

SENATE BILL NO. 439

BY SENATORS ABRAHAM, BARROW, BERNARD, CATHEY, CLOUD, CORTEZ, FESI, FOIL, HEWITT, JACKSON, JOHNS, MCMATH, ROBERT MILLS, POPE, REESE, TALBOT, WARD AND WOMACK AND REPRESENTATIVE EDMONDS

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 **§2800.25. Nonprofit limitation of liability; disclosure of certain information to**
9 **prospective employer**

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

16 **B. Notwithstanding any other law to the contrary, no nonprofit**
17 **organization shall be required to provide a public body with personal**
18 **information or otherwise release, publicize, or publicly disclose personal**
19 **information in its custody or control, excepting a lawful warrant or request.**

20 **C. For the purpose of this Section:**

21 **(1) "Employee" means an employee, volunteer, or independent**
22 **contractor of the nonprofit.**

23 **(2) "Nonprofit" means a not-for-profit organization qualified as a**
24 **tax-exempt organization under Section 501(c) of the Internal Revenue Code of**

1 1954, as amended.

2 (3) "Personal information" means any list, record, register, registry,
3 roll, roster, or other compilation of data that directly or indirectly identifies a
4 person as a member, supporter, donor, or volunteer of a nonprofit organization
5 but does not include any report or disclosure required by the Campaign
6 Finance Disclosure Act, the Code of Governmental Ethics, or the provisions of
7 law relative to lobbyist disclosure including Part III of Chapter 1 of Title 24 of
8 the Louisiana Revised Statutes of 1950, Part IV of Chapter 1 of Title 49 of the
9 Louisiana Revised Statutes of 1950, and Chapter 46 of Title 33 of the Louisiana
10 Revised Statutes of 1950.

11 D. This Section shall not apply to damage or injury caused by gross
12 negligence or willful and wanton misconduct.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____