

Representative David Clark proposes the following substitute bill:

STATUTE OF LIMITATIONS AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: David Clark

LONG TITLE

General Description:

This bill changes the statute of limitations on assault and battery from one year to two years.

Highlighted Provisions:

This bill:

- ▶ increases the statute of limitations on assault and battery from one year to two years.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-12-28, as last amended by Chapter 157, Laws of Utah 2000

78-12-29, as last amended by Chapter 241, Laws of Utah 2001

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

Section 1. Section **78-12-28** is amended to read:

78-12-28. Within two years.

An action may be brought within two years:



26 (1) against a marshal, sheriff, constable, or other officer for liability incurred by the
27 doing of an act in his official capacity, and by virtue of his office, or by the omission of an
28 official duty, including the nonpayment of money collected upon an execution;

29 (2) for recovery of damages for a death caused by the wrongful act or neglect of
30 another;

31 (3) in causes of action against the state and its employees, for injury to the personal
32 rights of another if not otherwise provided by state or federal law; [~~or~~]

33 (4) in causes of action against a political subdivision of the state and its employees, for
34 injury to the personal rights of another arising after May 1, 2000, if not otherwise provided by
35 state or federal law[~~;~~]; or

36 (5) for assault or battery

37 Section 2. Section **78-12-29** is amended to read:

38 **78-12-29. Within one year.**

39 An action may be brought within one year:

40 (1) for liability created by the statutes of a foreign state;

41 (2) upon a statute for a penalty or forfeiture where the action is given to an individual,
42 or to an individual and the state, except when the statute imposing it prescribes a different
43 limitation;

44 (3) upon a statute, or upon an undertaking in a criminal action, for a forfeiture or
45 penalty to the state;

46 (4) for libel, slander, [~~assault, battery,~~] false imprisonment, or seduction;

47 (5) against a sheriff or other officer for the escape of a prisoner arrested or imprisoned
48 upon either civil or criminal process;

49 (6) against a municipal corporation for damages or injuries to property caused by a
50 mob or riot;

51 (7) on a claim for relief or a cause of action under the following sections of Title 25,
52 Chapter 6, Uniform Fraudulent Transfer Act:

53 (a) Subsection 25-6-5(1)(a), which in specific situations limits the time for action to
54 four years, under Section 25-6-10; or

55 (b) Subsection 25-6-6(2); or

56 (8) except as otherwise expressly provided by statute, against a county legislative body

57 or a county executive to challenge a decision of the county legislative body or county
58 executive, respectively.

Fiscal Note
Bill Number HB0204S01

Statute of Limitations Amendments

14-Feb-05

2:02 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst