
DIGEST

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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))