

RÉSUMÉ DIGEST

ACT 386 (HB 402)

2022 Regular Session

Hughes

Existing law (R.S. 9:2800.9) 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, does not prescribe.

Existing law (Ch.C. Art. 603) defines "abuse" as any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

- (1) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
- (2) The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker, or any other person of the child's involvement in any sexual act with any other person, pornographic displays, any sexual activity constituting a crime under the laws of this state, a coerced abortion conducted upon a child, or female genital mutilation of the child or of a sister of the child.

New law maintains existing law and provides that "abuse", as the term is used in the existing law provision regarding prescription of claims, has the same meaning as provided in existing law definition of "abuse".

Existing law (Act 322 of the 2021 R.S.) provides that a party whose action was barred by liberative prescription prior to the effective date of existing law may file such an action against a party for a period of three years following the effective date of existing law (effective June 14, 2021).

New law provides that any person whose cause of action related to sexual abuse of a minor was barred by liberative prescription shall be permitted to file an action under new law on or before June 14, 2024. Further provides that the revival of claims includes any cause of action related to sexual abuse of a minor that previously prescribed under any La. prescriptive period.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 9:2800.9(A)(1))