
SENATE BILL 5842

State of Washington

58th Legislature

2003 Regular Session

By Senator Benton

Read first time 02/14/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to the statute of limitations on childhood sexual
2 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 be commenced (~~within the later~~
9 ~~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) at any time before the child~~
19 reaches the age of (~~eighteen~~) thirty years.

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
9 the age of eighteen years.

10 ~~((5))~~ (3) As used in this section, "childhood sexual abuse" means
11 any act committed by the defendant against a complainant who was less
12 than eighteen years of age at the time of the act and which act would
13 have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior
14 laws of similar effect at the time the act was committed.

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