

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 464 by Representative Abramson

1 AMENDMENT NO. 1

2 On page 1, line 3, change "and 593.2" to ", 593.2, and 1476"

3 AMENDMENT NO. 2

4 On page 1, line 6, between "actions;" and "and" insert "to provide for depositions of minors
5 who are victims of sexual abuse;"

6 AMENDMENT NO. 3

7 On page 1, line 9, change "and 593.2" to ", 593.2, and 1476"

8 AMENDMENT NO. 4

9 On page 2, delete lines 2 through 9 and insert

10 "A. When two or more actions requesting the certification of a class pursuant
11 to Article 591 are filed in two or more Louisiana courts regarding the same single
12 event or occurrence, and such classes, if certified, would encompass one or more of
13 the same plaintiffs suing in the same capacities against one or more of the same
14 defendants in the same capacities, the defendant may, by excepting as provided in
15 Article 925, have all such actions transferred to the district court where the event
16 occurred.

17 B. When two or more actions requesting the certification of a class pursuant
18 to Article 591 are filed in two or more Louisiana courts regarding multiple related
19 transactions or occurrences and such classes, if certified, would encompass one or
20 more of the same plaintiffs suing in the same capacities against one or more of the
21 same defendants in the same capacities, the defendant may, by excepting as provided
22 in Article 925, have all such actions transferred to the district court where the first
23 suit was brought."

24 AMENDMENT NO. 5

25 On page 2, delete lines 11 through 14 and insert

26 "Notwithstanding the provisions of Article 123, within thirty days of the
27 certification of a class under Article 591 by a different Louisiana court regarding the
28 same transaction or occurrence and encompassing one or more of the same plaintiffs
29 suing in the same capacities against one or more of the same defendants in the same
30 capacities, any court where a related putative class action is pending may, upon
31 contradictory motion, in the interests of justice and for good cause shown, transfer
32 the putative class action to the district where the related action has been certified."

33 AMENDMENT NO. 6

34 On page 2, between lines 14 and 15, insert the following:

35 " * * *
36 Art. 1476. Depositions of minors who are victims of sexual abuse

37 A.(1) Notwithstanding any other provision of law, no minor who is the victim
38 of sexual abuse by a party to the proceeding shall be deposed except by agreement

1 of the parties, absent objection by the minor's mental health counselor, social worker,
2 or psychologist, or after approval of the court pursuant to Paragraph B of this Article.

3 (2) For purposes of this Article, "minor" shall mean a person under the age
4 of seventeen years.

5 B. The court shall not approve a deposition pursuant to this Article unless the
6 court finds that:

7 (1) The testimony of the minor is necessary to assist the trial.

8 (2) The evidence sought is not reasonably available by any other means.

9 (3) The probative value of the testimony outweighs the potential detriment
10 to the minor of being deposed.

11 C. (1) If a deposition is taken pursuant to this Article, the court shall issue a
12 protective order to protect the deponent from emotional harm, unnecessary
13 annoyance, embarrassment, oppression, invasion of privacy, undue burden or
14 expense, or waste of time.

15 (2) The protective order may include, among other remedies:

16 (a) That the deposition may be taken only on specified terms and conditions,
17 including a designation of the time, place, and manner of taking the deposition.

18 (b) That the deposition may be taken only by written questions.

19 (c) That certain matters not be inquired into, or that the scope of the
20 deposition be limited in certain matters.

21 (d) That the deposition be conducted only with such persons present as the
22 court may designate.

23 (e) That after the deposition has been taken, the recording or transcription be
24 sealed until further order of the court.

25 D. If a deposition of the minor is taken pursuant to this Article, the court shall
26 appoint an attorney to represent the minor for the purposes of the deposition."

27 AMENDMENT NO. 7

28 On page 2, after line 20, insert the following:

29
30 "Section 3. The provisions of this Act shall be given prospective application only and
31 shall not affect any action pending prior to the effective date of this Act."