

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 506 By Senator Claitor

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CIVIL PROCEDURE. Provides for staying discovery in civil proceedings for cause shown by the district attorney in a related criminal matter. (8/1/12)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Deletes the defendant as a party who may file a motion to stay a civil proceeding related to a pending criminal proceeding.
2. Adds provision that proposed law does not apply to visitation proceedings and protective order proceedings pursuant to Title 9 and Title 46.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Claitor

SB No. 506

Proposed law provides that, upon motion of the district attorney in a criminal proceeding, a court having jurisdiction over any related pending civil action or proceeding may, in the interests of justice and for good cause shown after a contradictory hearing, stay all or a portion of discovery sought in the civil action or proceeding. Requires the contradictory hearing to be held by the court in the civil action within thirty days of the filing of the motion for stay. Further provides that good cause shall include, but is not limited to, a finding by the court that such discovery will adversely affect the ability of the district attorney to conduct a related criminal investigation or the prosecution of a related felony criminal case.

Proposed law further provides that a party to the stayed discovery proceeding may move to have the stay subsequently lifted for good cause. Provides that within 30 days of disposition in the trial court, the district attorney shall file an ex parte motion consenting to terminating the stay. Further provides that the time during which the civil proceeding is stayed pursuant to proposed law shall not be used to compute the three-year abandonment period of the civil matter.

Proposed law shall not apply to petitions or proceedings for divorce, custody, child support, visitation, and protective orders.

Effective August 1, 2012.

(Adds C.C.P. Art. 1426.1)

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