

GREEN SHEET REDIGEST

HB 291

2025 Regular Session

Galle

CIVIL/PROCEDURE: Provides relative to prescriptive periods for wrongful death and survival actions.

DIGEST

Present law provides a prescriptive period of one year for survival actions.

Proposed law changes the prescriptive period for survival actions to one year from the death of the deceased, or two years from the day that injury is sustained, whichever is longer.

Present law provides a prescriptive period of one year for wrongful death actions.

Proposed law changes the prescriptive period for wrongful death actions to one year from the death of the deceased, or two years from the day that injury is sustained, whichever is longer.

Proposed law provides that the right of action granted by proposed law for medical malpractice actions prescribes one year from the death of the deceased.

(Amends C.C. Arts. 2315.1(A)(intro. para.) and 2315.2(B); Adds C.C. Arts 2315.1(F) and 2315.2(F))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Provide that the prescriptive period for medical malpractice survival and wrongful death actions is governed by R.S. 9:5628.
3. Provide that the prescriptive period for wrongful death and survival actions prescribes one year from the death of the deceased or two years from the day that injury or damage is sustained, whichever is longer.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Removes provision providing that current law (R.S. 9:5628) governs the prescriptive period for medical malpractice actions for wrongful death. Clarifies that the right of action for medical malpractice actions prescribes one year from the death of the deceased.