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HOUSE BILL 1040

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State of Washington

58th Legislature

2003 Regular Session

By Representatives O'Brien, Schoesler, Dickerson, Chandler, Kagi, Talcott, Kenney, Morris, Veloria, Chase, Rockefeller, Benson, Campbell, Sullivan and Darneille

Prefiled 1/10/2003. Read first time 01/13/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to removing the statute of limitations on childhood  
2 sexual abuse civil cases; and amending RCW 4.16.340.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.16.340 and 1991 c 212 s 2 are each amended to read  
5 as follows:

6 (1) All claims or causes of action based on intentional conduct  
7 brought by any person for recovery of damages for injury suffered as a  
8 result of childhood sexual abuse (~~shall~~) may be commenced (~~within~~  
9 ~~the later of the following periods:~~

10 ~~(a) Within three years of the act alleged to have caused the injury~~  
11 ~~or condition;~~

12 ~~(b) Within three years of the time the victim discovered or~~  
13 ~~reasonably should have discovered that the injury or condition was~~  
14 ~~caused by said act; or~~

15 ~~(c) Within three years of the time the victim discovered that the~~  
16 ~~act caused the injury for which the claim is brought;~~

17 ~~PROVIDED, That the time limit for commencement of an action under~~  
18 ~~this section is tolled for a child until the child reaches the age of~~  
19 ~~eighteen years)) at any time.~~

1           (2) ~~((The victim need not establish which act in a series of~~  
2 ~~continuing sexual abuse or exploitation incidents caused the injury~~  
3 ~~complained of, but may compute the date of discovery from the date of~~  
4 ~~discovery of the last act by the same perpetrator which is part of a~~  
5 ~~common scheme or plan of sexual abuse or exploitation.~~

6           ~~(3) The knowledge of a custodial parent or guardian shall not be~~  
7 ~~imputed to a person under the age of eighteen years.~~

8           ~~(4) For purposes of this section, "child" means a person under the~~  
9 ~~age of eighteen years.~~

10          ~~(5))~~ As used in this section, "childhood sexual abuse" means any  
11 act committed by the defendant against a complainant who was less than  
12 eighteen years of age at the time of the act and which act would have  
13 been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of  
14 similar effect at the time the act was committed.

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