

**WRITTEN STATEMENT OF WESLEY W. HORTON ON BEHALF OF
THE CONNECTICUT CATHOLIC PUBLIC AFFAIRS CONFERENCE
IN OPPOSITION TO RAISED BILL NO. 5473**

I oppose Raised Bill No. 5473, which would eliminate the statute of limitations on actions to recover damages for personal injury to a minor caused by sexual abuse and the like. The current statute, C.G.S. § 52-577d, has an already very long 30-years-from-the-date-of-majority limitation. My opposition is based on the following reasons:

1. Statutes of limitations serve an important public purpose. The rights of plaintiffs are important too, but they must be balanced against the important purposes of statutes of limitations.

One such purpose is that witnesses may die or their memories may fade. This is a particularly serious problem for § 52-577d because any plaintiff by definition was under 18 when the acts complained of occurred. If Raised Bill No. 5473 becomes law, a case could be brought anytime after the plaintiff's 48th birthday. Since the witnesses for the defendant could have been much older than the plaintiff was as a teenager, the death of potential defense witnesses, or the fading of their memories, is likely to be a major problem. A related problem is the potential loss of documents as time goes by.

Another purpose of the statute of limitations is to allow "persons after the lapse of a reasonable time, to plan their affairs with a reasonable degree of certainty, free from the disruptive burden of protracted and unknown potential liability." *Tayco Corp. v. Planning & Zoning Commission*, 294 Conn. 673, 684 (2010). Put another way, law-abiding people and organizations need to know when they can safely dispose of mountains of records, insurance companies need to know how long claims can be asserted when they are setting premiums, for otherwise they may set premiums to account for the risk that the claims period will be retroactively lengthened, and everyone at some point needs to know when they can and should move on.

These concerns are especially great if the Legislature has a reputation for extending statutes of limitations after they have already expired. Any responsible person or corporation needs to plan for the future; such planning is made extraordinarily difficult if one can be blindsided at any time by new claims that the law had previously said were untimely.

2. The second reason for my opposition to Raised Bill No. 5473 is that § 52-577d is already extraordinarily generous to people with sexual abuse claims from their childhood.

Until 1991, such claimants had at most only two years after majority to bring an action. From 1991 until 2002, the claimant had 17 years after majority to bring it. Since 2002 the claimant has had 30 years after majority. C.G.S. § 52-577e also allows an unlimited time if the perpetrator has been convicted. All these changes were retroactive. No other set of claimants has been so greatly benefited by changes in the statute of limitations.

Claimants who were 18 or older at the time of the sexual acts complained of have only three years to make their claims. C.G.S. § 52-577. Claimants of any age at the time of non-sexual acts complained of (for example, kidnapping) also have only three years to make their claims. *Id.* Claimants against state institutions (for example, state hospitals) generally have one to three years to make their claims. C.G.S. § 4-148. Estates of claimants who die before age 48 have two to five years to make their claims. C.G.S. § 52-555.

If § 52-577d is amended to eliminate the statute of limitations, other potential claimants can fairly say to their legislators: "What about me?" And if their pleas are heeded, even more potential claimants will start attacking other statutes of limitations. The important public purposes of having statutes of limitations will be eroded. Law-abiding people, corporations and insurance companies will lose confidence that they can rely on existing statute of limitations as they ask themselves and their legislators: "What statute of limitations will be the next one to fall?"


Wesley W. Horton
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