

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 492

2021 Regular Session

Hughes

LIABILITY/CIVIL: Provides relative to the prescriptive period for certain actions for abuse of a minor

Synopsis of Senate Amendments

1. Provides that actions against a person for sexual abuse of a minor or the physical abuse of a minor resulting in permanent impairment or permanent physical injury shall not prescribe.
2. Adds provisions for the revival of claims that have prescribed pursuant to present law.

Digest of Bill as Finally Passed by Senate

Present law provides that prescription on 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 commences to run from the day the minor attains majority and shall be suspended for all purposes until the minor reaches the age of majority, subject to any exception of peremption provided by law.

Proposed law provides that such an action does not prescribe.

Proposed law provides that an action against a person convicted of a crime against a child, as defined by present law does not prescribe and may be filed at any time following conviction.

Present law defines "crime against the child" as the commission or attempted commission of any of the following crimes against an unemancipated minor:

- (1) Homicide.
- (2) Battery.
- (3) Assault.
- (4) Rape.
- (5) Sexual battery.
- (6) Kidnapping.
- (7) Criminal neglect.
- (8) Criminal abandonment.
- (9) Carnal knowledge of a juvenile.
- (10) Indecent behavior with juveniles.
- (11) Pornography involving juveniles.
- (12) Molestation of a juvenile.

- (13) Crime against nature.
- (14) Cruelty to juveniles.
- (15) Contributing to the delinquency or dependency of children.
- (16) Sale of minor children.
- (17) Human trafficking.
- (18) Trafficking of children for sexual purposes.
- (19) Female genital mutilation.

Proposed law retains present law.

Proposed law provides that a party whose action under present law was barred by liberative prescription prior to the effective date of the Act may file such an action for a period of five years following the effective date of the Act.

Effective upon signature of governor or lapse of time for gubernatorial action.

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