

SENATE BILL REPORT

2SHB 1618

As of March 17, 2023

Title: An act relating to providing access to justice for survivors of childhood sexual abuse.

Brief Description: Concerning the statute of limitations for childhood sexual abuse.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier and Orwall).

Brief History: Passed House: 3/2/23, 82-14.

Committee Activity: Law & Justice: 3/21/23.

Brief Summary of Bill

- Removes statute of limitations for recovery of damages as a result of childhood sexual abuse.
- Applies the act retroactively and prospectively.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Kevin Black (786-7747)

Background: The statute of limitations for all claims for recovery of damages for injuries suffered based on intentional conduct as a result of childhood sexual abuse is the later of the following periods:

- three years from the act;
- three years from the time the victim discovered or reasonably should have discovered that their injury or condition was caused by the act; or
- three years from the time the victim discovered that the act caused the injury.

The statute of limitations is tolled until the victim reaches the age of 18. Childhood sexual

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abuse means an act committed against a minor that would have been a sex offense or sexual exploitation of a minor.

The statute of limitations for injuries caused by a sexual offense, assault, or other crimes against an adult is two years. In 2019, legislation removed the statute of limitations in Washington for criminal prosecution of most sexual offenses against children.

Summary of Bill: The statute of limitations for recovery of damages as a result of childhood sexual abuse is removed. There is no time limit to bring a claim for recovery of damages for injury suffered as a result of childhood sexual abuse, nonsexual physical abuse by the same perpetrator that occurs concurrently with childhood sexual abuse, or sexual abuse that continues beyond the age of majority which is part of a pattern or series of childhood sexual abuse by the same perpetrator.

This act does not eliminate the common law discovery rule for victims of childhood sexual abuse, physical abuse, and exploitation. The act applies retroactively and prospectively.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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