
SECOND SUBSTITUTE HOUSE BILL 1618

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier, and Orwall)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to providing access to justice for survivors of
2 childhood sexual abuse; amending RCW 4.16.340; and creating new
3 sections.

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

5 **Sec. 1.** RCW 4.16.340 and 1991 c 212 s 2 are each amended to read
6 as follows:

7 ~~(1) ((All claims or causes of action based on intentional conduct~~
8 ~~brought by any person for recovery of damages for injury suffered as~~
9 ~~a result of childhood sexual abuse shall be commenced within the~~
10 ~~later of the following periods:~~

11 ~~(a) Within three years of the act alleged to have caused the~~
12 ~~injury or condition;~~

13 ~~(b) Within three years of the time the victim discovered or~~
14 ~~reasonably should have discovered that the injury or condition was~~
15 ~~caused by said act; or~~

16 ~~(c) Within three years of the time the victim discovered that the~~
17 ~~act caused the injury for which the claim is brought:~~

18 ~~PROVIDED, That the time limit for commencement of an action under~~
19 ~~this section is tolled for a child until the child reaches the age of~~
20 ~~eighteen years.~~

1 ~~(2) The victim need not establish which act in a series of~~
2 ~~continuing sexual abuse or exploitation incidents caused the injury~~
3 ~~complained of, but may compute the date of discovery from the date of~~
4 ~~discovery of the last act by the same perpetrator which is part of a~~
5 ~~common scheme or plan of sexual abuse or exploitation.~~

6 ~~(3) The knowledge of a custodial parent or guardian shall not be~~
7 ~~imputed to a person under the age of eighteen years.~~

8 ~~(4) For purposes of this section, "child" means a person under~~
9 ~~the age of eighteen years.~~

10 ~~(5))~~ There is no time limit to bring a claim or commence an
11 action by a person for recovery of damages for injury suffered as a
12 result of:

13 (a) Childhood sexual abuse;

14 (b) Nonsexual physical abuse by the same perpetrator that occurs
15 concurrently with childhood sexual abuse; or

16 (c) Sexual abuse that continues beyond the date the child reaches
17 the age of 18 years if the sexual abuse is part of a pattern or a
18 series of childhood sexual abuse by the same perpetrator.

19 (2) As used in this section, "childhood sexual abuse" means any
20 act committed by the defendant against a complainant who was less
21 than eighteen years of age at the time of the act and which act would
22 have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior
23 laws of similar effect at the time the act was committed.

24 NEW SECTION. Sec. 2. This act is remedial in nature and is to
25 be broadly construed as a nonexclusive remedy for victims of
26 childhood sexual abuse. This act does not eliminate the common law
27 discovery rule for victims of childhood sexual abuse, physical abuse,
28 and exploitation.

29 NEW SECTION. Sec. 3. This act applies to all claims, causes of
30 actions, and proceedings, regardless of when the claim or cause of
31 action arose. To this extent, this act applies retroactively, but in
32 all other respects it applies prospectively.

33 NEW SECTION. Sec. 4. If specific funding for the purposes of
34 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2023, in the omnibus appropriations act, this
2 act is null and void.

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