

SENATE BILL NO. 233

BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 9:2717, relative to contracts; to allow a court to render null and void certain nondisclosure agreements and nondisclosure contract provisions; to provide for public policy; to provide for retroactive application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2717 is hereby amended and reenacted to read as follows:

§2717. Contracts against public policy

A.(1) Any contract between a political subdivision and a person or entity entered into as a result of fraud, bribery, corruption, or other criminal acts, for which a final conviction has been obtained, shall be absolutely null and shall be void and unenforceable as contrary to public policy.

~~B. (2)~~ Any person whose conviction causes the nullity of the contract as provided in ~~Subsection A of this Section~~ **Paragraph (1) of this Subsection** shall be responsible for payment of all costs, attorney fees, and damages incurred in the rebidding of the contract.

B.(1) Notwithstanding any provision of law to the contrary, a party may petition a court for a declaratory judgment that a clause in an agreement, contract, settlement, or other similar instrument that prevents a party to the instrument from disclosing factual information related to acts that if proven would establish a cause of action for civil damages for any act that may be prosecuted as a criminal offense is null, void, and unenforceable as a matter of law and shall be considered against public policy.

(2) The fact that an agreement, contract, settlement, or similar instrument states that the providing of consideration is not an admission of liability for an alleged criminal offense, of the commission of a criminal offense, or of an awareness of a criminal offense shall not be conclusive in determining whether the provisions of Paragraph (1) of this Subsection apply.

(3) The provisions of this Subsection shall apply to any agreement, contract, settlement, or similar instrument entered into, revised, or amended before, on, and after August 1, 2018.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____