

1 STATUTE OF LIMITATIONS FOR CIVIL ACTIONS

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Ken Ivory

5 Senate Sponsor: Aaron Osmond

6

7 LONG TITLE

8 General Description:

9 This bill eliminates the statute of limitations for civil actions for child sexual abuse.

10 Highlighted Provisions:

11 This bill:

- 12 ► provides that a victim of child sexual abuse may file a civil action at any time.

13 Money Appropriated in this Bill:

14 None

15 Other Special Clauses:

16 ~~H~~→ [None] This bill provides a special effective date. ←~~H~~

17 Utah Code Sections Affected:

18 AMENDS:

19 **78B-2-308**, as renumbered and amended by Laws of Utah 2008, Chapter 3

20

21 *Be it enacted by the Legislature of the state of Utah:*

22 Section 1. Section **78B-2-308** is amended to read:

23 **78B-2-308. Civil actions for sexual abuse of a child.**

24 (1) As used in this section:

25 (a) "Child" means a person under 18 years of age.

26 (b) "Discovery" means when a person knows or reasonably should know that the injury
27 or illness was caused by the intentional or negligent sexual abuse.



28 (c) "Injury or illness" means either a physical injury or illness or a psychological injury
 29 or illness. A psychological injury or illness need not be accompanied by physical injury or
 30 illness.

31 (d) "Molestation" means touching the anus, buttocks, or genitalia of any child, the
 32 breast of a female child younger than 14 years of age, or otherwise taking indecent liberties
 33 with a child, or causing a child to take indecent liberties with the perpetrator or another, with
 34 the intent to arouse or gratify the sexual desire of any person.

35 (e) "Negligently" means a failure to act to prevent the child sexual abuse from further
 36 occurring or to report the child sexual abuse to law enforcement when the adult who could act
 37 knows or reasonably should know of the child sexual abuse and is the victim's parent,
 38 stepparent, adoptive parent, foster parent, legal guardian, ancestor, descendant, brother, sister,
 39 uncle, aunt, first cousin, nephew, niece, grandparent, stepgrandparent, or any person cohabiting
 40 in the child's home.

41 (f) "Person" means an individual who was intentionally or negligently sexually abused.
 42 It does not include individuals whose claims are derived through another individual who was
 43 sexually abused.

44 (g) ~~Ĥ~~→ **"Perpetrator" means an individual who has committed an act of sexual abuse.**

44a **(h)** ←Ĥ "Sexual abuse" means acts or attempted acts of sexual intercourse, sodomy, or
 45 molestation ~~Ĥ~~→ **by an adult** ←Ĥ directed towards a child.

46 (2) ~~Ĥ~~→ **(a)** ←Ĥ A person [shall] may file a civil action ~~Ĥ~~→ **against a perpetrator** ←Ĥ
 46a1 for intentional

46a or negligent sexual abuse

47 suffered as a child[:] at any time ~~Ĥ~~→ [~~subject to the constraints in this section~~] ←Ĥ .

47a ~~Ĥ~~→ **(b) A person may file a civil action against a non-perpetrator for intentional or**
 47b **negligent sexual abuse suffered as a child:**

48 [Ĥ] ~~(a)~~ **(i) within four years after the person attains the age of 18 years; or** [Ĥ]

49 [Ĥ] ~~(b)~~ **(ii) if a person discovers sexual abuse only after attaining the age of 18 years, that**
 50 **person may bring a civil action for such sexual abuse within four years after discovery of the**
 51 **sexual abuse, whichever period expires later.** [Ĥ] ←Ĥ

52 (3) The victim need not establish which act in a series of continuing sexual abuse
 53 incidents caused the injury complained of, but may compute the date of discovery from the date
 54 of discovery of the last act by the same perpetrator which is part of a common scheme or plan
 55 of sexual abuse.

56 (4) The knowledge of a custodial parent or guardian may not be imputed to a person
 57 under the age of 18 years.

58 (5) A civil action may be brought only against a living person who intentionally

59 perpetrated the sexual abuse or negligently permitted the sexual abuse to occur.

59a **Ĥ→ Section 2. Effective date.**

59b **If approved by two-thirds of all the members elected to each house, this bill takes effect**

59c **upon approval by the governor, or the day following the constitutional time limit of Utah**

59d **Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,**

59e **the date of veto override. ←Ĥ**

Legislative Review Note

as of 2-4-15 6:15 PM

Office of Legislative Research and General Counsel