

FINAL BILL REPORT

ESHB 2058

C 212 L 91
Synopsis As Enacted

Brief Description: Clarifying the application of the statute of limitations to actions based on childhood sexual abuse.

By House Committee on Judiciary (originally sponsored by Representatives Scott, Riley, Paris, H. Myers, Miller, Forner, Belcher, Ludwig, Inslee, Wineberry, Locke, Appelwick, Holland, Roland, Winsley, D. Sommers, Morris, Spanel, R. Johnson and Rasmussen).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The statute of limitations for civil actions for injury suffered from childhood sexual abuse is the later of three years from the date of the sexual abuse, or three years from the time the victim discovered or reasonably should have discovered that the abuse caused injury. The three years does not begin to run until the victim turns age 18. The Legislature passed this statute of limitations following the Washington Supreme Court case in Tyson v. Tyson. That case held that the discovery rule, which tolls the statute of limitations until the plaintiff discovers or reasonably should have discovered a cause of action, did not apply in intentional torts when the victim has blocked the incident from memory during the entire time of the statute of limitations.

In addition to the cases in which a victim may suffer injuries, but does not know that the sexual abuse caused the injury due to suppressed memory of the sexual abuse, a victim may remember the sexual abuse but may have a delayed reaction to the abuse. The victim may experience significant suffering from the abuse later in life. A victim may have experienced some trauma from the abuse when the abuse occurred but the trauma may not have been severe enough to prompt the victim to sue within three years of the victim's 18th birthday. In at least one case, the court has held that because the victim remembered the sexual abuse and experienced at least some injury from that abuse (stomachaches), the statute of limitations expired and the victim was foreclosed from suing for the more severe injuries that developed later in life (suicidal tendencies, depression).

Summary: The Legislature finds that sexual abuse is a pervasive problem that affects the safety and well-being of many citizens. Childhood sexual abuse is traumatic and the damage is long-lasting. Victims may not only repress the memory of the abuse for many years, but may also be unable to connect being abused with any injury until later in life. Although the victim may be aware of the sexual abuse, more serious reactions to the abuse may develop years later.

When the Legislature extended the statute of limitations for child sexual abuse cases, the Legislature intended to reverse the court's ruling in Tyson v. Tyson. The Legislature also intends that the discovery of minor injuries from sexual abuse does not trigger the statute of limitations for injuries that were not discovered or did not manifest themselves until years later.

The statute of limitations in a childhood sexual abuse civil case is the later of a) three years from the sexual abuse, or b) three years from the time the victim discovered or reasonably should have discovered the injury was caused by the abuse or c) three years from the time the victim discovered that the abuse caused injury for which the claim is brought.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 28, 1991