
DIGEST

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HB 115 Engrossed

2017 Regular Session

Cromer

Abstract: Provides for the continuous revision of the community property articles in the Civil Code.

Present law (C.C. Art. 2350) provides for the alienation of movable assets of a business.

Proposed law retains present law and adds a definition of "community enterprise".

Present law (C.C. Art. 2369.3) provides a duty to preserve former community property including a former community enterprise.

Proposed law moves present law to C.C. Art. 2350 and maintains a duty to preserve all former community property and removes the specific provision regarding the duty to preserve and manage prudently a former community enterprise.

Present law (C.C. Art. 2375) provides for the effect of a judgment of separation of property when the spouses reconcile after filing for divorce but prior to obtaining a divorce.

Proposed law maintains present law and further provides for the effect of reconciliation on a judgment of separation of property when the spouses have lived separate and apart, filed for divorce, and then obtained a judgment of separation of property.

(Amends C.C. Arts. 2350, 2369.3, and 2375)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Eliminate the provision regarding the duty to preserve and manage prudently a former community enterprise, providing that the duty applies to all former community property of a spouse under his control.