

ACT No. 322

2021 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVES HUGHES, ADAMS, BACALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BRASS, BROWN, BRYANT, CARPENTER, CARRIER, WILFORD CARTER, CORMIER, COUSSAN, COX, DESHOTEL, DEVILLIER, DUPLESSIS, EDMONDS, EDMONSTON, EMERSON, FONTENOT, FREEMAN, FREIBERG, GLOVER, GREEN, HARRIS, HILFERTY, HOLLIS, HORTON, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LANDRY, LARVADAIN, LYONS, MARCELLE, MARINO, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, DUSTIN MILLER, NELSON, NEWELL, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY, RISER, SCHEXNAYDER, SCHLEGEL, STAGNI, THOMPSON, TURNER, WHEAT, WHITE, WILLARD, AND ZERINGUE AND SENATORS BARROW, CATHEY, CORTEZ, FIELDS, HENRY, JACKSON, LUNEAU, ROBERT MILLS, PEACOCK, PETERSON, TARVER, AND WARD

1 AN ACT

2 To amend and reenact R.S. 9:2800.9(A), relative to the prescriptive period for certain civil
3 actions against a person for certain acts committed against a minor; to provide that
4 an action against a person for sexual abuse of a minor or for physical abuse of a
5 minor does not prescribe; to provide that an action against a person convicted of a
6 crime against a child does not prescribe; to provide for implementaion; to provide
7 for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:2800.9(A) is hereby amended and reenacted to read as follows:

10 §2800.9. Action against a person for abuse of a minor

11 A.(1) An action against a person for sexual abuse of a minor, or for physical
12 abuse of a minor resulting in permanent impairment or permanent physical injury or
13 scarring, ~~is subject to a liberative prescriptive period of ten years. This prescription~~
14 ~~commences to run from the day the minor attains majority, and this prescription shall~~
15 ~~be suspended for all purposes until the minor reaches the age of majority. Abuse has~~
16 ~~the same meaning as provided in Louisiana Children's Code Article 603. This~~
17 ~~prescriptive period shall be subject to any exception of peremption provided by law~~
18 does not prescribe.

1 (2) An action against a person convicted of a crime against the child does not
2 prescribe and may be filed at any time following conviction. "Crime against the
3 child" has the same meaning as provided in Children's Code Article 603.

4 * * *

5 Section 2. For a period of three years following the effective date of this Act, any
6 party whose action under R.S. 9:2800.9 was barred by liberative prescription prior to the
7 effective date of this Act shall be permitted to file an action under R.S. 9:2800.9 against a
8 party whose alleged actions are the subject of R.S. 9:2800.9. It is the intent of the legislature
9 to revive for a period of three years any claim against a party, authorized by R.S. 9:2800.9,
10 that prescribed prior to the effective date of this Act.

11 Section 3. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____