



LOUISIANA STATE LAW INSTITUTE

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February 1, 2022

**Representative Clay Schexnayder
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804**

RE: HOUSE RESOLUTION NO. 108 OF THE 2021 REGULAR SESSION

Dear Mr. Speaker:

The Louisiana State Law Institute respectfully submits its interim report to the legislature relative to doxing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Holdridge".

**Guy Holdridge
Director**

cc: Representative Charles Owen

**email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov**

**Secretary of State, Mr. R. Kyle Ardoin
admin@sos.louisiana.gov**

**LOUISIANA STATE LAW INSTITUTE
TORTS AND INSURANCE COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO
HR NO. 108 OF THE 2021 REGULAR SESSION**

Relative to “doxing”

Prepared for the
Louisiana Legislature on

February 1, 2022

Baton Rouge, Louisiana

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2021 Regular Session

HOUSE RESOLUTION NO. 108

BY REPRESENTATIVE CHARLES OWEN

A RESOLUTION

To urge and request the Louisiana State Law Institute to study provisions of law on civil liability for intentional dissemination of personally identifiable information, also known as doxing, and to report its findings to the House of Representatives no later than February 1, 2022.

WHEREAS, the intentional dissemination of personally identifiable information has become more commonplace and concerns information that would allow the person subject to the doxing to be located, contacted, harassed, threatened, or harmed; and

WHEREAS, the practice of doxing can lead to significant and reasonable fear of harm or actual harm, including death or serious bodily injury, to the person whose personally identifiable information is intentionally disseminated to the public; and

WHEREAS, the practice of doxing public safety officers, public officials, and minors has become more commonplace; and

WHEREAS, the practice of doxing public safety officers and public officials can cause a reasonable fear of harm or actual injury to the public safety officers and public officials, as well as interfere with and discourage public safety officers and public officials from conducting their duties; and

WHEREAS, the practice of doxing can be magnified for minors and can cause reasonable fear of harm or actual harm to the minors because of the vulnerability of youth; and

WHEREAS, the constitutions of the United States and the state of Louisiana protect personal privacy interests; and

WHEREAS, provisions in Louisiana law defining a cause of action for doxing could both deter persons from committing doxing and provide reasonable compensation to victims of doxing; and

WHEREAS, the constitutions of the United States and the state of Louisiana protect the right of free speech, the right of freedom of the press, the right of petitioning the government, and the right of confronting an accuser, and any prohibition of, penalty for, or remedy for doxing should avoid violating the legitimate exercise of those constitutional rights.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana urges and requests the Louisiana State Law Institute to study provisions of law on civil liability for intentional dissemination of personally identifiable information and to report its findings to the House of Representatives no later than February 1, 2022.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

February 1, 2022

To: Representative Clay Schexnayder
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HR NO. 108 OF THE 2021 REGULAR SESSION**

House Resolution No. 108 of the 2021 Regular Session urges and requests the Louisiana State Law Institute to study and report on provisions of law regarding civil liability for intentional dissemination of personally identifiable information, also known as “doxing.” In particular, the resolution highlighted the potential for a doxing cause of action to provide both compensation for victims and serve a deterrent function, and simultaneously emphasized the importance of respecting constitutional rights in providing such a remedy. In fulfillment of this request, the Law Institute assigned the project to its Torts and Insurance Committee, which operates under the leadership of Co-Chairs Messrs. Harry J. “Skip” Philips and Donald W. Price and Co-Reporters Professors William R. Corbett and Thomas C. Galligan.

The Torts and Insurance Committee began its work in response to the resolution by meeting with its author. The Committee leadership spoke with Representative Owen to get a sense of his thoughts on the topic of doxing, the direction he envisioned the project taking, and the goals he sought to accomplish. The Committee leadership relayed these ideas to the whole of the Committee, urging the Committee to keep them in mind throughout its time working on the project. In the course of its discussions, the Committee identified a number of legal issues implicated by a potential statutory cause of action for doxing. Among these issues, the most prominent were the intersection of doxing restrictions with the First Amendment and jurisdictional questions related to potential out-of-state defendants.

The Committee conducted extensive research on these and other topics related to doxing, ultimately considering them in relation to the handful of doxing laws that other jurisdictions had either enacted or attempted to enact in the past year, balancing the goals underpinning the resolution with necessary constitutional protections. Meeting several times to discuss doxing, the Committee also presented on the issue to the Law Institute’s Council in January of 2022. The Committee plans to present to the Council again at its meeting on February 4-5, 2022, at which the Committee will seek approval of its recommendations.

A final report will be submitted to the Legislature once the Committee receives approval of its recommendations from the Law Institute’s Council.