

2020 Regular Session

SENATE BILL NO. 439

BY SENATOR ABRAHAM

LIABILITY. Limits liability of a nonprofit organization or employee for the disclosure of certain information. (8/1/20)

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AN ACT

To enact R.S. 9:2800.25, relative to liability; to provide relative to limitation of liability for disclosure of certain information by a nonprofit organization or employee thereof; to provide for terms and conditions; to provide for definitions; to provide for certain limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.25 is hereby enacted to read as follows:

**§ 2800.25. Nonprofit limitation of liability; disclosure of certain information to prospective employer**

**A. A nonprofit organization or employee thereof shall not be held liable for disclosing in good faith to a prospective employer information about a former employee of the organization when such information is reasonably believed to be accurate regarding the engaging by that person in acts of sexual misconduct, sexual abuse, sexual harassment, sex trafficking, sexual assault, or other sexual offenses.**

**B.(1) For the purpose of this Section, "nonprofit" means a not for profit organization qualified as a tax exempt organization under Section 501(c) of the**

1           **Internal Revenue Code of 1954, as amended.**

2                   **(2) For the purposes of this Section, "employee" means an employee,**

3           **volunteer, or independent contractor of the nonprofit.**

4                   **C. The provisions of this Section shall not apply to damage or injury**

5           **caused by gross negligence or willful and wanton misconduct.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

	DIGEST	
SB 439 Original	2020 Regular Session	Abraham

Proposed law provides that a nonprofit organization or employee thereof shall not be held liable for disclosing in good faith to a prospective employer information about a former employee of the organization when such information is reasonably believed to be accurate regarding the engaging by that person in acts of sexual misconduct, sexual abuse, sexual harassment, sex trafficking, sexual assault, or other sexual offenses.

Proposed law provides that for the purposes of proposed law "nonprofit" means a not for profit organization qualified as a tax exempt organization under Section 501(c) of the Internal Revenue Code of 1954, as amended.

Proposed law provides that for the purposes of proposed law "employee" means an employee, volunteer, or independent contractor of the nonprofit.

Proposed law provides that the provisions of proposed law shall not apply to damage or injury caused by gross negligence or willful and wanton misconduct.

Effective August 1, 2020.

(Adds R.S. 9:2800.25)