2017 Regular Session

HOUSE BILL NO. 524

BY REPRESENTATIVE SCHRODER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/DISCOVERY: Provides relative to the stay of discovery in certain proceedings

AN ACT

To repeal Code of Civil Procedure Article 1426.1(E), relative to discovery in civil matters; to provide relative to the authority of a district attorney to stay discovery in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1426.1(E) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 524 Original 2017 Regular Session Schroder

Abstract: Authorizes a district attorney to stay all or a portion of discovery in actions for divorce, custody, child support, visitation, or protective orders.

Present law authorizes a court to stay all or a portion of discovery in a pending civil action related to a criminal proceeding upon the motion of the district attorney.

Present law provides that the motion to stay shall be heard by a contradictory hearing within 30 days of filing the motion, and provides additional procedures for lifting or terminating the stay.

Present law excepts petitions or proceedings for divorce, custody, child support, visitation, or protective orders from application of present law.

Proposed law removes the present law exception, authorizing a district attorney to stay all or a portion of discovery in actions for divorce, custody, child support, visitation, or protective orders.

(Repeals C.C.P. Art. 1426.1(E))