

SENATE BILL REPORT

SB 6228

As of January 22, 1996

Title: An act relating to protecting the developmentally disabled.

Brief Description: Extending the statute of limitations for actions involving sex abuse of a developmentally disabled person.

Sponsors: Senators Kohl, Long, Fairley, Prentice, Thibaudeau, Fraser, Wojahn, Snyder, Sheldon, Franklin, Owen, Heavey, Rasmussen, Winsley, Bauer and McAuliffe.

Brief History:

Committee Activity: Law & Justice: 1/22/96.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: A developmentally disabled person who wants to bring a cause of action for sexual abuse must commence the cause of action within two years of when the abuse occurred. If the developmentally disabled person was disabled to such a degree that he or she could not understand the nature of the proceedings, then the two-year statute of limitation would not begin until the person was no longer disabled to such an extent. A person who is under the age of 18 when sexual abuse occurred may bring a cause of action within three years of turning 18 years old.

Summary of Bill: If a person wishes to bring a cause of action for recovery of damages for injury due to sexual abuse of a developmentally disabled person, that action must be commenced within the later of the following periods: (1) within three years of the abuse; (2) within three years of when the victim discovers or reasonably discovers that the injury is caused by the sexual abuse; (3) within three years of when the victim discovered the sexual abuse caused the injury.

The time requirements for bringing an action for recovery of damages due to sexual abuse are suspended while a person is eligible for disability services. A person is eligible for disability services if the Secretary of the Social and Health Services finds that the person has a developmental disability as defined by statute.

It is not necessary for the victim to determine which act in a series of continuing sexual abuse incidents caused the injury for which damages are sought. The victim may instead determine the date of discovery from the date of discovery of the last act by the person who inflicted the series of sexual abuse incidents. The fact that a parent or guardian of the developmentally disabled person knew about the sexual abuse cannot be attributed to the developmentally disabled person.

This act applies to all causes of action that are begun on or after the effective date of this act regardless of when the sexual abuse took place.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.