

1 **STATUTE OF LIMITATIONS FOR CRIMINAL CONDUCT**

2 **AMENDMENTS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Todd D. Weiler**

6 House Sponsor: Brian S. King

7
8 **LONG TITLE**

9 **General Description:**

10 This bill allows an individual to bring a cause of action after a criminal proceeding for a
11 limited period of time even if a statute of limitations has expired.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms; and
15 ▶ provides the circumstances under which an individual who is a victim of certain
16 crimes may bring a civil cause of action after a criminal proceeding ends even if a
17 statute of limitations has expired.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **78B-2-119**, Utah Code Annotated 1953

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

27 Section 1. Section **78B-2-119** is enacted to read:



28 **78B-2-119. Statute of limitations after criminal proceeding.**

29 (1) As used in this section:

30 (a) "Cause of action" means any civil claim that a victim could bring against a
 31 defendant for criminal conduct committed against the victim.

32 (b) (i) "Criminal conduct" means any act that is charged as a felony under:

33 (A) Title 76, Chapter 5, Offenses Against the Person; or

34 (B) Title 76, Chapter 4, Inchoate Offenses, that is directly related to prohibited conduct
 35 under Title 76, Chapter 5, Offenses Against the Person.

36 (c) "Victim" means an individual directly harmed by criminal conduct or the
 37 individual's representative.

38 (2) (a) Notwithstanding any statute of limitations, a victim may bring a cause of action
 39 if:

40 (i) the defendant to the cause of action was charged by a criminal complaint ~~§~~ , ~~§~~
 41 indictment ~~§~~ , or information ~~§~~ for criminal conduct;

42 (ii) the cause of action is brought within one year from the day on which a final
 43 disposition for the criminal proceeding is issued;

44 (iii) the cause of action is brought to address any harm resulting from the criminal
 45 conduct that was at issue in the criminal proceeding described in Subsection (2)(a)(ii); and

46 (iv) the applicable statute of limitations that would apply to the conduct at issue in the
 47 cause of action did not expire before May 4, 2022.

48 (b) A defendant does not need to be convicted of the criminal conduct for an individual
 49 to bring a cause of action under Subsection (2)(a).

50 (3) Subsection (2)(a) does not:

51 (a) shorten an applicable statute of limitations or an applicable tolling provision;

52 (b) toll or extend an applicable statute of limitations for an action that is brought
 53 against an employer or former employer of a defendant described in Subsection (2)(a)(i); or

54 (c) require an insurer to defend or indemnify a defendant for a cause of action that
 55 would otherwise be barred if not for Subsection (2)(a).