



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 17, 2016

Mr. Speaker:

The Judiciary Committee recommends **H.B. 279**, STATUTE OF LIMITATIONS REFORM AMENDMENTS, by Representative K. Ivory, be replaced and reports a favorable recommendation on **1st Sub. H.B. 279**, STATUTE OF LIMITATIONS REFORM AMENDMENTS with the following amendments:

1. *Page 2, Lines 27 through 29:*

27           78B-2-308. Legislative findings -- Civil actions for sexual abuse of a child --  
Window for revival of time  
28       barred claims.

(1) The Legislature finds that:

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

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

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

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

(e) in 1992, when the Legislature enacted the statute of limitations requiring victims to sue within four years of majority, society did not understand the

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long-lasting effects of abuse on the victim;

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

(g) the Legislature has the authority to change old laws in the face of new information, and set new policies.

29            {~~(3)~~}    (2)    As used in this section:

2.   Page 2, Lines 55 through 56:

55            {~~(2)~~}    (3)    (a) A person may file a civil action against a perpetrator for  
intentional or negligent  
56   sexual abuse suffered as a child at any time.

1.   Page 2       (a), Lines 52 through 54:

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

Respectfully,

LaVar Christensen  
Committee Chair

Voting: 6-2-3

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