
DIGEST

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HB 402 Original

2022 Regular Session

Hughes

Abstract: Provides for the revival of claims for abuse of a minor and defines "abuse".

Present law (R.S. 9:2800.9) provides that 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, does not prescribe.

Present law (Ch.C. Art. 603) defines "abuse" as any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

- (1) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
- (2) The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker, or any other person of the child's involvement in any sexual act with any other person, pornographic displays, any sexual activity constituting a crime under the laws of this state, a coerced abortion conducted upon a child, or female genital mutilation of the child or of a sister of the child.

Proposed law maintains present law and provides that "abuse", as the term is used in the present law provision regarding prescription of claims, has the same meaning as provided in present law definition of "abuse".

Present law (Act 322 of the 2021 R.S.) provides that a party whose action was barred by liberative prescription prior to the effective date present law may file such an action against a party for a period of three years following the effective date of present law.

Proposed law provides that any person whose cause of action related to sexual abuse of a minor was barred by liberative prescription shall be permitted to file an action under proposed law for a period of three years following the effective date of proposed law. Further provides that the revival of claims includes any cause of action related to sexual abuse of a minor that previously prescribed under any La. prescriptive period.

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

(Amends R.S. 9:2800.9(A)(1))