

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

27 78B-2-308. ~~Ĥ~~→ Legislative findings -- ←~~Ĥ~~ Civil actions for sexual abuse of a child --

27a Window for revival of time

28 barred claims.

28a ~~Ĥ~~→ (1) The Legislature finds that:

28b (a) child sexual abuse is a crime that hurts the most vulnerable in our society and
28c destroys lives;

28d (b) research over the last 30 years has shown that it takes decades for children and
28e adults to pull their lives back together and find the strength to face what happened to them;

28f (c) often the abuse is compounded by the fact that the perpetrator is a member of the
28g victim's family and when such abuse comes out, the victim is further stymied by the family's
28h wish to avoid the "ugliness";

28i (d) even when the abuse is not committed by a family member, the perpetrator is rarely
28j a stranger and, if in a position of authority, can bring pressure to bear on the victim to insure
28k silence;

28l (e) in 1992, when the Legislature enacted the statute of limitations requiring victims to
28m sue within four years of majority, society did not understand the long-lasting effects of abuse
28n on the victim;

28o (f) the Legislature, as the policy-maker for the state, may take into consideration
28p advances in medical science and understanding in revisiting policies and laws shown to be
28q harmful rather than beneficial; and

28r (g) the Legislature has the authority to change old laws in the face of new information,
28s and set new policies. ←~~Ĥ~~

29 ~~Ĥ~~→ [(1)] ~~Ĥ~~→ (2) ←~~Ĥ~~ As used in this section:

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

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

33 (c) "Injury or illness" means either a physical injury or illness or a psychological injury
34 or illness. A psychological injury or illness need not be accompanied by physical injury or
35 illness.

36 (d) "Molestation" means [~~touching~~] that a person, with the intent to arouse or gratify
37 the sexual desire of any person:

38 (i) touches the anus, buttocks, or genitalia of any child, or the breast of a female child
39 [~~younger than 14 years of age, or otherwise taking~~];

40 (ii) takes indecent liberties with a child~~[-];~~ or ~~[causing]~~

41 (iii) causes a child to take indecent liberties with the perpetrator or another~~[-with the~~
42 ~~intent to arouse or gratify the sexual desire of any]~~ person.

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

49 ~~[(g)]~~ (f) "Perpetrator" means an individual who has committed an act of sexual abuse.

50 ~~[(h)]~~ (g) "Sexual abuse" means acts or attempted acts of sexual intercourse, sodomy, or
51 molestation by an adult directed towards a child.

52 ~~[(f)]~~ (h) " ~~H→~~ [f] **Person** [j] Victim ~~←H~~ " means an individual ~~H→~~ victim ~~←H~~ who
52a was intentionally or negligently
53 sexually abused. It does not include individuals whose claims are derived through another
54 individual who was sexually abused.

55 ~~H→~~ ~~[(2)]~~ **(3)** ~~←H~~ (a) A person may file a civil action against a perpetrator for intentional or
55a negligent
56 sexual abuse suffered as a child at any time.