

SENATE BILL REPORT

SB 6881

As of February 02, 2006

Title: An act relating to limitation of actions involving injuries caused by acts that would constitute sex offenses.

Brief Description: Extending the limitation period for personal injury actions involving acts that would constitute sex offenses.

Sponsors: Senators Kline and Rasmussen.

Brief History:

Committee Activity: Judiciary: 2/02/06.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Current law requires that a cause of action based on intentional conduct for recovery of damages for injury suffered as a result of childhood sexual abuse must be commenced within three years of the act alleged to have caused the injury; three years from the time the victim discovered or reasonably should have discovered that the injury was caused by the act; or within three years of the time the victim discovered that the act caused the injury . The time limits for commencement of an action for childhood sexual abuse are tolled for a child until he or she reaches the age of eighteen years old. After that age is reached, the time limits apply.

Summary of Bill: A person may commence a cause of action for recovery of damages for an injury or condition suffered as a result of childhood sexual abuse at any time after the effective date of this act. Actions occurring prior to the effective date of this act may be commenced within the time limits set forth in current law. Specifically, those time limits are: within three years of the act alleged to have caused the injury; within three years from the time the victim discovered or reasonably should have discovered that the injury was caused by the act; or within three years of the time the victim discovered that the act caused the injury. No action shall be commenced against the estate of the alleged perpetrator.

Any claim for damages for an injury or condition suffered as a result of childhood sexual abuse that is barred due to the applicable statute of limitation may be commenced within one year of January 1, 2007. This provision does not apply to any claim that has been litigated to finality and any written settlement agreement entered into between a plaintiff and a defendant where the plaintiff was represented by an attorney.

Appropriation: None.

Fiscal Note: Requested on February 1, 2006.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The impact of childhood sexual abuse is long term and the wounds do not heal quickly. The ability to commence an action for recovery at any time after the effective date of this bill is an option which should be given to these victims. It is impossible to look at the phenomena of childhood sexual abuse and not realize that the resulting damage does not go away. This bill uses the civil justice system which is cheaper and can do what law enforcement can't. There is no cost to the state. Law enforcement picks up a tiny fraction of child abusers that are out there. Child molesters rarely quit molesting until they are stopped. This bill allows them to be identified and held accountable. To lock the court house doors to these victims is wrong for many reasons. This is a smart bill. A statute of limitations is peculiarly inappropriate for this crime.

Testimony Against: None.

Who Testified: PRO: Lonnie Johns Brown, Washington Coalition of Sexual Assault Programs; Tim Kosnoff; Mark Mains, survivor of sex abuse.

CON: No one.