

---

SENATE BILL 5811

---

State of Washington

52nd Legislature

1991 Regular Session

By Senators Nelson and Rasmussen.

Read first time February 21, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to application of the statute of limitations to  
2 actions based on childhood sexual abuse; amending RCW 4.16.340; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Childhood sexual abuse is a pervasive problem that affects the  
7 safety and well-being of many of our citizens;

8 (2) Childhood sexual abuse is a traumatic experience for the  
9 victim; and

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

13 Therefore, it is the intent of the legislature to explicitly  
14 reverse the Washington Supreme Court decision in *Tyson v. Tyson*, 107  
15 Wn.2d 72, 727 P.2d 226.

1       **Sec. 2.** RCW 4.16.340 and 1989 c 317 s 2 are each amended to read  
2 as follows:

3       (1) All claims or causes of action based on intentional conduct  
4 brought by any person for recovery of damages for injury suffered as a  
5 result of childhood sexual abuse shall be commenced within three years  
6 of the act alleged to have caused the injury or condition, or three  
7 years of the time the victim discovered or reasonably should have  
8 discovered that the act caused substantial injury to the victim and the  
9 injury or condition was caused by said act, whichever period expires  
10 later: PROVIDED, That the time limit for commencement of an action  
11 under this section is tolled for a child until the child reaches the  
12 age of eighteen years.

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

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

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

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