
SENATE BILL 6228

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 01/09/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to protecting the developmentally disabled; adding
2 a new section to chapter 4.16 RCW; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that members of the
5 developmentally disabled community are in need of special protection
6 against sex abuse. The legislature finds that the developmentally
7 disabled victim of sex abuse may: Repress the memory of the abuse or
8 be unable to connect the abuse to any injury until after the statute of
9 limitations has run; be unable to understand or make the connection
10 between sex abuse and emotional harm or damage until many years after
11 the abuse occurs; or be aware of some injuries related to the sex
12 abuse, but not discover more serious injuries until many years later.

13 The legislature therefore intends to extend the period of time
14 under which a developmentally disabled person may seek recovery of
15 damages for injuries suffered as a result of sex abuse.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.16 RCW
17 to read as follows:

1 (1)(a) All claims or causes of action based on intentional conduct
2 brought by any person for recovery of damages for injury suffered as a
3 result of sex abuse of a developmentally disabled person shall be
4 commenced within the later of the following periods:

5 (i) Within three years of the act alleged to have caused the injury
6 or condition;

7 (ii) Within three years of the time the victim discovered or
8 reasonably should have discovered that the injury or condition was
9 caused by the act; or

10 (iii) Within three years of the time the victim discovered that the
11 act caused the injury for which the claim is brought.

12 (b) The time limit for commencement of an action under this section
13 is tolled during the period of time the person is eligible for
14 disability services under chapter 71A.16 RCW.

15 (2) The victim need not establish which act in a series of
16 continuing sex abuse or exploitation incidents caused the injury
17 complained of, but may compute the date of discovery from the date of
18 discovery of the last act by the same perpetrator that is part of a
19 common scheme or plan of sex abuse or exploitation.

20 (3) The knowledge of a custodial parent or guardian shall not be
21 imputed to a developmentally disabled person.

22 (4) For purposes of this section, "developmentally disabled" means
23 a person with a developmental disability as defined in RCW 71A.10.020.

24 (5) As used in this section, "sex abuse" means any act committed by
25 the defendant against a complainant who was developmentally disabled at
26 the time of the act and which act would have been a violation of
27 chapter 9A.44 RCW at the time the act was committed.

28 NEW SECTION. **Sec. 3.** This act shall apply to all causes of action
29 commenced on or after the effective date of this act, regardless of
30 when the cause of action may have arisen. To this extent this act
31 shall apply retrospectively.

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