

First Extraordinary Session, 2005

ACT No. 31

HOUSE BILL NO. 92

BY REPRESENTATIVES GREENE AND THOMPSON AND SENATOR MURRAY

1 AN ACT

2 To enact R.S. 9:304, relative to legal deadlines affected by Executive Order KBB 2005-32,
3 as amended; to provide for the effect of such legal deadlines on judgments of
4 divorce; to provide for the effect of certain waiting and abandonment periods; to
5 provide for the effect of judgments of divorce; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:304 is hereby enacted to read as follows:

8 §304. Judgment of divorce; waiting periods; accrual of abandonment period

9 A.(1) In the aftermath of Hurricanes Katrina and Rita, the issuance of
10 Executive Orders KBB 2005-32, 48, and 67 shall not affect the calculation of the one
11 hundred eighty-day waiting period required by Civil Code Article 102, the six-month
12 waiting period required by Civil Code Article 103(1), or the one-year, one-year and
13 six months, or two-year waiting periods required by R.S. 9:307.

14 (2) Any judgment of divorce rendered during the time periods affected by
15 Executive Orders KBB 2005-32, 48, and 67 shall be a good and valid judgment if no
16 appeal or request for new trial has been filed in accordance with the provisions of the
17 Code of Civil Procedure or any applicable law or by January 3, 2006, whichever is
18 later.

19 B. Notwithstanding Code of Civil Procedure Article 3954, if the two-year
20 abandonment period would have otherwise accrued during the suspension of all legal
21 deadlines as provided in Executive Orders KBB 2005-32, 48, and 67, the parties
22 shall have thirty days from the effective date of this Section to file a rule to show
23 cause as required by Civil Code Article 102.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____