

Changes in State Laws on Civil Statute of Limitations for Sexual Assault Victims

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Issue

Summarize recent changes in other states' laws on civil statute of limitations for sexual assault victims.

Summary

In addition to Connecticut, from 2015 to 2019 at least 10 states and the District of Columbia made changes to their laws on civil statute of limitations for sexual assault victims: California, Illinois, Michigan, Montana, New Jersey, New Mexico, New York, Rhode Island, Texas, and Vermont. Most of these laws became effective in 2019.

These measures address issues such as expanding the civil statute of limitations, particularly with respect to childhood sexual abuse; creating revival periods for claims that were time-barred under prior law; providing for civil action against the perpetrator and the non-perpetrator; and requiring judicial training and rules regarding adjudicating revived claims.

Table 1 describes these laws' relevant provisions.

Connecticut

[PA 19-16](#), §§ 13, 14, 17 & 19-23; as amended by [PA 19-93](#), §§ 7, 9 & 10

- *Extends the time to file a civil lawsuit related to sexual abuse or related conduct for victims younger than age 21*
- *Establishes a task force to study whether the civil statute of limitations for sexual abuse should be amended*
- *Eliminates or extends the statute of limitations for various sexual assault and related crimes*

OLR Report [2018-R-0249](#)

- *Summarizes the statute of limitations for sexual assault cases under prior law*

Table 1: Recent Changes in State Laws on Civil Statute of Limitations

State and Amended Statutes (Citation)	Bill/ Public Act Number	Description of Change
<p>California Cal. Civ. Proc. Code § 340.16</p>	<p>AB 1619 (effective September 30, 2018, but applicable to actions filed on or after January 1, 2019)</p>	<ul style="list-style-type: none"> • Expands the timeframe for sexual assault survivors to file a civil action. • Specifically sets the time for starting a civil action for damages suffered as a result of sexual assault, where the assault occurred on or after the plaintiff's 18th birthday, to the later of within: <ol style="list-style-type: none"> 1. 10 years (previously two or three years, depending on the circumstances) from the date of the last act, attempted act, or assault with intent to commit an act, of sexual assault by the defendant against the plaintiff or 2. three years from the date the plaintiff discovers or reasonably should have discovered the injury or illness resulted from any such action.
<p>District of Columbia D.C. Code Ann. § 12-301</p>	<p>Law 22-311/Act 22-593 (effective May 3, 2019)</p>	<ul style="list-style-type: none"> • Extends the civil statute of limitations for the recovery of damages arising out of sexual abuse that occurred while the victim was less than age 35 years to the later of (1) the date the victim turns age 40 years or (2) five years from when the victim knew, or reasonably should have known, of any act constituting sexual abuse. • Creates a two-year revival period, after the effective date of this law, for claims that would be time-barred before the effective date of this law but would not be time barred under these amendments.
<p>Illinois ILL.Comp. Stat. 735 § 5/13-202.2</p>	<p>SB 1868 (effective August 20, 2019)</p>	<ul style="list-style-type: none"> • Specifies that the statute of limitations for child abuse actions does not run during a time period when the person abused is subject to fraudulent concealment (as is the case under existing law when the victim is subject to threats, intimidation, manipulation, or fraud).
<p>Michigan Mich. Comp. Laws § 600.5805</p>	<p>PA 183 (2018) (effective June 12, 2018)</p>	<ul style="list-style-type: none"> • Sets the statute of limitations at 10 years for an action to recover damages sustained because of criminal sexual conduct. • Further provides, it is not necessary that a criminal prosecution or other proceeding have been brought as a result of the conduct or, if a criminal prosecution or other proceeding was brought, that the prosecution or proceeding resulted in a conviction or adjudication.
<p>Montana Mont. Code Ann. § 27-2-216</p>	<p>HB 640 (effective May 7, 2019)</p>	<ul style="list-style-type: none"> • Extends the statute of limitations for civil liability for the person who commits the act of childhood sexual abuse, from three years after the act to before the victim reaches age 27 years (as under existing law, the claim is time-barred three years after the victim discovers or reasonably should have discovered the

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		<p>injury).</p> <ul style="list-style-type: none"> Establishes the same statute of limitations for any entity (including agents and employees) that owed the victim a duty of care and whose negligent or wrongful act caused the abuse that resulted in the injury. Creates a one-year window for individuals to bring previously time-barred childhood sexual abuse actions under certain circumstances (e.g., the accused is alive and admits to, or has been convicted of, the commission of the act) or Requires that certain claims be revived if, based on evidence or admissions, the court concludes that the entity knew or had reason to know of the conduct.
<p>New Jersey N.J. Stat. Ann. § 2A:14-2b N.J. Stat. Ann. § 2A:30B-6 N.J. Stat. Ann. § 2A:53A-7.5 N.J. Stat. Ann. § 2A:61B-1</p>	<p>SB 477 (effective December 1, 2019)</p>	<ul style="list-style-type: none"> An action for sexual abuse of a minor must accrue at the time of reasonable discovery of the injury and its causal relationship to the act instead of within two years after the child reaches the age of majority, as under current law. Eliminates provisions that precluded the court from finding that the statute of limitations was tolled in a case because of the plaintiff's mental state or other equitable grounds. Creates a two-year window for parties to bring previously time-barred sexual abuse actions.
<p>New Jersey N.J. Stat. Ann. § 59:2-1.3</p>	<p>AB 5392 (effective December 1, 2019)</p>	<ul style="list-style-type: none"> Establishes new liability standards in sexual abuse lawsuits filed against public entities and public employees by specifying that there is no immunity from civil liability in such cases (including cases where the victim is a minor). Any such action must be subject to the statute of limitations and may be brought within two years even if it would otherwise be time-barred.
<p>New Mexico N.M. Stat. Ann. 1978, § 37-1-30 N.M. Stat. Ann. 1978, § 37-1-8</p>	<p>SB 91 (effective April 6, 2017)</p>	<ul style="list-style-type: none"> Replaces one of the two standards used to limit when an action for damages based on personal injury caused by childhood sexual abuse must be filed. The injured person must file such action before the latest of the following dates: <ol style="list-style-type: none"> the person's 24th birthday, as under prior law; or three years from the date he or she first disclosed the childhood sexual abuse to a licensed medical or mental health care provider in the context of receiving health care from the provider. Under prior law, the second standard limited the filing to three years from the date of the time that a person knew or had reason to know of the childhood sexual abuse and that the childhood sexual abuse resulted in an injury to the person, as

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		<p>established by competent medical or psychological testimony.</p> <ul style="list-style-type: none"> • Specifies that the statute of limitations against sureties of fiduciary bonds do not apply for childhood sexual abuse actions (i.e., two or three years).
<p>New York</p> <p>N.Y. CPLR §§ 208 & 214-g N.Y. CPLR Rule 3403 N.Y. Gen. Mun. § 50-e & 50-i N.Y. Ct. Clms. § 10 N.Y. Educ. § 3813 N.Y. Jud. Ct. Acts §§ 219-c & 219-d</p>	<p>SB 2440 (effective February 14, 2019)</p>	<ul style="list-style-type: none"> • Establishes the statute of limitations for civil actions related to a sexual offense committed against a child (under age 18) by allowing such actions to be brought against any party, whose intentional or negligent acts or omissions are alleged to have resulted in the commission of the conduct, on or before the plaintiff or infant plaintiff reaches the age 55 years (prior law statute of limitations ranged from one year to five years after the plaintiff turns 18, depending on the claim). • Revives actions otherwise barred by the existing statute of limitations, to be filed between six months and 18 months after the bill's effective date (i.e., a one-year revival window), and grants trial preference to such actions. • Removes claims notice requirements for sexual offense claims against governmental entities, including during the one-year revival window, putting them on equal footing with non-governmental defendants. • Requires judicial training relating to sexual abuse of minors. • Requires the chief court administrator to promulgate rules for the timely adjudication of revived civil actions for sexual offense against children.
<p>Rhode Island</p> <p>R.I. Gen. Laws § 9-1-51</p>	<p>H. 5171 (effective July 1, 2019)</p>	<ul style="list-style-type: none"> • Expands the statute of limitations on actions against the perpetrator defendant for childhood sexual abuse or exploitation to the later of within: <ol style="list-style-type: none"> 1. 35 years after the alleged act (was seven years under prior law) or 2. seven years from the time the victim discovered or reasonably should have discovered the injury or condition. • Specifically applies this statute of limitations to cases against a non-perpetrator defendant (e.g., the person who provided negligent supervision of the alleged abuser). • Tolls the time limit to begin an action under this law for a child until he or she reaches age 18 years. • Applies the statute of limitations described above to actions against a perpetrator even if the claim was time-barred under prior law. • Applies the statute of limitations under the new law to actions against a non-perpetrator if the claim is not time-barred under

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		prior law.
Texas Tex. Civ. Prac. & Rem. § 16.0045	HB 3809 (effective September 1, 2019)	<ul style="list-style-type: none"> Increases the statute of limitations for an action against an individual for specified childhood sexual offenses. Under the new law such action must be filed not later than 30 years (instead of 15 years) after the day the cause of action accrues. Applies to a cause of action that accrues on or after the effective date of this act or a cause of action that accrued before the effective date of this act, if it is not already time-barred.
Vermont Vt. Stat. Ann. tit. 12 § 522	H. 330 (effective July 1, 2019)	<ul style="list-style-type: none"> Allows civil actions for childhood sexual abuse to be filed at any time after the act alleged to have caused the injury or condition; under prior law the action had to be brought within six years after the (1) alleged act or (2) time the victim discovered that the injury or condition was caused by that act, whichever period expired later. Applies the statute of limitations provisions retroactively to childhood sexual abuse that occurred before the effective date of this law, irrespective of any statute of limitations in effect at the time the abuse occurred. Specifies that in any civil action for childhood sexual abuse that would have been time-barred and in effect on June 30, 2019, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly committing the sexual abuse only if there is a finding of gross negligence on the part of the entity.

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