2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 25

BY REPRESENTATIVE GREGORY MILLER

CIVIL/ACTIONS: Provides for the suspension of all civil prescriptive, peremptive, filing, and other deadlines in response to the COVID-19 Public Health Emergency declared by the governor

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A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana the provisions of all laws which apply to all legal deadlines, including liberative prescription, peremptive periods, and filing deadlines applicable to legal proceedings in all courts, administrative agencies, and boards.

WHEREAS, as a direct consequence of the COVID-19 Public Health Emergency declared by the governor, there are extreme challenges to maintain adequate staffing of the courts and related systems of government without further risk of the spread of disease to the citizens of Louisiana; and

WHEREAS, the COVID-19 Public Health Emergency has created an obstruction to residents attempting to timely exercise their rights to effectively pursue or defend claims in legal, administrative, and regulatory proceedings; and

WHEREAS, Article I, Section 22 of the Constitution of Louisiana provides that all courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights; and

WHEREAS, the disruption of services and infrastructure to our system of justice caused by this emergency event will have a significant impact on the basic rights of citizens unless action is taken to suspend the effects of the tolling of legal delays during the period of this emergency; and

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WHEREAS, pursuant to the authority granted by Article III, Section 20 of the
Constitution of Louisiana, it is necessary for the Legislature of Louisiana to suspend the
effects of all legal deadlines, including liberative prescription, peremptive periods, and filing
deadlines applicable to legal proceedings in all courts, administrative agencies, and boards.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends the provisions of all laws which apply to all legal deadlines, including liberative prescription, peremptive periods, and filing deadlines applicable to legal proceedings in all courts, administrative agencies, and boards, including but not limited to such deadlines set forth by law within all of the following:

1. (1) Louisiana Civil Code.
2. (2) Louisiana Code of Civil Procedure.
3. (3) Title 9 of the Louisiana Revised Statutes of 1950, Civil Code Ancillaries.
4. (4) Title 13 of the Louisiana Revised Statutes of 1950, Courts and Judicial Procedure.
5. (5) Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, Election Campaign Finance.
6. (6) Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950, Workers' Compensation.
8. (8) Part I of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, Medical Malpractice.
9. (9) Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, Administrative Procedure.

BE IT FURTHER RESOLVED that this suspension shall become effective upon adoption of this Resolution and shall extend through the sixtieth day after final adjournment of the 2021 Regular Session of the Legislature of Louisiana.
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)]

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Suspends the provisions of all laws which apply to all legal deadlines, including liberative prescription, peremptive periods, and filing deadlines applicable to legal proceedings in all courts, administrative agencies, and boards.

(Suspends all legal deadlines set forth by law, including deadlines contained in the following: (1) Civil Code; (2) Code of Civil Procedure; (3) Title 9 of the La. Revised Statutes; (4) Title 13 of the La. Revised Statutes; (5) Chapter 11 of Title 18 of the La. Revised Statutes; (6) Chapter 10 of Title 23 of the La. Revised Statutes; (7) Part IV of Subchapter E of Chapter 5-D of Title 40 of the La. Revised Statutes; (8) Part I of Subchapter E of Chapter 5-D of Title 40 of the La. Revised Statutes; and (9) Chapter 13 of Title 49 of the La. Revised Statutes)