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SENATE BILL 5463

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Kohl, Long, Fairley, McAuliffe, Kline and Winsley

Read first time 01/27/97. 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 sexual abuse. The legislature finds that the developmentally  
7 disabled victim of sexual abuse may: Repress the memory of the abuse  
8 or be unable to connect the abuse to any injury until after the statute  
9 of limitations has run; be unable to understand or make the connection  
10 between sexual abuse and emotional harm or damage until many years  
11 after the abuse occurs; or be aware of some injuries related to the  
12 sexual abuse, but not discover more serious injuries until many years  
13 later.

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

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

1 (1) 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 sexual abuse of a developmentally disabled person shall be  
4 commenced within the later of the following periods:

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

7 (b) Within five years of the time the victim discovered that the  
8 injury or condition was caused by the act; or

9 (c) Within five years of the time the victim discovered that the  
10 act caused the injury for which the claim is brought.

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

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

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

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

24 NEW SECTION. **Sec. 3.** This act applies to all causes of action  
25 commenced on or after the effective date of this act, regardless of  
26 when the cause of action may have arisen. To this extent this act  
27 applies retrospectively.

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