

## HJR4: Seeking Justice for Victims of Child Sex Abuse

Before they turn 18...



Sixteen-year old Terry Mitchell was sexually abused by a federal prosecutor during a murder trial. She was the star witness. The prosecutor warned if she told anyone the murderer would not go to jail. She didn't tell. However, after the murderer was executed, the prosecutor, now a federal judge, called admitting that he had abused her during the trial.

[She recorded the call](#) but could do nothing to hold her abuser civilly liable. She is not alone.

Until 1992, when the statute of limitations (SOL) was changed to four years, a sexually abused child only had one year to bring a civil claim. In 2015, [HB277](#) eliminated the civil SOL entirely. At that time, the vast majority of survivors were over age of 22 and the civil SOL had already lapsed. So, in 2016, [HB279](#) revived the civil SOL against individual perpetrators. [A comprehensive study](#) of survivors of child sexual abuse found that "most... survivors waited an average of 21 years until disclosing into adulthood." [23 US states and Washington, D.C.](#) have passed legislation reviving the statute of limitations for child sexual abuse. Many cases have upheld revival statutes.<sup>1</sup> Vested **statute of limitations defenses are given no protection** under federal Due Process Clauses.<sup>2</sup>

Based on HB279, Terry sued and her abuser challenged the authority of the Legislature to revive a civil SOL. Despite broad state and federal recognition of this legislative authority, the Utah Supreme Court struck down HB279 holding the only recourse is for "[the people of Utah to amend the Utah Constitution to alter the legislature's authority in this area.](#)"

HJR4 clarifies the authority of the Legislature to afford civil relief against individual perpetrators to survivors of child sexual abuse.

<sup>1</sup> See *Doe v. Hartford Roman Cath. Diocesan Corp.*, 119 A.3d 462, 516 (Conn. 2015); *Doe v. Silverman*, 401 P.3d 793, 796 (Or. App. 2017); *PB-36 Doe v. Niagara Falls City Sch. Dist.*, 72 Misc. 3d 1052 (N.Y. Sup. Ct. 2021); *W.F. v. Roman Cath. Diocese of Paterson*, No. CV 20-7020, 2021 WL 2500616, at \*2 (D.N.J. June 7, 2021).

<sup>2</sup> See *Chase Securities Corp. v. Donaldson*, 325 U.S. 304, 314-16 (1945); *Harvey v. Merchan*, 860 S.E.2d 561, 574 (Ga. 2021).

## THE BEST CHILD SEX ABUSE STATUTES OF LIMITATION BY JURISDICTION

**49**  
States &  
Territories

**NO CRIMINAL SOL FOR SOME OR ALL CSA CRIMES**

All U.S. States & Territories and the Federal Government eliminated SOLs except NV, NH, ND, OH, OK, OR and Puerto Rico

**17**  
States &  
Territories

**NO CIVIL SOL FOR SOME OR ALL CSA CLAIMS**

AK, AZ, CO, CT, DE, FL, IL, LA, ME, MN, NE, NV, NH, UT, VT, NMI, and Guam

**27**  
States &  
Territories

**REVIVAL OR WINDOW LAW FOR EXPIRED CIVIL CLAIMS**

AZ, AR, CA, CO, CT, DE, GA, HI, KY, LA, ME, MA, MI, MN, MT, NV, NJ, NY, NC, OR, RI, UT\*, VT, WV, DC, NMI, and Guam



[www.childusa.org](http://www.childusa.org)

**CHILD USA**  
THE NATIONAL THINK TANK FOR CHILD PROTECTION

The Sean P. Mehlman Institute  
of Limitations Research  
at CHILD USA

## THIS BILL IS SUPPORTED BY:

**The Utah Council on Victims of Crime**



THE INSTITUTION FOR SURVIVORS OF ABUSE

