## 2020 Regular Session

## HOUSE CONCURRENT RESOLUTION NO. 25

#### BY REPRESENTATIVE GREGORY MILLER

CIVIL/ACTIONS: Provides for the suspension of all civil prescriptive, peremptive, filing, and other deadlines in response to the COVID-19 Public Health Emergency declared by the governor

1	A CONCURRENT RESOLUTION
2	To suspend until September 30, 2020, the provisions of all laws which apply to all legal
3	deadlines, including liberative prescription, peremptive periods, lien periods, and
4	filing deadlines applicable to legal proceedings in all courts, administrative agencies,
5	and boards.
6	WHEREAS, as a direct consequence of the COVID-19 Public Health Emergency
7	declared by the governor, there are extreme challenges to maintain adequate staffing of the
8	courts and related systems of government without further risk of the spread of disease to the
9	citizens of Louisiana; and
10	WHEREAS, the COVID-19 Public Health Emergency has created an obstruction to
11	residents attempting to timely exercise their rights to effectively pursue or defend claims in
12	legal, administrative, and regulatory proceedings; and
13	WHEREAS, Article I, Section 22 of the Constitution of Louisiana provides that all
14	courts shall be open, and every person shall have an adequate remedy by due process of law
15	and justice, administered without denial, partiality, or unreasonable delay, for injury to him
16	in his person, property, reputation, or other rights; and
17	WHEREAS, the disruption of services and infrastructure to our system of justice
18	caused by this emergency event will have a significant impact on the basic rights of citizens
19	unless action is taken to suspend the effects of the tolling of legal delays during the period
20	of this emergency; and

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1	WHEREAS, pursuant to the authority granted by Article III, Section 20 of the	
2	Constitution of Louisiana, it is necessary for the Legislature of Louisiana to suspend the	
3	effects of all legal deadlines, including liberative prescription, peremptive periods, lien	
4	periods, and filing deadlines applicable to legal proceedings in all courts, administrative	
5	agencies, and boards.	
6	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends	
7	the provisions of all laws which apply to all legal deadlines, including liberative prescription,	
8	peremptive periods, lien periods, and filing deadlines applicable to legal proceedings in all	
9	courts, administrative agencies, and boards, including but not limited to such deadlines set	
10	forth by law within all of the following:	
11	(1) Louisiana Civil Code.	
12	(2) Louisiana Code of Civil Procedure.	
13	(3) Title 9 of the Louisiana Revised Statutes of 1950, Civil Code Ancillaries.	
14	(4) Title 13 of the Louisiana Revised Statutes of 1950, Courts and Judicial	
15	Procedure.	
16	(5) Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, Election	
17	Campaign Finance.	
18	(6) Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950, Workers'	
19	Compensation.	
20	(7) Part IV of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised	
21	Statutes of 1950, Malpractice Liability for State Services.	
22	(8) Part I of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised	
23	Statutes of 1950, Medical Malpractice.	
24	(9) Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, Administrative	
25	Procedure.	
26	(10) Titles 38 and 48 and all other Codes and Titles of the Louisiana Revised	
27	Statutes of 1950.	
28	BE IT FURTHER RESOLVED that the suspension by this Resolution of	
29	prescriptive periods, lien periods, peremptive periods, and all legal deadlines is limited to	
30	the time period of March 16, 2020, through September 30, 2020, and the suspension is	

- 1 further limited and shall apply only if the prescriptive period, lien period, peremptive period,
- 2 or legal deadline would have otherwise lapsed.
- 3 BE IT FURTHER RESOLVED that this limited suspension shall terminate on 4 September 30, 2020, and any right, claim, or action which would have expired during the 5 time period of March 16, 2020, through September 30, 2020, shall lapse on October 1, 2020. 6 BE IT FURTHER RESOLVED that with respect to any prescriptive period, lien 7 period, peremptive period, or legal deadline which would not have lapsed during the time 8 period of March 16, 2020, through September 30, 2020, the period of suspension provided 9 by this Resolution shall be counted toward accrual of the prescriptive period, lien period, 10 peremptive period, or legal deadline, notwithstanding the provisions of Civil Code Article 11 3472. 12 BE IT FURTHER RESOLVED that this suspension shall become effective upon
- 13 adoption of this Resolution and shall extend through September 30, 2020.

# 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)]

HCR 25 Engrossed	2020 Regular Session
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Gregory Miller

Suspends the provisions of all laws which apply to all legal deadlines, including liberative prescription, peremptive periods, lien periods, and filing deadlines applicable to legal proceedings in all courts, administrative agencies, and boards.

(Suspends all legal deadlines set forth by law, including deadlines contained in the following: (1) Civil Code; (2) Code of Civil Procedure; (3) Title 9 of the La. Revised Statutes; (4) Title 13 of the La. Revised Statutes; (5) Chapter 11 of Title 18 of the La. Revised Statutes; (6) Chapter 10 of Title 23 of the La. Revised Statutes; (7) Part IV of Subchapter E of Chapter 5-D of Title 40 of the La. Revised Statutes; (8) Part I of Subchapter E of Chapter 5-D of Title 40 of the La. Revised Statutes; (9) Chapter 13 of Title 49 of the La. Revised Statutes; and (10) Titles 38 and 48 of the La. Revised Statutes)

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Civil Law and</u> <u>Procedure</u> to the <u>original</u> bill:
- 1. Specify that lien periods, Titles 38 and 48 of the La. Revised Statutes, and all other Codes and Titles of the La. Revised Statutes are included in the suspension.
- 2. Add March 16, 2020, through September 30, 2020, as the period to apply the proposed suspension.
- 3. Limit applicability to matters which would have expired from March 16, 2020, through September 30, 2020.

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4. Specify that the period of March 16, 2020, through September 30, 2020, shall be counted toward the accrual of actions which would not have expired during the effective dates of the suspension.