

**2019 -- H 5171 SUBSTITUTE A**

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LC000055/SUB A/2  
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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 9-1-14 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           **9-1-14. Limitation of actions for words spoken or personal injuries.**

4           (a) Actions for words spoken shall be commenced and sued within one year next after the  
5 words spoken, and not after.

6           (b) Actions for injuries to the person shall be commenced and sued within three (3) years  
7 next after the cause of action shall accrue, and not after, except as provided for otherwise in  
8 subsection (c) herein. [Notwithstanding anything herein, any claim based on sexual abuse or](#)  
9 [exploitation of a child shall be governed by § 9-1-51.](#)

10           (c) As to an action for personal injuries wherein an injured party is entitled to proceed  
11 against an insurer pursuant to § 27-7-2, where an action is otherwise properly filed against an  
12 insured within the time limitations provided for by this section, and process against the insured  
13 tortfeasor has been returned "non est inventus" and filed with the court, then the statutory  
14 limitation for filing an action under § 27-7-2 directly against an insurer shall be extended an  
15 additional one hundred twenty (120) days after the expiration of the time limitation provided for  
16 in subsection (b) herein.

17           **9-1-51. Limitation on actions based on sexual abuse or exploitation of a child.**

18           (a) [\(1\)](#) All claims or causes of action ~~based on intentional conduct~~ brought [against a](#)

1 perpetrator defendant by any person for recovery of damages for injury suffered as a result of  
2 ~~childhood~~ sexual abuse shall be commenced within the later to expire of:

3 ~~(i) seven-(7)~~ Thirty-five (35) years of the act alleged to have caused the injury or  
4 condition; or

5 ~~(ii) seven~~ Seven (7) years ~~of~~ from the time the victim discovered or reasonably should  
6 have discovered that the injury or condition was caused by the act, ~~whichever period expires later.~~

7 Provided, however, that the time limit or commencement of such an action under this  
8 section shall be tolled for a child until the child reaches eighteen (18) years of age. For the  
9 purposes of this section, "sexual abuse" shall have the same meaning as in subsection (e) of this  
10 section.

11 (2) All claims or causes of action brought against a non-perpetrator defendant by any  
12 person alleging negligent supervision of a person that sexually abused a minor, or that the non-  
13 perpetrator defendant's conduct caused or contributed to the childhood sexual abuse by another  
14 person to include, but not be limited to, wrongful conduct, neglect or default in supervision,  
15 hiring, employment, training, monitoring, or failure to report and/or the concealment of sexual  
16 abuse of a child shall be commenced within the later to expire of:

17 (i) Thirty-five (35) years of the act or acts alleged to have caused an injury or condition to  
18 the minor; or

19 (ii) Seven (7) years from the time the victim discovered or reasonably should have  
20 discovered that the injury or condition was caused by the act.

21 Provided, however, that the time limit or commencement of such an action under this  
22 section shall be tolled for a child until the child reaches eighteen (18) years of age.

23 For purposes of this section "sexual abuse" shall have the same meaning as in subsection  
24 (e) of this section.

25 (3) As to a perpetrator defendant, any claim or cause of action based on conduct of sexual  
26 abuse may be commenced within the time period enumerated in subsection (a)(1)(i) and (a)(1)(ii)  
27 regardless if the claim was time-barred under previous version of the general laws.

28 (4) Except as provided in subsection (a)(3) herein, any claim or cause of action based on  
29 conduct of sexual abuse or conduct which caused or contributed to sexual abuse, if the action is  
30 not otherwise time-barred under previous version of the general laws on the effective date of this  
31 section, may be commenced within the time period enumerated in subsections (a)(1) and (a)(2)  
32 of this section.

33 (b) The victim need not establish which act in a series of continuing sexual abuse or  
34 exploitation incidents cause the injury complained of, but may compute the date of discovery

1 from the date of the last act by the same perpetrator which is part of a common scheme or plan of  
2 sexual abuse or exploitation.

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

5 (d) For purposes of this section, "child" means a person under the age of eighteen (18)  
6 years.

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

10 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.

4           This act would take effect upon passage.

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