

Statement

Insurance Association of Connecticut

Judiciary Committee

April 4, 2011

SB 1033, An Act Concerning The Limitation Of Time To Bring A Civil Action For Damages Caused By Sexual Abuse, Sexual Exploitation Or Sexual Assault Suffered By A Person Prior To Attaining The Age Of Majority

The Insurance Association of Connecticut is opposed to SB 1033, An Act Concerning The Limitation Of Time To Bring A Civil Action For Damages Caused By Sexual Abuse, Sexual Exploitation Or Sexual Assault Suffered By A Person Prior To Attaining The Age Of Majority, which seeks to eliminate the statute of limitations for minors that are victims of sexual abuse type claims.

Statute of limitations is designed to provide a finite time in which a person can assert their rights and protect parties from limitless litigation. Statute of limitations ensures that information is available and evidence does become stale. How would defendants, whose rights are protected by the statute of limitations, be able to defend against such claims? How is a defendant to defend against a claim, potentially 60 years after the event happened? What if the defendant had no knowledge that a child had a potential claim? SB 1033 will make it extremely difficult to gather evidence that may be relevant to the defense of the claim. For instance, it would be very burdensome to obtain evidence as to intervening causes. Furthermore, parties will be forced to find evidence that may no longer exist or locate witnesses who may no longer be available.

Additionally, permitting limitless litigation for such claims will create an unsound precedent. Childhood sexual assault victims are, quite understandably, highly sympathetic. But

there are many situations where the operation of the statute of limitations may be perceived as unfair to particular individuals or individual groups. For example, a person who has been rendered a paraplegic, or suffered severe burns over most of his body, or an adult victim of sexual assault will find their claims time-barred if they file a complaint just one day after the applicable limitations period expires. The unsettling facts of a particular situation should not trump the critical importance of the predictability and certainty that statutes of limitations serve.

The IAC urges your rejection of SB 1033.