



# House of Representatives

General Assembly

**File No. 564**

February Session, 2010

Substitute House Bill No. 5473

*House of Representatives, April 15, 2010*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING ACTIONS TO RECOVER DAMAGES FOR THE SEXUAL ABUSE, SEXUAL EXPLOITATION OR SEXUAL ASSAULT OF A MINOR.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-577d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage and*  
3 *applicable to any action pending on or brought on or after said date*):

4 (a) Notwithstanding the provisions of section 52-577 and except as  
5 provided in subsection (b) of this section, no action to recover damages  
6 for personal injury to a minor, including emotional distress, caused by  
7 sexual abuse, sexual exploitation or sexual assault may be brought by  
8 such person later than thirty years from the date such person attains  
9 the age of majority.

10 (b) An action to recover damages for personal injury to a minor,  
11 including emotional distress, caused by sexual abuse, sexual  
12 exploitation or sexual assault may be brought by such person at any

13 time if:

14 (1) One or more other actions are brought by another person or  
15 persons within the limitation of time prescribed in subsection (a) of  
16 this section;

17 (2) The complaint or initial pleading in the action (A) alleges sexual  
18 abuse, sexual exploitation or sexual assault that is substantially similar  
19 to that alleged in such other action or actions, (B) alleges that the  
20 sexual abuse, sexual exploitation or sexual assault was committed by  
21 the same person alleged to have committed the sexual abuse, sexual  
22 exploitation or sexual assault in such other action or actions, and (C)  
23 names the same defendant or defendants alleged to be liable to such  
24 person as named in such other action or actions; and

25 (3) The attorney or party filing the action has made a reasonable  
26 inquiry as permitted by the circumstances to determine that there are  
27 grounds for a good faith belief that such person was sexually abused,  
28 sexually exploited or sexually assaulted as a minor. The complaint or  
29 initial pleading shall contain a certificate of the attorney or party filing  
30 the action that such reasonable inquiry gave rise to a good faith belief  
31 that grounds exist for an action against each named defendant. To  
32 show the existence of such good faith, the attorney or party filing the  
33 action shall identify in such certificate physical or documentary  
34 evidence of the sexual abuse, sexual exploitation or sexual assault and  
35 describe the connection between the person alleged to have committed  
36 such sexual abuse, sexual exploitation or sexual assault and any other  
37 defendant. The failure of the complaint or initial pleading to contain  
38 such a certificate shall be grounds for the granting of a motion to  
39 strike.

40 *Sec. 2. (NEW) (Effective from passage and applicable to any claim pending*  
41 *on or presented on or after said date) A claim against the state to recover*  
42 *damages for personal injury to a minor, including emotional distress,*  
43 *caused by sexual abuse, sexual exploitation or sexual assault*  
44 *committed by a state officer or employee may be presented to the*  
45 *Claims Commissioner in accordance with chapter 53 of the general*

46 statutes. Notwithstanding the provisions of section 4-148 of the general  
47 statutes concerning the limitation of time on the presentation of a claim  
48 to the Claims Commissioner, such claim may be presented to the  
49 Claims Commissioner subject to the limitation of time and  
50 requirements set forth in section 52-577d of the general statutes, as  
51 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to any action pending on or brought on or after said date</i>	52-577d
Sec. 2	<i>from passage and applicable to any claim pending on or presented on or after said date</i>	New section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Comptroller - Adjudicated Claims Account	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

**Section 2** increases the liability of the state to potentially pay certain claims by extending (from 1 to 30 years) the statute of limitations for any claim brought against the state alleging personal injury, including emotional distress, caused by sexual abuse, sexual exploitation or sexual assault committed by a state officer or employee. Any such personal injury claim would be paid from the Adjudicated Claims Account within the Office of the State Comptroller.<sup>1</sup>

**Section 1** alters the statute of limitations for claims of sexual abuse, exploitation or assault made against private parties, which has no fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

<sup>1</sup> This account is not appropriated; any payments from it would either increase a General Fund deficit or reduce a General Fund surplus.

**OLR Bill Analysis****sHB 5473*****AN ACT CONCERNING ACTIONS TO RECOVER DAMAGES FOR THE SEXUAL ABUSE, SEXUAL EXPLOITATION OR SEXUAL ASSAULT OF A MINOR.*****SUMMARY:**

This bill extends, under certain conditions, the statute of limitations for actions to recover damages for personal injury to a minor, including emotional distress, caused by sexual abuse, sexual exploitation, or sexual assault. Current law bars a person from bringing an action later than 30 years from the date the person reaches the age of majority.

**STATUTE OF LIMITATIONS IN CERTAIN CASES**

The bill allows a person to bring action to recover damages for personal injury to a minor at any time if:

1. at least one other action is brought by another person within the current statute of limitations and
2. the complaint or initial pleading in the action (a) alleges sexual abuse, sexual exploitation, or sexual assault that is substantially similar to that alleged in the other action, (b) alleges that the acts were committed by the same person alleged to have committed the acts in the other action, and (c) names the same defendant alleged to be liable to the person as named in the other action.

Additionally, the bill requires the attorney or party filing the action to make a reasonable inquiry as permitted by the circumstances to determine there are grounds for a good faith belief that the person was sexually abused, sexually exploited, or sexually assaulted as a minor. The complaint or initial pleading must contain a certificate that the

reasonable inquiry gave rise to a good faith belief that grounds exist for an action against each named defendant. To show the existence of such good faith, the attorney or party filing the action must identify in the certificate the physical or documentary evidence of the conduct and describe the connection between the person alleged to have committed the acts and any other defendant. If the complaint or initial pleading does not include the certificate, it is grounds for the court to grant a motion to strike.

The bill also allows a person to present a claim against the state with the claims commissioner subject to the above mentioned time limitations. Under current law, a person has one year from the time a claim accrues to present it to the claims commissioner. However, the General Assembly can waive this requirement if it finds compelling equitable circumstances to do so.

EFFECTIVE DATE: Upon passage and applicable to any action or claim pending or brought on and after that date.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 20 (03/29/2010)