

2020 First Extraordinary Session

SENATE BILL NO. 3

BY SENATOR CONNICK

CIVIL PROCEDURE. Provides for the Litigation Reduction Act. (1/1/21)

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AN ACT

To amend and reenact Civil Code Art. 3493.10 and Code of Civil Procedure Art. 1732(1), and to repeal Civil Code Art. 3492, relative to civil actions; to provide relative to prescriptive periods and jury trials; to extend the general prescriptive period for delictual actions; to provide with respect to jury trials; to provide certain terms, procedures, conditions, and requirements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

Art. 3493.10. Delictual actions; two-year prescription; criminal act  
Delictual actions ~~which arise due to damages sustained as a result of an act defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950~~, except as provided in Article 3496.2, are subject to a liberative prescription of two years. This prescription commences to run from the day injury or damage is sustained. **It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana Products**



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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

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## DIGEST

SB 3 Original

2020 First Extraordinary Session

Connick

Present law provides a general one-year liberative prescriptive period for delictual actions (C.C. Art. 3492), and a two-year period for delictual actions for damages arising from an act defined as a crime of violence, except for any act of sexual assault which is subject to a liberative prescription of three years (C.C. Art. 3493.10). Provides that prescription commences to run from the day injury or damage is sustained.

Proposed law increases the general one-year prescriptive period for delictual actions to a two-year prescriptive period and retains the liberative prescription of three years for any act of sexual assault. Also retains that prescription does not run against minors or interdicts in actions involving permanent disability and brought pursuant to state product liability laws. Repeals general one-year liberative prescriptive period for delictual actions.

Present law (C.C.P. Art. 1732) authorizes a jury trial when the amount in controversy exceeds \$50,000.

Proposed law reduces the threshold for a jury trial to \$20,000.

Effective January 1, 2021.

(Amends C.C. Art. 3493.10 and C.C.P. Art. 1732(1); repeals C.C. Art. 3492)