The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 241 Original | 2020 Regular Session | Connick

Present law (C.C. Art. 3493.10) provides that delictual actions which arise due to damages sustained as a result of an act defined as a crime of violence, except for sexual assault, are subject to a liberative prescription of two years. This prescription commences to run from the day injury or damage is sustained.

Proposed law provides that delictual actions are subject to a liberative prescription of two years, and except for sexual assault commence to run from the day injury or damage is sustained. It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.

Present law (C.C. Art. 3492) provides that delictual actions are subject to a liberative prescription of one year. This prescription commences to run from the day injury or damage is sustained. It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.

Proposed law repeals present law.

Effective January 1, 2021.

(Amends C.C. Art. 3493.10; repeals C.C. Art. 3492)