

**SENATE . . . . . No. 1094**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Mark C. Montigny***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act extending the statute of limitations for certain actions involving international human rights abuses.

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PETITION OF:

NAME:

*Mark C. Montigny*

DISTRICT/ADDRESS:

*Second Bristol and Plymouth*

**SENATE . . . . . No. 1094**

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1094) of Mark C. Montigny for legislation to extend the statute of limitations for certain actions involving international human rights abuses. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 987 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act extending the statute of limitations for certain actions involving international human rights abuses.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 4D of chapter 260, as appearing in the 2020 Official Edition, is  
2 hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the  
3 following subsection:-

4           (b) A civil action for trafficking of persons for forced labor or services or sexual  
5 servitude shall be commenced within 10 years of the date on which the human trafficking victim  
6 was freed from human trafficking or, if the victim was a child during the commission of the  
7 offense, within 10 years after the date the plaintiff attains the age of 18.

8           SECTION 2. Said chapter 260 is hereby further amended by inserting after section 36 the  
9 following 3 sections:-

10 Section 37. (a) Except as otherwise provided, the following actions shall be commenced  
11 within 10 years next after the cause of action accrues:

12 (i) an action of tort for assault or battery where the conduct constituting the tort shall  
13 constitute: (A) an act of torture as defined in 18 U.S.C. § 2340(1); (B) an act of genocide as  
14 provided in 18 U.S.C. § 1091; (C) a war crime as defined in 18 U.S.C. § 2441(c); or (D) an  
15 attempted extrajudicial killing as defined in § 3(a) of the federal Torture Victim Protection Act  
16 of 1991, Pub. L. 102–256; (E) crimes against humanity as defined in section 38 of said chapter  
17 260;

18 (ii) an action for wrongful death where the death arises out of conduct listed in clause (i)  
19 or an “extrajudicial killing” as defined in said § 3(a) of said Torture Victim Protection Act of  
20 1991, Pub. L. 102–256;

21 (iii) an action for trafficking of persons for forced labor or services or sexual servitude  
22 brought under section 4D;

23 (iv) an action for the taking of property in violation of international law where the  
24 property or any property exchanged for the property is: (A) present in the United States in  
25 connection with a commercial activity conducted in the United States by the foreign state; or (B)  
26 (B) owned or operated by an agency or instrumentality of a foreign state and the agency or  
27 instrumentality is engaged in a commercial activity in the United States; or

28 (v) an action seeking benefits under an insurance policy where the insurance claim arises  
29 out of conduct listed in subsections (a) to (d), inclusive.

30 (b) Pursuant to section 19, an action brought under this section that fails to comply with a  
31 previously applicable statute of limitations shall not be dismissed.

32 (c) All other statutory and equitable grounds for tolling shall apply to an action brought  
33 under this section and nothing in this section shall be construed to limit the applicability of other  
34 grounds of statutory or equitable tolling that may extend limitations periods for more than 10  
35 years.

36 Section 38. “Crimes against humanity” shall mean any of the following acts as part of a  
37 widespread or systematic attack directed against a civilian population, with knowledge of the  
38 attack: murder; extermination; enslavement; forcible transfer of population; arbitrary detention;  
39 rape; sexual slavery; enforced prostitution; forced pregnancy; forced sterilization; persecution on  
40 political, racial, national, ethnic, cultural, religious, or gender grounds; enforced disappearance  
41 of persons; or other grave inhumane acts intentionally causing great suffering or serious physical  
42 or psychological injury.

43 Section 39. For an action where the applicable statute of limitations is provided in section  
44 37, a prevailing plaintiff may be awarded reasonable attorneys’ fees and costs including, but not  
45 limited to, expert witness fees and expenses.

46 SECTION 3. This act shall apply retroactively.