

SENATE BILL REPORT

HB 2395

As Reported By Senate Committee On:
Judiciary, February 27, 2004

Title: An act relating to the statute of limitations for childhood sexual abuse civil cases.

Brief Description: Modifying the statute of limitations for childhood sexual abuse civil cases.

Sponsors: Representatives Kirby, Dickerson, Lantz, O'Brien and Kenney.

Brief History:

Committee Activity: Judiciary: 2/20/04, 2/27/04 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Staff: Jinnah Rose-McFadden (786-7421)

Background: Statutes of limitations in civil cases set the amount of time a plaintiff may wait to commence an action following an injurious act or harm. There is currently a three-year statute of limitations on civil actions alleging childhood sexual abuse. Once a claimant has reached the age of 18, an action must be filed within three years: (1) of the act alleged to have caused the injury; (2) of the time the claimant discovers, or reasonably should have discovered that the injury was caused by the act; or (3) of the time the claimant discovered that the act caused the injury. A claimant alleging continued abuse may compute the date of discovery from the date of the last act by the perpetrator.

Courts interpret the childhood sexual abuse statute of limitations as beginning to run when the abuse victim discovers the nexus, or connection, between sexual abuse and later problems or injuries. Courts have recognized that this discovery may be delayed by a number of factors uniquely related to childhood sexual abuse, including repressed memories, multiple personalities, or post-traumatic stress disorder.

Courts have determined that this section applies to claims against the perpetrator of sexual abuse, as well as claims of negligence against parties who failed to protect the child, such as schools, churches, parents, and others having a special relationship with the child.

Summary of Bill: The statute of limitations for childhood sexual abuse is extended to ten years from the commission of the act. However, no change is made to the three-year "discovery rule." Since the statute of limitations is tolled during minority, this means that a person has until the age of at least 28 to bring an action for childhood sexual abuse, and potentially longer if the injured person did not discover the connection between the abuse and the injury until after the age of 25.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill makes a big difference for victims of sexual assault, by allowing extra time for victims to bring claims. Ten years was chosen as the preferred statute of limitations in childhood sexual assault cases because ten years is the longest statute of limitation for any civil action in Washington's statutory code.

Testimony Against: None.

Testified: PRO: Representative Steve Kirby; Suzanne Brown-McBride, WA Coalition of Sexual Abuse Programs.