

HB 1617 -- CIVIL ACTIONS FOR CHILDHOOD SEXUAL ABUSE

SPONSOR: Seitz

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 12 to 0.

This bill amends Section 537.046, RSMo, to add to the definition of "childhood sexual abuse" the offenses of rape in the second degree, sodomy in the second degree, sexual abuse in the second degree, sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, sexual exploitation of a minor, and child used in a sexual performance. Currently, a person may file a cause of action to recover damages from injury or illness caused by childhood sexual abuse. As specified in this bill, a person could file a cause of action to recover damages from injury or illness caused by tortious conduct that caused the victim to be a victim of childhood sexual abuse. Under this bill, either of such actions must be brought within 20 years of the plaintiff reaching the age of 21 or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse, whichever is later. The current statute of limitation is within 10 years of the plaintiff reaching the age of 21 or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse, whichever is later.

This bill is similar to HCS HB 367 (2023).

PROPOSERS: Supporters say that this bill was passed out by the committee last year. The subject matter is very serious: children who were victimized in the past are not able to hold their abusers to account for the abuse they perpetrated. This bill allows victims to sue their perpetrators prior to the victim turning 41 years old or within three years of the victim learning who the perpetrator was. Supporters say that Missouri's civil laws do not allow victims to sue institutions beyond the age of 26 or their perpetrators beyond the age of 31. Other states have passed legislation allowing victims of any age to sue their perpetrators, even retroactively. Survivors of abuse, especially in a religious setting, often take a long time to come to terms with their abuse so there needs to be a longer statute of limitations. One survivor discussed his attempts to get the two previous attorneys general to investigate but those led to nothing. A third of cases of child sexual abuse are not reported and yet, a single incident has lifelong consequences. The process to come forward is arduous and scary so many victims feel like it's not worth it. The average age

of people coming forward is 52, but this bill will move the needle a little.

Testifying in person for the bill were Representative Seitz; Kathryn Robb, Child USAAdvocacy; Cheryl Robb-Welch, Missouri Coalition Against Domestic & Sexual Violence; Christopher Kevin Oleary; John Hobbs; John D. King; City of Branson; Missouri Kids First; Ryan Frazier; Grant Boyd; Elizabeth Phillips; Joe Alarcon; and Keith Dygert.

OPPONENTS: Those who oppose the bill say that they worked on legislation in the past to remove the criminal statute of limitation however, this is a different issue. Opponents say that this bill also holds employers accountable and not all employers are bad. Not all employers participate in the nefarious acts or the cover-up. Opponents are asking the committee to consider the impact on employers. Even if they have their day in court, they will still have to pay high defense costs and that might be too much for them to stay in business--to keep such a high insurance policy.

Testifying in person against the bill were Arnie C. Dienoff; Mo Chamber of Commerce; Mo Civil Justice Reform Coalition, Inc; and Missouri Insurance Coalition.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.