

2 **ESHB 2058** - S COMM AMD
3 By Committee on Law & Justice

4 Adopted 4/12/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Childhood sexual abuse is a pervasive problem that affects the
9 safety and well-being of many of our citizens.

10 (2) Childhood sexual abuse is a traumatic experience for the victim
11 causing long-lasting damage.

12 (3) The victim of childhood sexual abuse may repress the memory of
13 the abuse or be unable to connect the abuse to any injury until after
14 the statute of limitations has run.

15 (4) The victim of childhood sexual abuse may be unable to
16 understand or make the connection between childhood sexual abuse and
17 emotional harm or damage until many years after the abuse occurs.

18 (5) Even though victims may be aware of injuries related to the
19 childhood sexual abuse, more serious injuries may be discovered many
20 years later.

21 (6) The legislature enacted RCW 4.16.340 to clarify the application
22 of the discovery rule to childhood sexual abuse cases. At that time
23 the legislature intended to reverse the Washington supreme court
24 decision in *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986).

25 It is still the legislature's intention that *Tyson v. Tyson*, 107
26 Wn.2d 72, 727 P.2d 226 (1986) be reversed, as well as the line of cases
27 that state that discovery of any injury whatsoever caused by an act of
28 childhood sexual abuse commences the statute of limitations. The

1 legislature intends that the earlier discovery of less serious injuries
2 should not affect the statute of limitations for injuries that are
3 discovered later."

4 "Sec. 2. RCW 4.16.340 and 1989 c 317 s 2 are each amended to read
5 as follows:

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

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

12 (b) Within three years of the time the victim discovered or
13 reasonably should have discovered that the injury or condition was
14 caused by said act(~~(, whichever period expires later)~~); or

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

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

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

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

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

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

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9 On page 1, line 2 of the title, after "abuse;" strike the remainder
10 of the title and insert "amending RCW 4.16.340; and creating a new
11 section."