

2016 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVE MORENO

PRESCRIPTION: Provides a three-year liberative prescriptive period for actions arising from cases of rape

1 AN ACT

2 To amend and reenact Civil Code Article 3493.10 and to enact Civil Code Article 3496.2,
3 relative to liberative prescription; to provide for prescription relative to crimes of
4 rape; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Article 3493.10 is hereby amended and reenacted and Civil
7 Code Article 3496.2 is hereby enacted to read as follows:

8 Art. 3493.10. Delictual actions; two-year prescription; criminal act

9 Delictual actions which arise due to damages sustained as a result of an act
10 defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised
11 Statutes of 1950, except as provided in Article 3496.2, are subject to a liberative
12 prescription of two years. This prescription commences to run from the day injury
13 or damage is sustained.

14 * * *

15 Art. 3496.2. Action against a person for rape

16 An action against a person for any act of rape, as defined in R.S. 14:41, 42,
17 42.1, or 43, is subject to a liberative prescriptive period of three years. This
18 prescription commences to run from the day the injury or damage is sustained. This
19 prescriptive period shall be subject to any exception of peremption provided by law.

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)]

HB 556 Original

2016 Regular Session

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Abstract: Extends the prescriptive period to file suit on an action against a person for rape from two to three years.

Present law provides for a two-year prescriptive period to bring an action against a person for damages sustained from a crime of violence.

Proposed law extends the two-year prescriptive period to three years in an action against a person for rape.

(Amends C.C. Art. 3493.10; Adds C.C. Art. 3496.2)