



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 594

**An Act to amend the Civil Code with
regard to the suspension of extinctive
prescription**

Introduction

**Introduced by
Mr. Jean-Martin Aussant
Member for Nicolet-Yamaska**

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EXPLANATORY NOTES

This bill creates presumptions of impossibility to act for victims of acts of a sexual nature so as to suspend extinctive prescription.

A simple presumption of impossibility to act applies to all victims of acts of a sexual nature. The presumption becomes absolute and irrebuttable if the victim was a minor at the time the acts were committed.

The bill provides that a victim who has already filed a judicial demand and whose demand is still pending may benefit from these presumptions.

If a demand was dismissed on the ground that it was prescribed, the victim has two years to file a new demand and thereby benefit from one or the other of these presumptions.

LEGISLATION AMENDED BY THIS BILL:

– Civil Code of Québec.

Bill 594

AN ACT TO AMEND THE CIVIL CODE WITH REGARD TO THE SUSPENSION OF EXTINCTIVE PRESCRIPTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Civil Code of Québec is amended by inserting the following article after article 2904:

“2904.1. If a judicial demand is based on injury caused by an act of a sexual nature, it is presumed that it was impossible for the victim to act until the time the demand is filed.

If the victim was a minor when the act was committed, it is deemed that it was impossible for the victim to act until the time the demand is filed.”

2. A victim who filed a judicial demand based on injury caused by an act of a sexual nature before the coming into force of this Act may

(a) benefit from the presumptions of impossibility to act, if the demand is pending;

(b) file a new demand within two years after the coming into force of this Act, if the demand was dismissed on the ground that it was prescribed.

3. This Act comes into force on (*insert the date of assent to this Act*).

