

**FINAL
FISCAL NOTE**

Drafting Number: LLS 08-0009

Date: May 22, 2008

Prime Sponsor(s): Rep. Green

Bill Status: Postponed Indefinitely

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TITLE: CONCERNING THE STATUTE OF LIMITATIONS APPLICABLE TO CIVIL ACTIONS ARISING FROM THE COMMISSION OF SEXUAL ASSAULTS AGAINST CHILDREN.

Summary of Legislation

Under current law, there is a statute of limitations for civil actions related to damages from a sexual assault on a child. Victims have six years after the incident occurred or after the psychological/emotional disability was removed in which to file a claim. This bill creates an unlimited statute of limitations for victims to file a civil action against either the perpetrator or a third party. This bill also contains several provisions that affect the ability of child sexual abuse victims to file a civil action. In particular, the bill specifies that:

- victims may file a civil action against a person that is deceased or incapacitated;
- victims filing a civil action more than 15 years after the victim turns 18 years of age may recover more than damages for medical treatment and counseling; and
- victims who were unable to file a civil action because the applicable statute of limitation had expired have a two-year window in which to file such a claim (by July 1, 2010).

The bill was postponed indefinitely by the House Judiciary Committee on March 5, 2008.

Assessment

Because the bill extends the period of time in which a victim of child sexual abuse may file a civil claim and provides a two-year window for expired claims, the bill is expected to result in some additional civil case filings in district courts. Civil cases are not presently linked to specific statutes for tracking purposes, so it is not possible to estimate the number of existing cases that sought damages due to a sexual offense against a child. The Judicial Branch is also unable to estimate how many claims have expired under the current statute of limitations, which would be eligible to be filed in the two-year window. Despite these uncertainties, the filing of additional civil cases due to this bill is expected to be minimal and absorbable within existing resources of the branch. The bill is not expected to impact any other state or local government agency, therefore the bill is assessed as having no fiscal impact.

Departments Contacted

Education
Public Defender
Law

Higher Education
Human Services

Judicial
Corrections