

2019 -- H 5171 SUBSTITUTE B

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LC000055/SUB B
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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, 9-1-25 and 9-1-51 of the General Laws in Chapter 9-1
2 entitled "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 **9-1-25. Time for bringing suit against state, political subdivision, city, or town.**

18 (a) Except as provided in subsection (b) of this section and in § 9-1-51, for cases of

1 sexual abuse, when ~~When~~ a claimant is given the right to sue the state of Rhode Island, any
2 political subdivision of the state, or any city or town by a special act of the general assembly, or
3 in cases involving actions or claims in tort against the state or any political subdivision thereof or
4 any city or town, the action shall be instituted within three (3) years from the effective date of the
5 special act, or within three (3) years of the accrual of any claim of tort. Failure to institute suit
6 within the three (3) year period shall constitute a bar to the bringing of the legal action.

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

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

10 (a) (1) All claims or causes of action based on intentional conduct brought against a
11 perpetrator defendant by any person for recovery of damages for injury suffered as a result of
12 ~~childhood~~ sexual abuse shall be commenced within the later to expire of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 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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Presented by

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