

1                   **STATUTE OF LIMITATIONS FOR CIVIL ACTIONS**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Ken Ivory**

5                                   Senate Sponsor: Aaron Osmond

6	Cosponsors:	Keith Grover	Marie H. Poulson
7	Jacob L. Anderegg	Sandra Hollins	Angela Romero
8	Patrice M. Arent	Michael S. Kennedy	Keven J. Stratton
9	Joel K. Briscoe	David E. Lifferth	Mark A. Wheatley
10	Rebecca Chavez-Houck	Carol Spackman Moss	
	Susan Duckworth		

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12   **LONG TITLE**

13   **General Description:**

14           This bill eliminates the statute of limitations for civil actions for child sexual abuse.

15   **Highlighted Provisions:**

16           This bill:

- 17           ▶ provides that a victim of child sexual abuse may file a civil action at any time.

18   **Money Appropriated in this Bill:**

19           None

20   **Other Special Clauses:**

21           This bill provides a special effective date.

22   **Utah Code Sections Affected:**

23   AMENDS:

24           **78B-2-308**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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26   *Be it enacted by the Legislature of the state of Utah:*

27           Section 1. Section **78B-2-308** is amended to read:

28 **78B-2-308. Civil actions for sexual abuse of a child.**

29 (1) As used in this section:

30 (a) "Child" means a person under 18 years of age.

31 (b) "Discovery" means when a person knows or reasonably should know that the injury  
32 or illness was caused by the intentional or negligent sexual abuse.

33 (c) "Injury or illness" means either a physical injury or illness or a psychological injury  
34 or illness. A psychological injury or illness need not be accompanied by physical injury or  
35 illness.

36 (d) "Molestation" means touching the anus, buttocks, or genitalia of any child, the  
37 breast of a female child younger than 14 years of age, or otherwise taking indecent liberties  
38 with a child, or causing a child to take indecent liberties with the perpetrator or another, with  
39 the intent to arouse or gratify the sexual desire of any person.

40 (e) "Negligently" means a failure to act to prevent the child sexual abuse from further  
41 occurring or to report the child sexual abuse to law enforcement when the adult who could act  
42 knows or reasonably should know of the child sexual abuse and is the victim's parent,  
43 stepparent, adoptive parent, foster parent, legal guardian, ancestor, descendant, brother, sister,  
44 uncle, aunt, first cousin, nephew, niece, grandparent, stepgrandparent, or any person cohabiting  
45 in the child's home.

46 (f) "Person" means an individual who was intentionally or negligently sexually abused.  
47 It does not include individuals whose claims are derived through another individual who was  
48 sexually abused.

49 (g) "Perpetrator" means an individual who has committed an act of sexual abuse.

50 [~~(g)~~] (h) "Sexual abuse" means acts or attempted acts of sexual intercourse, sodomy, or  
51 molestation by an adult directed towards a child.

52 (2) (a) A person [~~shall~~] may file a civil action against a perpetrator for intentional or  
53 negligent sexual abuse suffered as a child[?] at any time.

54 (b) A person may file a civil action against a non-perpetrator for intentional or  
55 negligent sexual abuse suffered as a child:

56            [~~(a)~~] (i) within four years after the person attains the age of 18 years; or  
57            [~~(b)~~] (ii) if a person discovers sexual abuse only after attaining the age of 18 years, that  
58 person may bring a civil action for such sexual abuse within four years after discovery of the  
59 sexual abuse, whichever period expires later.

60            (3) The victim need not establish which act in a series of continuing sexual abuse  
61 incidents caused the injury complained of, but may compute the date of discovery from the date  
62 of discovery of the last act by the same perpetrator which is part of a common scheme or plan  
63 of sexual abuse.

64            (4) The knowledge of a custodial parent or guardian may not be imputed to a person  
65 under the age of 18 years.

66            (5) A civil action may be brought only against a living person who intentionally  
67 perpetrated the sexual abuse or negligently permitted the sexual abuse to occur.

68            **Section 2. Effective date.**

69            If approved by two-thirds of all the members elected to each house, this bill takes effect  
70 upon approval by the governor, or the day following the constitutional time limit of Utah  
71 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
72 the date of veto override.