

CONFERENCE COMMITTEE REPORT

HB 492

2021 Regular Session

Hughes

June 10, 2021

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 492 by Representative Hughes, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Committee Amendments by the Senate Committee on Judiciary A (#2593) be adopted.
- 2. That the set of Senate Floor Amendments by Senator Henry (#3498) be adopted.
- 3. That the following amendments be adopted:

AMENDMENT NO. 1

In Senate Floor Amendment No. 1 by Senator Henry (#3498), on page 1, line 3, after "period of" and before "years" change "five" to "three"

AMENDMENT NO. 2

In Senate Floor Amendment No. 1 by Senator Henry (#3498), on page 1, line 6, after "subject" and before "of R.S. 9:2800.9." delete "of R.S."

AMENDMENT NO. 3

In Senate Floor Amendment No. 1 by Senator Henry (#3498), on page 1, line 7, after "period of" and before "years" change "five" to "three"

- 4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 4

On page 1, line 6, after "prescribe;" and before "to provide" insert "to provide for implementation;"

Respectfully submitted,

Representative Jason Hughes

Senator Cameron Henry

Representative Gregory A. Miller

Senator W. Jay Luneau

Representative Thomas Alexander Pressly, IV

Senator Barrow Peacock

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 492

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Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Provide that actions against a person for sexual abuse of a minor or the physical abuse of a minor resulting in permanent impairment or permanent physical injury shall not prescribe.
2. Add a provision for the revival of claims against a party that have prescribed pursuant to present law for a period of five years.

Report amends the bill to:

1. Change the proposed law period for the revival of prescribed claims from five years to three years.

Digest of the bill as proposed by the Conference Committee

Present law provides that prescription on 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 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 provides that such an action does not prescribe.

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.

Proposed law provides that a party whose action under present law was barred by liberative prescription prior to the effective date of the Act may file such an action against a party for a period of three years following the effective date of the Act.

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

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