

SENATE BILL NO. 506

BY SENATOR CLAITOR

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AN ACT

To enact Code of Civil Procedure Article 1426.1, relative to discovery; to provide relative to a stay of discovery in certain civil matters for good cause shown by a district attorney in a related criminal matter; to provide certain terms, conditions and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1426.1 is hereby enacted to read as follows:

**Art. 1426.1. Stay of discovery in civil matters by a district attorney in a related criminal matter**

**A. Upon motion of the district attorney in a criminal proceeding, a court having jurisdiction over any related pending civil action or proceeding may, in the interests of justice and for good cause shown after a contradictory hearing with all parties in the civil action, stay all or a portion of discovery sought in such civil action or proceeding. The contradictory hearing shall be held by the court in the civil action within thirty days of the filing of the motion. Good cause shall include but not be limited to a finding by the court that such discovery will adversely affect the ability of the district attorney to conduct a related criminal investigation or the prosecution of a related felony criminal case.**

**B. No provision of this Article shall prohibit a party to the stayed discovery proceeding from moving to have the stay subsequently lifted for good cause.**

**C. Within thirty days after disposition in the trial court of the related**

1 criminal prosecution, in any matter where a stay has issued, the district  
2 attorney shall file an ex parte motion consenting to the termination of the stay.

3 D. The time during which the civil proceeding is stayed pursuant to this  
4 Article shall not be used to compute the three-year abandonment period of the  
5 civil matter.

6 E. No provisions of this Article shall have applicability to petitions or  
7 proceedings for divorce, custody, child support, visitation, or protective orders  
8 pursuant to Title 9 and Title 46 of the Louisiana Revised Statutes of 1950.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_