

2025 Regular Session

HOUSE BILL NO. 193

BY REPRESENTATIVE AMEDEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/ACTIONS: Provides relative to lawsuit procedures for incarcerated individuals

1 AN ACT

2 To amend and reenact R.S. 15:1184(A)(2), relative to suits by prisoners; to provide for the
3 procedure for suits by prisoners; to provide for the dismissal of suits by prisoners;
4 to provide relative to peremptory exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:1184(A)(2) is hereby amended and reenacted to read as follows:

7 §1184. Suits by prisoners

8 A.

9 * * *

10 (2)(a) No prisoner suit shall assert a claim under state law until such
11 administrative remedies as are available are exhausted. If a prisoner suit is filed in
12 contravention of this Paragraph, the court shall dismiss the suit ~~without prejudice~~.
13 A suit dismissed under this Section shall not interrupt prescription.

14 (b) If a prisoner fails to timely initiate or pursue his administrative remedies
15 within the deadlines established in R.S. 15:1172(B) or LAC 22:I.325, his claim is
16 abandoned and any subsequent suit asserting such a claim shall be dismissed with
17 prejudice.

18 (c) If the administrative remedy process is ongoing and incomplete at the
19 time the prisoner suit is filed, the suit shall be dismissed without prejudice.

1 (d) Failure to exhaust administrative remedies may be raised by peremptory
 2 exception under Code of Civil Procedure Article 927.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 193 Original

2025 Regular Session

Amedee

Abstract: Provides relative to suits by prisoners and the procedure for dismissal.

Present law provides that no prisoner shall assert a claim under state law until such administrative remedies are exhausted. If a suit is filed in contravention to present law the court shall dismiss the suit without prejudice.

Proposed law retains present law but provides that a suit dismissed under present law shall not interrupt prescription and removes the provision under present law that the suit is dismissed without prejudice.

Proposed law provides that if a prisoner fails to timely initiate or pursue his administrative remedies within the deadlines established, his claim is abandoned and any subsequent claim shall be dismissed with prejudice.

Proposed law provides that if the administrative remedy process is ongoing and incomplete at the time the prisoner suit is filed, the suit shall be dismissed without prejudice.

Proposed law provides that failure to exhaust administrative remedies may be raised by peremptory exception.

(Amends R.S. 15:1184(A)(2))