

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 290

By: Fields

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5
6 AS INTRODUCED

7 An Act relating to statutes of limitation; amending
8 12 O.S. 2011, Section 95, which relates to limitation
9 of other actions; establishing statute of limitations
10 for certain action; and providing an effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 12 O.S. 2011, Section 95, is
13 amended to read as follows:

14 Section 95. A. Civil actions other than for the recovery of
15 real property can only be brought within the following periods,
16 after the cause of action shall have accrued, and not afterwards:

17 1. Within five (5) years: An action upon any contract,
18 agreement, or promise in writing;

19 2. Within three (3) years: An action upon a contract express
20 or implied not in writing; an action upon a liability created by
21 statute other than a forfeiture or penalty; and an action on a
22 foreign judgment;

23 3. Within two (2) years: An action for trespass upon real
24 property; an action for taking, detaining, or injuring personal

1 property, including actions for the specific recovery of personal
2 property; an action for injury to the rights of another, not arising
3 on contract, and not hereinafter enumerated; an action for relief on
4 the ground of fraud - the cause of action in such case shall not be
5 deemed to have accrued until the discovery of the fraud;

6 4. Within one (1) year: An action for libel, slander, assault,
7 battery, malicious prosecution, or false imprisonment; an action
8 upon a statute for penalty or forfeiture, except where the statute
9 imposing it prescribes a different limitation;

10 5. An action upon the official bond or undertaking of an
11 executor, administrator, guardian, sheriff, or any other officer, or
12 upon the bond or undertaking given in attachment, injunction,
13 arrest, or in any case whatever required by the statute, can only be
14 brought within five (5) years after the cause of action shall have
15 accrued;

16 6. An action based on intentional conduct brought by any person
17 for recovery of damages for injury suffered as a result of childhood
18 sexual abuse incidents or exploitation as defined by Section 1-1-105
19 of Title 10A of the Oklahoma Statutes or incest can only be brought
20 within the latter of the following periods:

- 21 a. within two (2) years of the act alleged to have caused
22 the injury or condition, or
- 23 b. within two (2) years of the time the victim discovered
24 or reasonably should have discovered that the injury

1 or condition was caused by the act or that the act
2 caused the injury for which the claim is brought.

3 Provided, however, that the time limit for commencement of an
4 action pursuant to this paragraph is tolled for a child until the
5 child reaches the age of eighteen (18) years or until five (5) years
6 after the perpetrator is released from the custody of a state,
7 federal or local correctional facility or jail, whichever is later.
8 No action may be brought against the alleged perpetrator or the
9 estate of the alleged perpetrator after the death of such alleged
10 perpetrator, unless the perpetrator was convicted of a crime of
11 sexual abuse involving the claimant. An action pursuant to this
12 paragraph must be based upon objective verifiable evidence in order
13 for the victim to recover damages for injuries suffered by reason of
14 such sexual abuse, exploitation, or incest. The evidence should
15 include both proof that the victim had psychologically repressed the
16 memory of the facts upon which the claim was predicated and that
17 there was corroborating evidence that the sexual abuse,
18 exploitation, or incest actually occurred. The victim need not
19 establish which act in a series of continuing sexual abuse
20 incidents, exploitation incidents, or incest caused the injury
21 complained of, but may compute the date of discovery from the date
22 of discovery of the last act by the same perpetrator which is part
23 of a common scheme or plan of sexual abuse, exploitation, or incest.
24 Provided further, any action based on intentional conduct specified

1 in paragraph 7 of this section must be commenced within twenty (20)
2 years of the victim reaching the age of eighteen (18);

3 7. An action based on intentional conduct brought by any person
4 for recovery of damages for injury suffered as a result of criminal
5 actions, as defined by the Oklahoma Statutes, may be brought against
6 any person incarcerated or under the supervision of a state, federal
7 or local correctional facility on or after November 1, 2003:

8 a. at any time during the incarceration of the offender
9 for the offense on which the action is based, or

10 b. within five (5) years after the perpetrator is
11 released from the custody of a state, federal or local
12 correctional facility, if the defendant was serving
13 time for the offense on which the action is based;

14 8. An action to establish paternity and to enforce support
15 obligations can be brought any time before the child reaches the age
16 of eighteen (18);

17 9. An action to establish paternity can be brought by a child
18 in accordance with Section 7700-606 of Title 10 of the Oklahoma
19 Statutes;

20 10. Court-ordered child support is owed until it is paid in
21 full and it is not subject to a statute of limitations;

22 11. All actions filed by an inmate or by a person based upon
23 facts that occurred while the person was an inmate in the custody of
24 one of the following:

- 1 a. the State of Oklahoma,
2 b. a contractor of the State of Oklahoma, or
3 c. a political subdivision of the State of Oklahoma,

4 to include, but not be limited to, the revocation of earned
5 credits and claims for injury to the rights of another, shall be
6 commenced within one (1) year after the cause of action shall have
7 accrued; ~~and~~

8 12. An action challenging the constitutionality of an act of
9 the Legislature pursuant to Section 57 of Article V of the Oklahoma
10 Constitution shall be commenced within one (1) year of the effective
11 date of the act; and

12 13. An action for relief, not hereinbefore provided for, can
13 only be brought within five (5) years after the cause of action
14 shall have accrued.

15 B. Collection of debts owed by inmates who have received damage
16 awards pursuant to Section 566.1 of Title 57 of the Oklahoma
17 Statutes shall be governed by the time limitations imposed by that
18 section.

19 SECTION 2. This act shall become effective November 1, 2015.

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