

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 23

BY REPRESENTATIVE JAMES

GOVERNOR: Suspends laws regarding legal deadlines, including prescription and preemption

1 A CONCURRENT RESOLUTION

2 To suspend provisions in the Louisiana Civil Code, the Louisiana Code of Civil Procedure,
3 the Louisiana Children's Code, Titles 14, 15, 32, 40, and 56 of the Louisiana Revised
4 Statutes of 1950, and any other provision of law which establishes deadlines in legal
5 proceedings, including all prescriptive and preemptive periods in all courts,
6 administrative agencies, and boards in any manner pertaining to the initiation,
7 continuation, prosecution, defense, appeal, and post-conviction relief of any
8 prosecution of any state or municipal criminal, juvenile, wildlife, or traffic matter
9 within the state for a period not to exceed sixty days after final adjournment of the
10 2020 Regular Session of the Legislature.

11 WHEREAS, a novel coronavirus named "coronavirus disease 2019", commonly
12 referred to as COVID-19, was first detected in Wuhan City, Hubei Province China, in
13 December of 2019; and

14 WHEREAS, the coronaviruses are a large family of viruses that are common in
15 people and many different animal species; and

16 WHEREAS, COVID-19 is a respiratory illness that has a broad range of symptoms
17 from mild, flu-like symptoms to severe breathing difficulties that result in death; and

18 WHEREAS, at present there is no vaccine to protect against COVID-19, there is a
19 high probability of widespread exposure, and the disease poses an imminent threat to
20 Louisiana citizens; and

1 WHEREAS, as of March 16, 2020, Louisiana reports 114 COVID-19 cases and two
2 deaths from the virus; and

3 WHEREAS, the Governor of Louisiana declared a statewide public health emergency
4 on March 11, 2020, due to the risks related to public health associated with the COVID-19
5 coronavirus; and

6 WHEREAS, R.S. 49:969 provides that the "legislature, by Concurrent Resolution,
7 may suspend, amend, or repeal any rule or regulation or body of rules or regulations, or any
8 fee or any increase, decrease, or repeal of any fee, adopted by a state department, agency,
9 board, or commission"; and

10 WHEREAS, the interest of equal access to justice under the laws of the state of
11 Louisiana is vital to our citizens and their government; therefore the citizens of Louisiana
12 should not face the passage of legal deadlines due to a statewide public health emergency.

13 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
14 suspend the provisions of the Louisiana Civil Code, the Louisiana Code of Civil Procedure,
15 the Louisiana Children's Code, Titles 14, 15, 32, 40, and 56 of the Louisiana Revised
16 Statutes of 1950, and any other provision of law which establishes deadlines in legal
17 proceedings, including all prescriptive and peremptive periods in all courts, administrative
18 agencies, and boards in any manner pertaining to the initiation, continuation, prosecution,
19 defense, appeal, and post-conviction relief of any prosecution of any state or municipal
20 criminal, juvenile, wildlife, or traffic matter within the state for a period not to exceed sixty
21 days after final adjournment of the 2020 Regular Session of the Legislature.

22 BE IT FURTHER RESOLVED that pursuant to the Governor of the State of
23 Louisiana's Declaration of a Public Health Emergency in Proclamation Number JBE 2020-
24 25; and further, pursuant to the governor of the state of Louisiana's Additional Measures for
25 COVID-19 Public Health Emergency in Proclamation Number JBE 2020-27; and further,
26 in consideration of the recommendations of the Chief Justice of the Louisiana Supreme
27 Court on March 12, 2020, which has resulted in significant statewide cancellation of jury
28 terms and court date availability, the Legislature of Louisiana shall suspend provisions in
29 the Louisiana Civil Code, the Louisiana Code of Civil Procedure, the Louisiana Children's
30 Code, Titles 14, 15, 32, 40, and 56 of the Louisiana Revised Statutes of 1950, and any other

1 provision of law which establishes deadlines in legal proceedings, including but not limited
2 to all prescriptive and preemptive periods in all courts, administrative agencies, and boards
3 in any manner pertaining to the initiation, continuation, prosecution, defense, appeal, and
4 post-conviction relief of any prosecution of any state or municipal criminal, juvenile,
5 wildlife, or traffic matter within the state.

6 BE IT FURTHER RESOLVED that this temporary suspension shall not apply to the
7 provisions of Code of Criminal Procedure Articles 230.1, 230.2, and 232.

8 BE IT FURTHER RESOLVED that it is expressly acknowledged that this Resolution
9 is neither intended to nor shall impact any constitutional provisions of law.

10 BE IT FURTHER RESOLVED that this suspension shall become effective upon
11 adoption of this Resolution and shall remain in effect as provided in this Resolution, except
12 that the suspensions established in this Resolution shall be shortened or eliminated upon an
13 order issued by the Louisiana Supreme Court.

14 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
15 to the administrator of the Louisiana Supreme Court.

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)]

HCR 23 Original

2020 Regular Session

James

Suspends provisions of law which establish deadlines in legal proceedings, including all prescriptive and preemptive periods in all courts, administrative agencies, and boards in any manner pertaining to the initiation, continuation, prosecution, defense, appeal, and post-conviction relief of any prosecution of any state or municipal criminal, juvenile, wildlife, or traffic matter within the state for a specified period of time.