
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 3 Original

2020 First Extraordinary Session

Connick

Present law provides a general one-year liberative prescriptive period for delictual actions (C.C. Art. 3492), and a two-year period for delictual actions for damages arising from an act defined as a crime of violence, except for any act of sexual assault which is subject to a liberative prescription of three years (C.C. Art. 3493.10). Provides that prescription commences to run from the day injury or damage is sustained.

Proposed law increases the general one-year prescriptive period for delictual actions to a two-year prescriptive period and retains the liberative prescription of three years for any act of sexual assault. Also retains that prescription does not run against minors or interdicts in actions involving permanent disability and brought pursuant to state product liability laws. Repeals general one-year liberative prescriptive period for delictual actions.

Present law (C.C.P. Art. 1732) authorizes a jury trial when the amount in controversy exceeds \$50,000.

Proposed law reduces the threshold for a jury trial to \$20,000.

Effective January 1, 2021.

(Amends C.C. Art. 3493.10 and C.C.P. Art. 1732(1); repeals C.C. Art. 3492)