

2021 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVES HUGHES, JEFFERSON, MIKE JOHNSON, LANDRY, AND MARINO

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

LIABILITY/CIVIL: Provides relative to the prescriptive period for certain actions for abuse of a minor

1 AN ACT

2 To amend and reenact R.S. 9:2800.9(A), relative to the prescriptive period for certain
3 actions against a person for abuse of a minor; to extend the prescriptive period for
4 actions against a person for sexual abuse of a minor or for physical abuse of a minor;
5 to provide that an action against a person convicted of a crime against a child does
6 not prescribe; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2800.9(A) is hereby amended and reenacted to read as follows:

9 §2800.9. Action against a person for abuse of a minor

10 A.(1) An action against a person for sexual abuse of a minor, or for physical
11 abuse of a minor resulting in permanent impairment or permanent physical injury or
12 scarring, is subject to a liberative prescriptive period of ~~ten~~ thirty-five years. This
13 prescription commences to run from the day the minor attains majority, and this
14 prescription shall be suspended for all purposes until the minor reaches the age of
15 majority. Abuse has the same meaning as provided in ~~Louisiana~~ Children's Code
16 Article 603. This prescriptive period shall be subject to any exception of peremption
17 provided by law.

- (10) Indecent behavior with juveniles.
- (11) Pornography involving juveniles.
- (12) Molestation of a juvenile.
- (13) Crime against nature.
- (14) Cruelty to juveniles.
- (15) Contributing to the delinquency or dependency of children.
- (16) Sale of minor children.
- (17) Human trafficking.
- (18) Trafficking of children for sexual purposes.
- (19) Female genital mutilation.

Proposed law retains present law.

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

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

- 1. Provide that actions against a person convicted of a crime against a child shall not prescribe.
- 2. Delete provisions for the revival of prescribed claims.