
DIGEST

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HB 492 Engrossed

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 and provides that an action against a person convicted of a crime against the child does not prescribe.

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 an action against a person convicted of a crime against a child, as defined by present law does not prescribe and may be filed at any time following conviction.

Present law defines "crime against the child" as the commission or attempted commission of any of the following crimes against an unemancipated minor:

- (1) Homicide.
- (2) Battery.
- (3) Assault.
- (4) Rape.
- (5) Sexual battery.
- (6) Kidnapping.
- (7) Criminal neglect.
- (8) Criminal abandonment.
- (9) Carnal knowledge of a juvenile.
- (10) Indecent behavior with juveniles.
- (11) Pornography involving juveniles.
- (12) Molestation of a juvenile.
- (13) Crime against nature.
- (14) Cruelty to juveniles.
- (15) Contributing to the delinquency or dependency of children.
- (16) Sale of minor children.

- (17) Human trafficking.
- (18) Trafficking of children for sexual purposes.
- (19) Female genital mutilation.

Proposed law retains present law.

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

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

Summary of Amendments Adopted by House

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

1. Provide that actions against a person convicted of a crime against a child shall not prescribe.
2. Delete provisions for the revival of prescribed claims.