

2019 -- H 5171

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
CAUSES OF ACTION

Introduced By: Representatives McEntee, Craven, Casimiro, Blazejewski, and O'Brien

Date Introduced: January 23, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 9-1-25 and 9-1-51 of the General Laws in Chapter 9-1 entitled
2 "Causes of Action" are hereby amended to read as follows:

3 **9-1-25. Time for bringing suit against state, political subdivision, city, or town.**

4 [\(a\) Except as provided in subsection \(b\) of this section and in § 9-1-51, for cases of](#)
5 [sexual abuse, when](#) ~~When~~ a claimant is given the right to sue the state of Rhode Island, any
6 political subdivision of the state, or any city or town by a special act of the general assembly, or
7 in cases involving actions or claims in tort against the state or any political subdivision thereof or
8 any city or town, the action shall be instituted within three (3) years from the effective date of the
9 special act, or within three (3) years of the accrual of any claim of tort. Failure to institute suit
10 within the three (3) year period shall constitute a bar to the bringing of the legal action.

11 [\(b\) In cases of childhood sexual abuse, the time for bringing suit against the state of](#)
12 [Rhode Island or any other entity identified in subsection \(a\) of this section, § 9-1-51 shall apply.](#)

13 **9-1-51. Limitation on actions based on sexual abuse or exploitation of a child.**

14 (a)(1) All claims or causes of action based on ~~intentional~~ conduct brought by any person
15 for recovery of damages for injury suffered as a result of childhood sexual abuse shall be
16 commenced within ~~seven (7)~~ [thirty-five \(35\)](#) years of the act alleged to have caused the injury or
17 condition, or seven (7) years ~~of~~ [from](#) the time the victim discovered or reasonably should have
18 discovered that the injury or condition was caused by the act, whichever period expires later.

1 provided that the time limit for commencement of such an action under this section shall be tolled
2 for a child until the child reaches eighteen (18) years of age.

3 (2) All claims or causes of action alleging that a defendant, which may include an
4 individual as well as a business entity or organization, negligently supervised a person who
5 sexually abused a minor, or that the defendant's conduct caused or contributed to the childhood
6 sexual abuse by another person, to include, but not limited to: wrongful conduct, neglect, or
7 default in supervision, hiring, employment, training, monitoring, or failure to report and/or the
8 concealment of childhood sexual abuse shall be commenced within the later to expire of:

9 (i) Thirty-five (35) years from the acts alleged to have caused an injury or condition to
10 such minor; or

11 (ii) Seven (7) years from the time the victim discovered or reasonably should have
12 discovered that an emotional or psychological injury or condition was caused by such act;
13 provided, however, that the time limit for commencement of such an action under this section
14 shall be tolled for a child until the child reaches eighteen (18) years of age.

15 (3) For a period of three (3) years following the effective date of this section, victims of
16 child sexual abuse that occurred in this state who have been barred from filing suit against their
17 abusers by virtue of the expiration of the statute of limitations under the previous version of the
18 general laws, shall be permitted to file those claims in superior court. If the person committing the
19 act of sexual abuse against a minor was employed by an institution, agency, firm, business,
20 corporation, or other public or private entity that owed a duty of care to the victim, were engaged
21 in some activity over which the legal entity had some degree of responsibility or control, damages
22 against the legal entity shall be awarded under this section if there is a finding of negligence on
23 the part of the legal entity.

24 (4) Any claim or cause of action based on conduct of childhood sexual abuse or wrongful
25 conduct which caused or contributed to childhood sexual abuse, if the action is not otherwise
26 time-barred under a previous version of the general laws on the effective date of this section, may
27 be commenced within the time period enumerated in subsection (a)(1) and (a)(2) of this section.

28 (b) The victim need not establish which act in a series of continuing sexual abuse or
29 exploitation incidents cause the injury complained of, but may compute the date of discovery
30 from the date of the last act by the same perpetrator which is part of a common scheme or plan of
31 sexual abuse or exploitation.

32 (c) The knowledge of a custodial parent or guardian shall not be imputed to a person
33 under the age of eighteen (18) years.

34 (d) For purposes of this section, "child" means a person under the age of eighteen (18)

1 years.

2 (e) As used in this section, "childhood sexual abuse" means any act committed by the
3 defendant against a complainant who was less than eighteen (18) years of age at the time of the
4 act and which act would have been a criminal violation of chapter 37 of title 11.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would extend the statute of limitations for victims of childhood sexual abuse
2 from seven (7) years to thirty-five (35) years. This act would also extend to thirty-five (35) years
3 the statute of limitations for conduct which caused or contributed to childhood sexual abuse. This
4 act would allow currently time-barred claims to be brought within three (3) years.

5 This act would take effect upon passage.

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