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Sexual Abuse Statutes of Limitation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor:

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LONG TITLE**General Description:**

This bill addresses civil statutes of limitation for certain sexual crimes.

Highlighted Provisions:

This bill:

- addresses civil statutes of limitation for certain sexual crimes; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-8-101, as enacted by Laws of Utah 2024, Chapter 371

ENACTS:

78B-2-402, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

78B-2-401, (Renumbered from 78B-2-119, as enacted by Laws of Utah 2022, Chapter 474)

REPEALS:

78B-2-308, as last amended by Laws of Utah 2022, Chapter 430

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

Section 3. Section **78B-2-401**, which is renumbered from Section 78B-2-119 is renumbered and amended to read:

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Part 4. Civil Actions Arising Out of Criminal Conduct

[78B-2-119] 78B-2-401 . Statute of limitations after criminal proceeding.

(1) As used in this section:

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- 31 (a) "Cause of action" means [~~any~~] a civil claim that a victim [~~could~~] may bring against a
 32 defendant for criminal conduct committed against the victim.
- 33 (b) "Criminal conduct" means [~~any~~] an act that is charged as a felony under:
 34 (i) Title 76, Chapter 5, Offenses Against the Individual, except for conduct described
 35 in Subsection 78B-2-402(1)(f); or
 36 (ii) Title 76, Chapter 4, Inchoate Offenses, that is directly related to prohibited
 37 conduct under Title 76, Chapter 5, Offenses Against the Individual, except for
 38 conduct described in Subsection 78B-2-402(1)(f).
- 39 (c) "Victim" means an individual directly harmed by criminal conduct or the individual's
 40 representative.
- 41 (2)(a) Notwithstanding any statute of limitations, a victim may bring a cause of action
 42 arising out of criminal conduct if:
 43 (i) the defendant to the cause of action was charged by a criminal complaint,
 44 indictment, or information for that criminal conduct;
 45 (ii) the cause of action is brought within one year [~~from~~] after the day on which a final
 46 disposition for the criminal proceeding is issued;
 47 (iii) the cause of action is brought to address any harm resulting from the criminal
 48 conduct that was at issue in the criminal proceeding described in Subsection
 49 (2)(a)(ii); and
 50 (iv) the applicable statute of limitations that would apply to the conduct at issue in the
 51 cause of action did not expire before May 4, 2022.
- 52 (b) A defendant does not need to be convicted of the criminal conduct for an individual
 53 to bring a cause of action under Subsection (2)(a).
- 54 (3) Subsection (2)(a) does not:
 55 (a) shorten an applicable statute of limitations or an applicable tolling provision;
 56 (b) toll or extend an applicable statute of limitations for an action that is brought against
 57 an employer or former employer of a defendant described in Subsection (2)(a)(i); or
 58 (c) require an insurer to defend or indemnify a defendant for a cause of action that would
 59 otherwise be barred if not for Subsection (2)(a).

60 Section 1. Section **78B-2-402** is enacted to read:

61 **78B-2-402 . Statute of limitations for civil actions arising out of sexual abuse.**

62 (1) As used in this section:

- 63 (a) "Cause of action" means a civil claim that a victim may bring against an individual
 64 for sexual abuse committed against the victim.

- 65 (b) "Child" means an individual who is under 18 years old.
- 66 (c) "Discovers" means when an individual knows or should know that sexual abuse
67 occurred.
- 68 (d)(i) "Negligent sexual abuse" means when an individual fails to prevent the sexual
69 abuse of a child from occurring, or to report the sexual abuse of a child, when the
70 individual discovers the sexual abuse.
- 71 (ii) "Negligent sexual abuse" does not include the non reporting of sexual abuse of a
72 child by a member of the clergy or an attorney who is acting in accordance with
73 Subsection 80-2-602(3).
- 74 (e) "Perpetrator" means an individual who commits sexual abuse.
- 75 (f) "Sexual abuse" means:
- 76 (i) rape under Section 76-5-402;
- 77 (ii) rape of a child under Section 76-5-402.1;
- 78 (iii) object rape under Section 76-5-402.2;
- 79 (iv) object rape of a child under Section 76-5-402.3;
- 80 (v) forcible sodomy under Section 76-5-403;
- 81 (vi) sodomy on a child under Section 76-5-403.1;
- 82 (vii) forcible sexual abuse under Section 76-5-404;
- 83 (viii) sexual abuse of a child under Section 76-5-404.1;
- 84 (ix) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 85 (x) aggravated sexual assault under Section 76-5-405.
- 86 (g)(i) "Victim" means an individual against whom sexual abuse is committed or
87 allegedly committed.
- 88 (ii) "Victim" does not include an individual whose claims are derived through another
89 individual against whom sexual abuse is committed or allegedly committed.
- 90 (2)(a) Notwithstanding other provisions of this code, a victim has a right of action at
91 any time against:
- 92 (i) a perpetrator of sexual abuse committed or allegedly committed against the
93 victim; or
- 94 (ii) an individual who would be criminally responsible under Section 76-2-202 for
95 sexual abuse committed or allegedly committed against the victim.
- 96 (b) A victim may only bring an action described in Subsection (2)(a) against an
97 individual for negligent sexual abuse within the later of four years after the day on
98 which:

- 99 (i) the victim turns 18 years old; or
- 100 (ii) the victim discovers the sexual abuse.
- 101 (3) A victim may bring an action described in Subsection (2) regardless of whether criminal
- 102 charges are filed or the perpetrator is convicted of sexual abuse.
- 103 (4) For purposes of establishing the discovery of sexual abuse under Subsection (2)(b)(ii):
- 104 (a) if there is more than one alleged act of sexual abuse in an action, the date of
- 105 discovery is computed from the day on which the victim discovers the last alleged act
- 106 of sexual abuse by the perpetrator; and
- 107 (b) the discovery by a parent or guardian of sexual abuse may not be imputed to a victim
- 108 who is a child at the time of the sexual abuse.
- 109 (5)(a) This section extends the statute of limitations for an action described in
- 110 Subsection (2) that is not time barred on or before May 7, 2025.
- 111 (b) This section does not revive an action that is time barred on or before May 7, 2025.
- 112 Section 5. Section **80-8-101** is amended to read:
- 113 **80-8-101 . Definitions.**
- 114 As used in this chapter:
- 115 (1) "Child" means an individual under 18 years old.
- 116 (2) "Registered sex offender check" means a search of:
- 117 (a) the state's [~~Sex and Kidnap Offender Registry~~] Sex, Kidnap, and Child Abuse
- 118 Offender Registry described in Title 77, Chapter 41, [~~Sex and Kidnap Offender~~
- 119 Registry] Sex, Kidnap, and Child Abuse Offender Registry; and
- 120 (b) the National Sex Offender Public Website administered by the United States
- 121 Department of Justice.
- 122 (3) "Sexual abuse" means [~~the same as that term is defined in Section 78B-2-308~~] an act or
- 123 attempted act of sexual intercourse, sodomy, or molestation by an adult directed towards
- 124 a child.
- 125 (4)(a) "Youth services organization" means a sports league, athletic association, church
- 126 or religious organization, scouting organization, or similar formally organized
- 127 association, league, or organization, that provides recreational, educational, cultural,
- 128 or social programs or activities to 25 or more children.
- 129 (b) "Youth services organization" does not include any person that is required to conduct
- 130 a background check on employees or volunteers under any other provision of state or
- 131 federal law.
- 132 (5) "Youth worker" means an individual:

- 133 (a) who is 18 years old or older;
- 134 (b) who is employed by or volunteers with a youth services organization; and
- 135 (c) whose responsibilities as an employee or volunteer with the youth services
- 136 organization give the individual regular and repeated care, supervision, guidance, or
- 137 control of a child or children.

138 Section 4. **Repealer.**

139 This bill repeals:

140 Section **78B-2-308, Legislative findings -- Civil actions for sexual abuse of a child --**

141 **Window for revival of time barred claims.**

142 Section 2. **Effective date.**

143 This bill takes effect on May 7, 2025.