

2021 -- H 5143

=====
LC000018
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

—————
A N A C T

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

Introduced By: Representatives McEntee, Ruggiero, Knight, Craven, and Caldwell

Date Introduced: January 25, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **9-1-51. Limitation on actions based on sexual abuse or exploitation of a child.**

4 (a)(1) All claims or causes of action brought against a perpetrator defendant by any person
5 for recovery of damages for injury suffered as a result of sexual abuse shall be commenced within
6 the later to expire of:

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

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

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

13 (2) ~~All~~ [Except as provided or determined otherwise pursuant to subsection \(f\) of this](#)
14 [section](#), claims or causes of action brought against a non-perpetrator defendant by any person
15 alleging negligent supervision of a person that sexually abused a minor, or that the non-perpetrator
16 defendant's conduct caused or contributed to the childhood sexual abuse by another person to
17 include, but not be limited to, wrongful conduct, neglect or default in supervision, hiring,
18 employment, training, monitoring, or failure to report and/or the concealment of sexual abuse of a

1 child shall be commenced within the later to expire of:

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

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

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

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

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

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

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

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

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

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

29 (f) For purposes of this section:

30 (1) The term "perpetrator defendant" shall include:

31 (i) A person whose acts or conduct constitute sexual abuse or exploitation of a child; and

32 (ii) Any person or entity who shall aid, assist, abet, counsel, hire, command, or procure a
33 perpetrator defendant to perform or commit sexual abuse or exploitation of a child, may be deemed
34 a perpetrator defendant for purposes of this section.

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

=====
LC000018
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would expand the definition of the term "perpetrator defendant" for purposes of
2 bringing a civil action based upon sexual abuse or exploitation of a child. This act would
3 specifically provide that a person or entity who aids or abets a perpetrator defendant whose actions
4 or conduct constitute sexual abuse or exploitation of a child, is also a perpetrator defendant for
5 purposes of this section.

6 This act would take effect upon passage.

=====
LC000018
=====