing, or transportation of firearms during a declared emergency, disaster, or public health emergency; and provides that the authority to regulate the sale, dispensing, or transportation of combustibles during a declared emergency, disaster, or public health emergency does not apply to component parts of ammunition.

Removes the authority for a proclamation for the imposition of a curfew to include the regulation and control of the possession, storage, display, sale, transportation, and use of firearms and other dangerous weapons and ammunition.

If the governor or a parish president finds it necessary to cope with a disaster, emergency, or public health emergency, existing law authorizes the governor and parish presidents to commandeer or utilize any private property. New law provides that for these purposes private property does not include firearms, ammunition, or components of firearms or ammunition.

New law retains the existing law provisions which prohibit the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition, unless a peace officer acting in the lawful discharge of his duties reasonably believes that disarming the individual is immediately necessary for the protection of the officer or another individual. New law adds that, as provided in the existing constitution, the right of each citizen to keep and bear arms is fundamental and shall not be infringed, and further provides that firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers and shooting ranges are essential businesses and operations for purposes of safety and security and shall not be prohibited or restricted from operating or conducting business during a declared disaster or emergency.

New law further provides that existing law (R.S. 29:738) provisions prohibiting the seizure of lawfully possessed firearms or ammunition, and the authority of law enforcement to disarm

individuals under certain circumstances, during a declared emergency or disaster shall apply also to declared public health emergencies.

Effective August 1, 2020.

Act No. 322 (HB 746) by Rep. Garofalo

Creates an exception to the existing law crime prohibiting the carrying of concealed firearm for any person who is not prohibited from possessing a firearm pursuant to existing state or federal law and who is carrying a concealed firearm on or about his person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency or disaster declared pursuant to the La. Homeland Security and Emergency Assistance and Disaster Act.

Defines "in the act of evacuating" as the immediate and urgent movement of a person away from the evacuation area within 48 hours after a mandatory evacuation is ordered. The 48-hour period may be extended by an order issued by the governor.

Effective August 1, 2020.

Miscellaneous

Act No. 41 (SB 352) by Sen. Cameron Henry

Provides that on a second or subsequent conviction for operating a vehicle while intoxicated, the court may order the offender, at his sole expense, to undergo an assessment that uses a standardized evidence-based instrument performed by a physician to determine whether the offender has a diagnosis for alcohol or drug dependence and would likely benefit from a court-approved medication-assisted treatment indicated and approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

Further provides that, upon considering the results of the assessment, the court may refer the offender to a rehabilitative program that offers one or more forms of court-approved medications that are approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration.

Provides that new law shall not apply when the offender shows he is unable to pay the costs of the assessment and rehabilitative programs, either personally or through a third party insurer.

Effective August 1, 2020.

Act No. 108 (HB 529) by Rep. Duplessis

Provides that any person who was or is confined in any prison, jail, work release facility, or correctional institution or who was or is under the supervision of the division of probation and parole is entitled to receive, upon request, a letter of incarceration which provides documentation, verification, or proof of the person's confinement in the prison, jail, work release facility, or correctional institution or supervision while on probation and parole.

Provides for the procedure by which such requests shall be made and provides that a requested letter shall be issued no later than seven days after the date of receipt of the request.

Requires certain information to be provided in a letter of incarceration, including the name of the person who was or is confined or under supervision, the dates of incarceration or supervision, the admission date and the date of release, and the last location of the incarceration.

Effective August 1, 2020.

Act No. 228 (SB 407) by Sen. Foil

Authorizes the secretary of the Dept. of Public Safety and Corrections (department) to establish a Post-Conviction Veterans Mentor Program for incarcerated veterans.

Provides that an offender who is incarcerated is eligible for consideration to participate in the program if certain conditions are met. Amends the eligibility requirements to include a requirement that the offender has completed a mentor training program as deemed appropriate by the department and the sentencing court and the district attorney of the jurisdiction of conviction consent to the offender's participation. Further makes the prior law requirements for maintaining eligibility in the program requirements to participate in the program.

Adds a requirement that the offender submit to random drug screenings and receive no positive results from such screenings.

Provides that liability for all activity and possible illegal activity will fall solely on the veteran offender participating in the program. Provides that the department will have indemnity for any and all actions taken by the offender that may be illegal, that subject the offender to parole revocation, or that are deemed eligible to terminate the offender's participation in the Post-Conviction Veterans Mentor Program.

Provides that the offender will serve as a mentor in the Veterans Court probation program, upon written approval of the presiding judge.

Provides that existing transitional work release program facilities, otherwise known as work release, may be used to provide services and opportunities to the veterans participating in the program to benefit both the veterans participating and the parish jails.

Effective August 1, 2020.

Act No. 246 (SB 505) by Sen. Smith

Conditions of and Restrictions on Bail

Expands application of the following existing law provisions regarding conditions of bail for certain domestic, stalking, and sex offenses to the crimes of battery of a dating partner, cyberstalking, violation of a protective order, and unlawful communication:

- (1) In determining the conditions of bail, requires the court to consider the criminal history of the defendant and whether the defendant poses a threat or danger to the victim.
- (2) If the court determines that the defendant poses a threat or danger to the victim, requires the court to prohibit the defendant from going to the residence of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner.
- (3) Requires the court to prohibit the defendant from communicating by electronic communication, in writing, or orally with the victim of the offense or with any of the victim's family members, unless the victim consents and the court issues an order permitting the communication. (Prior law authorized the court to impose this restriction as a condition of bail. New law requires this condition for both the prior law and new law offenses for which these provisions apply.)

New law further authorizes the court to impose this restriction upon a defendant who is denied or is unable to post bail for any of the prior law and new law offenses to which these provisions apply.

- (4) Authorizes the court to order the defendant to be equipped with a global positioning monitoring system.

Amends provisions regarding conditions of bail for crimes of violence to do the following:

- (1) Require the court to prohibit the defendant from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim.

- (2) Require the court to prohibit the defendant from communicating by electronic communication, in writing, or orally with the victim or the any of the victim's immediate family members, unless the victim consents and the court issues an order permitting the communication.

New law further requires the court to impose this restriction upon a defendant who is denied or is unable to post bail for a crime of violence.

- (3) Authorize the court to order the defendant to be equipped with a global positioning monitoring system.

Requires the court to serve the defendant by personal service and file into the record any order issued by the court pursuant to these provisions.

Prohibits the court from denying the issuance of a protective order on the ground that a protective order has already been issued under any provision of law. Provides that any protective order issued pursuant to these provisions shall remain in effect for the time that the criminal case is pending until sentencing unless the person protected by the protective order moves the court to dissolve the protective order and the court grants the motion.

Prohibits any person arrested for battery of a dating partner or aggravated assault upon a dating partner from being released on his personal undertaking or with an unsecured personal surety.

Conditions of Parole

Provides that any offender released on parole for the following offenses shall be prohibited as a condition of parole from going to the residence of the victim, the victim's school, the victim's place of employment, or otherwise contacting the victim:

- (1) A crime of violence committed upon any person.
- (2) A felony sex offense committed upon any person.
- (3) A felony human-trafficking related offense committed upon any person.
- (4) A felony offense committed upon a family member, household member, or dating partner.

Further requires that such offenders be prohibited from communicating by electronic communication, in writing, or orally with a victim of the offense or with any of the victim's immediate family members. For these purposes, "immediate family member" includes the spouse, mother, father, aunt, uncle, sibling, or child of the victim, whether related by blood, marriage, or adoption.

Authorizes the victim to request that these conditions not be imposed.

Requires the judge of the court of conviction, prior to the offender's release on parole, to prepare a Uniform Abuse Prevention Order and forward it to the clerk of court for filing on the day the order is issued. Requires the clerk of the issuing court to transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Office of the Louisiana Supreme Court for entry into the Louisiana Protective Order Registry. A copy of the order shall also be sent by the clerk of the issuing court to the chief law enforcement officer of the parish where the person or persons protected by the order reside.

Prohibited Communication Between Offenders and Victims

Provides that any person charged by bill of information or indictment, sentenced, or found not guilty by reason of insanity for any of the following shall be prohibited from communicating by electronic communication, in writing, or orally with a victim of the offense or with any immediate family member of the victim unless the victim or the victim's family member consents to the communication:

- (1) Any crime of violence committed upon any person. (Prior law applied this prohibition only to crimes of violence committed upon a family member, household member, or dating partner, or the immediate family member of such persons.)
- (2) Any felony sex offense committed upon any person.
- (3) Any felony human-trafficking related offense committed upon any person.

Requires any sentencing order issued pursuant to these provisions to be reflected in the sentencing minutes of the issuing court and requires the issuing court to notify the Department of Public Safety and Corrections of the issuance of the sentencing order.

Domestic Abuse Assistance Act

For purposes of the Domestic Abuse Assistance Act, expands the definition of "family member" to include any child presently or formerly living in the same residence with the defendant or any child of the defendant regardless of where the child resides.

Removes from the definitions of "family member" and "dating partner" the requirement that the person be seeking protection under the Domestic Abuse Assistance Act.

Effective August 1, 2020.

Act No. 352 (SB 383) by Sen. Reese

Amends the list of sex offenses for which personal property is required to be forfeited upon conviction to remove all misdemeanor sex offenses from the list and to include all felony sex offenses.

Provides for the destruction of forfeited property upon motion of the district attorney and, after a contradictory hearing, that the seized property is no longer needed as evidence. Adds a presumption that the contraband is necessary as evidence if an appeal of the conviction is pending, if the convicted person is pursuing post-conviction remedies, or the time for pursuing an appeal or post-conviction remedies has not expired.

Effective August 1, 2020.

SELECTED CIVIL LAW LEGISLATION

COVID-19/State of Emergency

Act No. 44 (SB 450) by Sen. Carter

Provides that all payments, grants, and loans by the United States, any state, or any federal or state agency as a result of a national or statewide extraordinary emergency event shall be exempt from seizure, except for the payment of alimony or child support or to the extent of the balance due on debt secured by a security interested granted in such governmental grants, payments, or loans that the person granted after the extraordinary emergency event.

Effective June 4, 2020.

Act No. 131 (HB 122) by Rep. Gregory Miller

Provides that transactions authenticated through electronic notarization during the period of March 11, 2020, until April 30, 2020, shall have the same force and effect as if the parties to the transaction, witnesses, and notary public had been in the physical presence of each other.

Does not apply to the execution of any testament, trust instrument, donation inter vivos, matrimonial agreement, act modifying, waiving, or extinguishing an obligation of final spousal support, or any amendments to such acts, or authentic acts.

Effective on June 1, 2019, and applies retroactively as well as prospectively.

Act No. 162 (HB 805) by Rep. Pressly

Provides for a limited suspension of all prescriptive, peremptive, and legal deadlines that would have otherwise expired during the period from March 17, 2020, through July 5, 2020. The right to enforce any right, claim, or action which was suspended shall expire on July 6, 2020.

Parties may seek an extension by contradictory motion or declaratory judgment for legal deadlines that lapsed during the suspension period; however, in no case shall the deadline be extended beyond September 1, 2020.

Does not apply to legal deadlines related to leases or eviction proceedings.

Effective on June 9, 2020, and applies retroactively as well as prospectively.

Act No. 336 (HB 826) by Rep. Pressly

No person or local or state government or political subdivision thereof shall be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of or through the performance of a person's business operations unless it is proven that the person, government, or political subdivision was not in substantial compliance with applicable COVID-19 procedures, and unless such damage was caused by gross negligence or wanton or reckless misconduct.

No person or local or state government or political subdivision thereof, business event strategist, association meeting planner, corporate meeting planner, independent trade show organizer or owner, or other entity shall be liable for civil damages for injury or death resulting from exposure to COVID-19 in the course of or through the performance of hosting, promoting, producing or otherwise organizing, planning, or owning a trade show, convention, meeting, association produced event, corporate event, sporting event, or exhibition of any kind, unless such damage was caused by gross negligence or willful or wanton misconduct.

During the public health emergency declared during the outbreak of COVID-19, no designers, manufacturers, labelers, or distributors of personal protective equipment shall be liable for civil damages for injury caused by personal protective equipment unless such damages were caused by gross negligence or willful or wanton misconduct.

During the COVID-19 public health emergency, no person who uses, dispenses, or administers personal protective equipment shall be liable for civil damages for injury or death related to the personal protective equipment unless the person was not in substantial compliance with applicable COVID-19 procedures and unless such damage was caused by gross negligence or wanton and reckless misconduct.

When two or more sets of COVID-19 procedures apply to a business operation or to the use, dispensing, or administering of personal protective equipment, the responsible party need only substantially comply with one applicable set of procedures.

Employees, whether or not covered by the La. Workers' Compensation Law, shall have no remedy in tort against their employer for exposure to COVID-19 unless caused by an intentional act.

Effective upon signature of the governor (June 13, 2020) and retroactive to March 11, 2020.

Act No. 362 (SB 435) by Sen. Abraham

Provides for civil liability immunity for natural or juridical persons, state or local governments, or political subdivisions for damages or personal injury resulting from or related to actual or alleged exposure to COVID-19 in the course of the performance of business operations unless the entity

failed to substantially comply with applicable COVID-19 procedures as established by the governing federal, state, or local agency or in cases of gross negligence or wanton or reckless misconduct.

Does not effect any person's right to receive benefits otherwise entitled under the La. Workers' Compensation Law.

Effective on June 12, 2020.

Act No. 3 (HB 5) by Rep. Marino (2020 First Extraordinary Session)

Provides that the Supreme Court may suspend the running of prescriptive, peremptive, and abandonment periods for a period up to 90 days if a state of emergency or disaster is declared by the governor. Provides for additional continuing suspensions for further executive orders extending the state of emergency or disaster.

Effective on June 25, 2020.

Act No. 9 (HB 59) by Rep. Mincey (2020 First Extraordinary Session)

Provides for immunity for public, nonpublic, and charter schools and postsecondary institutions from civil liability from damages resulting from exposure to COVID-19 or acts undertaken in an effort to respond to the COVID-19 public health emergency.

Provides that institutions are not immune from civil liability for damages and actions or inactions that are (1) in violation of a policy adopted by the school and (2) determined to be grossly negligent or wanton or reckless misconduct.

Effective on March 11, 2020.

Tort Reform

Act No. 37 (HB 57) by Speaker Schexnayder (2020 First Extraordinary Session)
"Civil Justice Reform Act of 2020"

Jury Trials

Reduces the amount in controversy required to authorize a jury trial from \$50,000 to \$10,000.

Provides that if a party fails to file a motion to transfer a case from parish or city court to district court, thereby obtaining a jury trial, within the delays provided by existing law, the matter shall not be transferred.

Provides that a jury trial shall not be available for non-tort suits originally filed in parish or city court when the amount in controversy does not exceed the parish or city court's jurisdictional limit.

Provides that in a tort action where a petitioner stipulates or otherwise judicially admits that his cause of action exceeds \$10,000, but is less than \$50,000, a party requesting a jury trial shall provide a cash deposit in the amount of \$5,000.

Further provides that when the case is set for trial, the court may provide for a supplemental bond or cash deposit.

Evidence of Liability Insurance

Provides that the existence of insurance coverage shall not be communicated to the jury, unless any of the following apply:

- (1) A factual dispute related to an issue of coverage is an issue which the jury will decide.
- (2) The existence of insurance coverage would be admissible to attack the credibility of a witness.
- (3) The cause of action is brought against the insurer alone under the direct action statute or under the statute requiring good faith and fair dealing in the settlement of claims.

Provides that the identity of the insurer shall not be communicated to the jury unless the identity of the insurer would be admissible to attack the credibility of a witness.

Provides that in all cases brought against an insurer, at the opening and closing of the trial, the court shall read instructions to the jury that there is insurance coverage for the damages claimed by the plaintiff.

Recoverable Past Medical Expenses (Collateral Source)

Provides that in cases where a claimant's medical expenses have been paid, in whole or in part, by a health insurance issuer or Medicare to a medical provider, the claimant's recovery of medical expenses is limited to the amount actually paid to the medical provider by the health insurance issuer or Medicare, and any applicable cost sharing amounts paid or owed by the claimant, and not the amount billed.

Provides that the court shall award 40% of the difference between the amount billed and the amount actually paid to the contracted medical provider by a health insurance issuer or Medicare in consideration of the plaintiff's cost of procurement provided that this amount shall not make the award unreasonable.

Provides that in cases where a claimant's medical expenses have been paid, in whole or in part, by Medicaid to a medical provider, the claimant's recovery of medical expenses paid by Medicaid is limited to the amount actually paid to the medical provider by Medicaid, and any applicable cost sharing amounts paid or owed by the claimant, and not the amount billed.

Provides that the recovery of any other past medical expenses shall be limited to amounts paid to a medical provider by or on behalf of the claimant, and amounts remaining owed to a medical provider, including medical expenses secured by a contractual or statutory privilege, lien, or guarantee.

Provides that in cases where a claimant's medical expenses are paid pursuant to the La. Workers' Compensation Law (LWC), a claimant's recovery of medical expenses is limited to the amount paid under the LWC medical payments fee schedule.

Provides that in a jury trial, only after a jury verdict is rendered may the court receive evidence related to the limitations of recoverable past medical expenses paid by a health insurance issuer or Medicare. The jury shall be informed only of the amount billed by a medical provider for medical treatment. Whether any person, health insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any of a claimant's medical expenses shall not be disclosed to the jury. In trial to the court alone, the court may consider such evidence.

Does not apply in medical malpractice claims or in claims brought pursuant to the Governmental Claims Act.

Evidence of Failure to Wear a Safety Belt

Repeals the law providing that the failure to wear a safety belt was prohibited from being admitted to mitigate damages in any action to recover damages arising out of the ownership, common maintenance, or operation of motor vehicle, and the failure to wear a safety belt was prohibited from being considered evidence of comparative negligence.

Effective Date

Effective on January 1, 2021. Has prospective application only and shall not apply to a cause of action arising or action pending prior to January 1, 2021.

Civil Procedure

Act No. 13 (HB 98) by Rep. Magee

Provides that a party signing the pleading provide a physical address for service of process.

Effective on August 1, 2020.

Notaries

Act No. 254 (HB 274) by Rep. Garofalo (On recommendation of the Law Institute)

Provides for remote online notarization including limitations, qualifications, procedures, duties, and rulemaking relative to the performance of remote online notarization.

Effective upon the later of the enactment of the SECURE Notarization Act (H.R. 6364 or S. 3533 of the 116th Congress) or February 1, 2022.

Property

Act No. 281 (HB 594) by Rep. Seabaugh

Provides that a court may order a partition by private sale for absentee and nonconsenting co-owners. Provides that judgments ordering the private sale of a property shall order reimbursement to the co-owner for taxes, expenses, and reasonable costs related to the sale.

Effective on June 11, 2020.

Mineral Rights

Act No. 76 (HB 227) by Rep. Coussan (On recommendation of the Law Institute)

Clarifies that the owner of a production payment created out of the mineral lessee's interest must give written notice of the nonpayment of a production payment prior to a judicial demand for damages.

Effective on August 1, 2020.

Attorney Advertising

Act No. 231 (SB 115) by Sen. Connick

Provides that all advertisements for legal services that contain a reference to a settlement or jury verdict disclose a full accounting of all attorney fees associated with that settlement or verdict.

Effective on January 1, 2021.

Paternity

Act No. 266 (HB 410) by Rep. LaCombe

Provides that the execution of a three-party acknowledgment of paternity terminates the obligation to pay child support by the husband or former husband and revokes any court order enforcing that obligation. However, it does not affect any child support payment or arrearages paid, due, or owing prior to the date the three-party acknowledgment was executed.

Requires that in a filiation or paternity proceeding, the child's mother, the biological father, and any man presumed to be the father shall be joined as a party.

Effective August 1, 2020.

Child Support

Act No. 177 (HB 210) by Rep. Johnson

Establishes a presumption that the custodial or domiciliary party has the right to claim the child as a dependent.

Requires that, for child support orders rendered or modified on or after January 1, 2021, the order prohibit the non-domiciliary parent from claiming a dependent for any given tax year if he owes arrears for that dependent. Additionally, provides an exception that the non-domiciliary party shall be entitled to claim the child as a dependent if the court finds the domiciliary party is unemployed and does not intend to file a tax return for the tax year in question, and that the obligor's anticipated tax refund may be used to reduce the arrears.

Updates the child support guideline schedule by incorporating the most recent economic estimates of child-rearing expenditures as a portion of household consumption.

Provides monthly basic child support obligations for combined adjusted monthly gross incomes which begin with \$0 - \$950 as the minimum adjusted monthly gross income.

Effective January 1, 2021.

Act No. 149 (HB 438) by Rep. Turner

Requires that any rule to show cause or summons ordering the defendant to appear and show cause why he should not be held in contempt of court for violating the terms of a court order requiring him to pay child support to the Department of Children and Family Services (DCFS) contain certain information and establish grounds for which the court may find a defendant in contempt.

Upon a finding that the accused is guilty of contempt, the court shall first consider the defendant's present ability to comply with the order before imposing upon the defendant a prison sentence not to exceed 90 days or a \$500 fine.

Provides that termination of a court order requiring a defendant to pay child support to DCFS does not abate the power of the court or DCFS to collect any overdue and unpaid support or arrearage owed under the terminated support order or the power of the court to punish a person for a failure to comply with a terminated court order.

Effective August 1, 2020.

Act No. 199 (HB 593) by Rep. Seabaugh

Provides that the effect of recordation of a judgment or affidavit of past due child support as a legal mortgage shall prescribe 10 years from the date of the judgment or affidavit unless appropriately reinscribed or filed.

Further provides that the effect of recordation of an affidavit that was of record on or before the effective date of this Act shall not cease until August 31, 2022.

Effective upon signature of governor (June 11, 2020) and applies retroactively and prospectively.

Children's Code

Act No. 122 (SB 433) by Sen. Mizell

Provides that a mandatory reporter shall report to the proper authorities as suspected abuse the pregnancy of a child under the age of 13 years.

Effective upon signature of the governor (June 9, 2020).

Supported Decisionmaking Agreements

Act No. 258 (HB 361) by Rep. Davis

Provides for an additional requirement of certification of consideration of less restrictive means prior to seeking an interdiction.

Provides for a supportive decisionmaking agreement as a less restrictive means, whereby the supporter advises the adult with a disability on issues outlined within the agreement without impeding the self-determination of the adult.

Effective on August 1, 2020.

Continuing Tutorship

Act No. 218 (SB 153) by Sen. Foil

Authorizes parents who have never been married to each other to petition for continuing tutorship.

Allows the court to name parents as co-tutors when they petition jointly or when it is in the best interest of the child and provides for the naming of a tutor when one parent is dead, when the parents are divorced or judicially separated, and when the parents were never married to each other.

Effective August 1, 2020.

Successions

Act No. 107 (HB 499) by Rep. Seabaugh

Provides that upon qualification of a succession representative to serve as an independent administrator or executor, the clerk of court, rather than the court, shall issue letters of independent administration or executorship upon qualification of a succession representative.

Effective upon signature of governor (June 9, 2020).

Act No. 173 (HB 142) by Rep. Carter

Authorizes testate successions to be administered without judicial approval when the person dies leaving no immovable property and probate of the testament of the deceased would have the same effect as if the deceased had died intestate.

Effective August 1, 2020.

Act No. 19 (HB 125) by Rep. Miller (On recommendation of the Law Institute)

Moves the Greenlaw rule (providing for the reduction of the legitime share of a force heir to an intestate share in certain circumstances) to C.C. Art. 1495.1 and provides for its applicability to both the share of a forced heir in the first degree and a share of a forced heir by representation.

Provides for the calculation of an individual forced heir's legitime when all forced heirs are of the first degree and when one or more forced heirs are heirs by representation.

Provides for the proper mathematical order of the calculation of the disposable portion of the mass of the succession so that the value of the debts of a succession are subtracted prior to fictitiously adding donations within three years of the date of the donor's death.

Provides that the detailed descriptive list may be sealed upon the request of an heir or legatee and authorizes the court to release relevant information.

Effective August 1, 2020.

Trusts

Act No. 17 (HB 123) by Rep. Miller (On recommendation of the Law Institute.)

Generally, provides for the allocation of receipts and expenses to income and principal in trust.

Provides that in the absence of allocation provisions in the trust instrument or in the Trust Code, trust receipts and expenses shall be allocated in accordance with what is reasonable and equitable.

Removes use of the "prudent man" standard when providing for the allocation of receipts and expenditures to the beneficiaries of usufruct and naked ownership, for the allocation of proceeds and losses of a sole proprietorship, and allocation of receipts from timber.

Provides for the apportionment of receipts from interests in juridical persons other than corporations, such as limited liability companies and other modern business forms when the right to income arises or ceases.

Provides that succession receipts and expenses are allocated in accordance with what is reasonable and equitable, rather than in accordance with the laws regulating donations mortis causa.

Generally classifies all non-monetary property as principal.

Provides that the entire increase in value of discount obligations is attributable to principal when the trustee receives the proceeds from the disposition, unless the obligation, when acquired, has a maturity of less than one year.

Provides for the allocation of payments made from annuities, individual retirement accounts, and deferred compensation, pension, employee-benefit, or other similar plans.

Provides that royalty payments associated with oil and gas leases and receipts from timber and other properties subject to depletion shall be allocated in accordance with what is reasonable and equitable. Further provides that allocation of 90% to principal and 10% to income is presumed to be reasonable and equitable but clarifies that other allocations are not necessarily unreasonable or inequitable.

Provides the trustee with discretion to make transfers from income to principal for property that is subject to depreciation, rather than allowing such charges against income to occur in accordance with generally accepted accounting principles.

Provides for the payment of taxes from income and principal.

Requires the trustee to adjust income or principal receipts in the event that the trust receives a deduction for payments made to a beneficiary.

Provides the income beneficiary with the right to compel the trustee to take action to make property productive of income, convert the property within a reasonable time, and transfer funds from principal to income.

Effective January 1, 2021.

Act No. 18 (HB 124) by Rep. Miller (On recommendation of the Law Institute)

Prohibits out-of-state trust companies that establish a trust representative office in Louisiana from serving as a trustee.

Permits a competent beneficiary to relieve a trustee from liability in certain circumstances and removes an exception for releases concerning the improper advancement of money or conveyance of property to a beneficiary of a spendthrift trust or a trust with restrictions on the beneficiary's right to alienate.

Effective August 1, 2020.