

# SENATE . . . . . No. 2853

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court  
(2023-2024)

SENATE, July 11, 2024.

The committee on The Judiciary, to whom was referred the petitions (accompanied by bill, Senate, No. 313) of Joan B. Lovely for legislation relative to supporting survivors of child sexual abuse; (accompanied by bill, Senate, No. 916) of William N. Brownsberger and Joan B. Lovely for legislation relative to governmental and charitable tort liability; (accompanied by bill, Senate, No. 1038) of Joan B. Lovely for legislation to eliminate the statute of limitation in civil child sexual abuse cases; (accompanied by bill, Senate, No. 1039) of Joan B. Lovely for legislation to amend the statute of limitations regarding criminal prosecutions for the crimes of sexual assault and rape of a child; (accompanied by bill, House, No. 1446) of Michael S. Day relative to eliminating liability limits for abuse of minors; (accompanied by bill, House, No. 1536) of Kenneth I. Gordon relative to the statute of limitations relating to civil rights actions and criminal prosecutions for the sexual assault and rape of a child; and (accompanied by bill, House, No. 1614) of John J. Lawn, Jr., Carol A. Doherty and Vanna Howard for legislation to eliminate the statute of limitation in civil child sexual abuse cases, report the accompanying bill (Senate, No. 2853).

For the committee,  
James B. Eldridge

**SENATE . . . . . No. 2853**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act eliminating the statute of limitation in civil child sexual abuse cases.

*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 4C of chapter 260 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place  
3 thereof the following paragraph:-

4           Civil actions alleging a defendant sexually abused a minor may be commenced at any  
5 time after the acts alleged to have caused an injury or condition occurred.

6           SECTION 2. Said section 4C of said chapter 260 is hereby further amended by inserting  
7 after the second paragraph the following paragraph:-

8           This section shall apply regardless of when acts alleged to have caused an injury or  
9 condition to a minor occurred and regardless of whether such claims have lapsed or are  
10 otherwise barred by time under a law of the commonwealth.

11           SECTION 3. Said chapter 260 is hereby amended by striking out section 4C½ and  
12 inserting in place thereof the following section:-

13           Section 4C½. Civil actions alleging that a defendant negligently supervised a person who  
14 sexually abused a minor or that a defendant’s conduct caused or contributed to the sexual abuse  
15 of a minor by another person may be commenced at any time after the acts alleged to have  
16 caused an injury or condition occurred. For the purposes of this section, “sexual abuse” shall  
17 have the same meaning as in section 4C. This section shall apply regardless of when acts alleged  
18 to have caused or contributed to an injury or condition to a minor occurred and regardless of  
19 whether such claims have lapsed or are otherwise barred by time under a law of the  
20 commonwealth.

21           SECTION 4. Section 5B of said chapter 260 is hereby amended by striking out, in lines  
22 5 and 6, inclusive, the words “three years next after the cause of action accrues” and inserting in  
23 place thereof the following words:- 3 years next after the cause of action accrues; provided,  
24 however, that an action commenced under 20 U.S.C. §§1681-1688 for sexual abuse of a minor,  
25 as that term is defined in section 4C, shall be governed by the provisions of section 4C½.

26           SECTION 5. Section 85K of chapter 231 of the General Laws, as so appearing, is hereby  
27 amended by inserting, in line 12, after the word “costs” the following words:- provided,  
28 however, that claims of sexual abuse of a minor, as that term is defined in section 4C of chapter  
29 260, shall not be subject to a limitation on damages.

30           SECTION 6. Section 85V of said chapter 231 is hereby amended by inserting after clause  
31 (iii) the following clause:-

32           (iv) claims of sexual abuse of a minor as that term is defined in section 4C of chapter  
33 260.

34 SECTION 7. Section 85W of said chapter 231 is hereby amended by inserting, in line 11,  
35 after the word “person” the following words:- ; provided further, however, that the immunity  
36 conferred in this section shall not apply to claims of sexual abuse of a minor as that term is  
37 defined in section 4C of chapter 260.

38 SECTION 8. Section 2 of chapter 258 of the General Laws, as so appearing, is hereby  
39 amended by inserting, in line 12, after the word “damages” the following words:- provided  
40 further, however, that all claims of sexual abuse of a minor, as that term is defined in section 4C  
41 of chapter 260, shall not be subject to a limitation on damages.

42 SECTION 9. Subsection (j) of section 10 of said chapter 258 is hereby amended by  
43 inserting after subpart (4) the following subpart:-

44 (5) any claim by or on behalf of a person who alleges that they were sexually abused as a  
45 child as that term is defined in section 4C of chapter 260.

46 SECTION 10. Section 63 of chapter 277 of the General Laws, as so appearing, is hereby  
47 amended by inserting, in line 5, after the number “265” the following words:- , or section 13H,  
48 22 or 24 of chapter 265 where the victim is a minor.