

FINAL BILL REPORT

E2SHB 1618

C 253 L 24
Synopsis as Enacted

Brief Description: Concerning the statute of limitations for childhood sexual abuse.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier and Orwall).

House Committee on Civil Rights & Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice
Senate Committee on Ways & Means

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. Historically, courts and legislatures identify two basic reasons for these time limits: to encourage plaintiffs to bring actions while reliable evidence is still available for use in a trial; and to protect potential defendants from uncertainty regarding potential litigation.

The statutes of limitations provided for civil actions varies depending on the type of action. In Washington, statutes of limitations for various civil actions include: one year for certain claims against police officers; two years for libel and slander claims; three years for personal injury claims; six years for actions on written contracts; and 10 years for recovery of real property or past due child support.

Certain actions allow for a rule of "discovery" when determining when the statute of limitations begins to run. This rule recognizes that in some cases, such as medical malpractice and childhood sexual abuse, the victim may not know of the harm caused by the defendant until after the statute of limitations has technically expired. Originally a court-made rule, some statutes now codify this exception.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

For childhood sexual abuse, the statute of limitations for civil actions for damages is the later of three dates:

- three years from the commission of the act alleged to have caused the injury or condition;
- three years from the time the victim discovered or reasonably should have discovered that the injury or the condition was caused by the act; or
- three years from the time that the victim discovered that the act caused the injury for which the claim is brought.

None of these periods begin until a child turns 18, and the knowledge of a custodial parent or guardian may not be imputed to a person under the age of 18 years. Additionally, the victim does not need to establish which act in a series of continuing sexual abuse or exploitation caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act of a common scheme or plan of sexual abuse or exploitation by the same 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 or post-traumatic stress disorder.

In interpreting this statute broadly in favor of plaintiffs, courts cite the extensive findings of the Legislature in enacting a 1991 amendment to the statute. These findings include: that childhood sexual abuse is traumatic, causing long-lasting damage; that victims may repress abuse for many years and be unable to connect this abuse with later injuries; and that despite awareness of abuse, serious reactions to the abuse may develop years later.

Courts have ruled that the childhood sexual abuse statute of limitations applies not just to claims against the perpetrator of sexual abuse, but also to claims of negligence against parties who failed to protect the child, such as schools, state agencies, churches, parents, and others having a special relationship with the child.

Summary:

There is no time limit to bring a claim for recovery of damages for injury suffered as a result of childhood sexual abuse when the act of childhood sexual abuse occurs on or after June 6, 2024.

Votes on Final Passage:

House	82	14
House	93	0
Senate	49	0

Effective: June 6, 2024