
The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

SB 162 Engrossed 2016 Regular Session Peterson

Proposed law provides that in any civil action alleging acts of domestic abuse, domestic abuse battery, domestic abuse aggravated assault, sexually assaultive behavior, or acts that constitute a sex offense involving a victim who was under the age of 17 at the time of the offense, evidence of the defendant's commission of a crime, wrong, or act involving domestic abuse, domestic abuse battery, domestic abuse aggravated assault, sexually assaultive behavior or acts that indicate a lustful disposition toward children may be admissible and may be considered for its bearing on any matter to which it is relevant subject to the balancing test provided in present law.

Proposed law provides that in a case in which a plaintiff intends to offer evidence under the provisions of proposed law, the plaintiff must provide reasonable notice in advance of trial of the nature of any such evidence it intends to introduce at trial for such purposes.

Proposed law cannot be construed to limit the admission or consideration of evidence under any other provision of present law.

Present law provides that spouses cannot sue each other except for causes of action pertaining to contracts or arising out of certain provisions of present law relative to restitution of separate property, divorce or declaration of nullity of the marriage, and causes of action pertaining to spousal support or the support or custody of a child while the spouses are living separate and apart.

Proposed law retains present law and adds that the interspousal immunity created by present law cannot be construed to abrogate or modify any cause of action that one spouse might have against the other. Proposed law further provides that the effect of present law is to bar the right of action that one spouse has against the other, and prescription is suspended as between spouses during the marriage. Proposed law further provides that a judgment of divorce places former spouses in the same situation with respect to each other and any causes of action one spouse might have against the other as if no marriage had ever been contracted between them.

Effective August 1, 2016.

(Amends R.S. 9:291; adds C.E. Art. and 412.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Deleted provisions relative to evidence that could be offered in criminal matters.

2. Deleted requirement in civil matters that defendant must first make a request to plaintiff before being provided with notice that certain evidence may be offered.