

2SHB 1618 - H AMD 789

By Representative Abbarno

ADOPTED 01/25/2024

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) All claims or causes of action based on intentional conduct
6 brought by any person for recovery of damages for injury suffered as
7 a result of childhood sexual abuse that occurred before June 6, 2024,
8 shall be commenced within the later of the following periods:

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

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

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

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

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

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

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

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

1 (6) There shall be no time limit for bringing any claims or
2 causes of action based on intentional conduct brought by any person
3 for recovery of damages for injury suffered as a result of childhood
4 sexual abuse when the act of childhood sexual abuse occurs on or
5 after June 6, 2024.

6 NEW SECTION. Sec. 2. If specific funding for the purposes of
7 this act, referencing this act by bill or chapter number, is not
8 provided by June 30, 2024, in the omnibus appropriations act, this
9 act is null and void."

10 Correct the title.

EFFECT: Eliminates the statute of limitations for civil actions based on childhood sexual abuse prospectively, rather than retroactively, by restoring the current statute of limitations for actions based on childhood sexual abuse that occurred before June 6, 2024, and eliminating the statute of limitations for actions based on childhood sexual abuse that occurs on or after June 6, 2024. Removes language regarding the remedial nature of the bill and references to the common law rule of discovery for victims of childhood sexual abuse, physical abuse, and exploitation. Corrects the date in the null and void clause from June 30, 2023, to June 30, 2024.

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