

SENATE No. 368

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 relative to supporting survivors of child sexual abuse.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/26/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/26/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>

SENATE No. 368

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 368) of Joan B. Lovely, Kay Khan, Steven G. Xiarhos, Michael O. Moore and others for legislation to prevent the sexual abuse of children and youth. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 313 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to supporting survivors of child sexual abuse.

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 85V of said chapter 231 is hereby amended by inserting after
2 clause (iii) the following clause:-

3 (iv) a civil action for sexual abuse of a minor, as that term is defined in section 4C½ of
4 chapter 260.

5 SECTION 2. Section 85W of said chapter 231 is hereby amended by inserting after the
6 word “automobile”, in line 20, the following words:-

7 or in a civil action for sexual abuse of a minor, as that term is defined in section 4C½ of
8 chapter 260

9 SECTION 3. Subsection (j) of section 10 of chapter 258 of the General Laws, as
10 appearing in the 2016 Official Edition, is hereby amended by inserting after paragraph (4), the
11 following paragraph:-

12 (5) any claim by or on behalf of a person who alleges that he was sexually abused as a
13 child, as that term is defined in section 4C of chapter 260.

14 SECTION 4. Section 2 of chapter 258C of the General Laws, as appearing in the 2016
15 Official Edition, is hereby amended by inserting after subsection (b), the following subsection:-

16 (b1) In the case of a claimant who was sexually abused as a minor, such good cause shall
17 include the report of a duly licensed mental health professional stating an opinion that the
18 claimant did not make the connection between the sexual abuse and the harm suffered by the
19 claimant at the time the abuse occurred, and that claimant's failure to make the connection was
20 consistent with the typical responses by such victims of childhood sexual abuse.

21 SECTION 5. Subsection (a) of section 5 of said chapter 258C is hereby amended by
22 inserting after section paragraph (1) the following paragraph:-

23 (1A) In the case of a claimant who was sexually abused as a minor, said three years shall
24 commence to run when the claimant first makes the connection between the sexual abuse and the
25 harm suffered by the claimant as a result. The report of a duly licensed mental health
26 professional stating an opinion as to the date when the claimant first made the connection
27 between the sexual abuse and the harm suffered by the claimant, and that the claimant's failure to
28 make the connection prior to that date was consistent with the typical responses by such victims
29 of childhood sexual abuse, shall be prima facie evidence in all proceedings under this chapter.