

2021 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVE HUGHES

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

LIABILITY/CIVIL: Provides relative to the prescriptive period for certain actions for abuse of a minor

1 AN ACT

2 To amend and reenact R.S. 9:2800.9(A), relative to the prescriptive period for certain  
3 actions against a person for abuse of a minor; to extend the prescriptive period; to  
4 provide for implementation; to provide for an effective date; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.9(A) is hereby amended and reenacted to read as follows:

8 §2800.9. Action against a person for abuse of a minor

9 A. An action against a person for sexual abuse of a minor, or for physical  
10 abuse of a minor resulting in permanent impairment or permanent physical injury or  
11 scarring, is subject to a liberative prescriptive period of ~~ten~~ thirty-five years. This  
12 prescription commences to run from the day the minor attains majority, and this  
13 prescription shall be suspended for all purposes until the minor reaches the age of  
14 majority. Abuse has the same meaning as provided in ~~Louisiana~~ Children's Code  
15 Article 603. This prescriptive period shall be subject to any exception of peremption  
16 provided by law.

17 \* \* \*

18 Section 2.(A) Any party whose action under R.S. 9:2800.9 was barred by liberative  
19 prescription prior to the effective date of this Act but is not barred by liberative prescription  
20 after the effective date of this Act shall be permitted to file an action under R.S. 9:2800.9

1 subject to the prescriptive period enacted by this Act. It is the intention of the Legislature  
2 to revive any claim under R.S. 9:2800.9 that had prescribed prior to the effective date of this  
3 Act but is not barred by liberative prescription after the effective date of this Act.

4 (B) For a period of two years following the effective date of this Act, any party  
5 whose action under R.S. 9:2800.9 was barred by liberative prescription prior to the effective  
6 date of this Act and remains barred by liberative prescription after the effective date of this  
7 Act shall be permitted to file an action under R.S. 9:2800.9. It is the intention of the  
8 Legislature to revive for a period of two years any claim under R.S. 9:2800.9 that had  
9 prescribed prior to the effective date of this Act and remains barred by liberative prescription  
10 after the effective date of this Act.

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

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#### 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)]

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HB 492 Original

2021 Regular Session

Hughes

**Abstract:** Extends the prescriptive period for certain actions against a person for abuse of a minor from 10 years to 35 years.

Present law provides that an action against a person for sexual abuse of a minor, or for physical abuse of a minor resulting in permanent impairment or permanent physical injury or scarring, is subject to a liberative prescriptive period of 10 years.

Present law further provides that prescription commences to run from the day the minor attains majority and shall be suspended for all purposes until the minor reaches the age of majority, subject to any exception of peremption provided by law.

Proposed law retains present law, but extends the prescriptive period from 10 years to 35 years.

Proposed law provides that any party whose action under present law is barred by liberative prescription prior to the effective date of proposed law, but is not barred by liberative prescription pursuant to proposed law shall be permitted to file an action subject to the prescriptive period in proposed law.

Proposed law provides that for a period of two years following the effective date of proposed law, any party whose action under present law and proposed law is barred by liberative prescription prior to the effective date of proposed law shall be permitted to file an action.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:2800.9(A))