

2023 -- H 5510

LC001306

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representatives McEntee, Craven, Caldwell, Knight, Fogarty, Dawson,
Edwards, Shanley, Casimiro, and Kazarian

Date Introduced: February 10, 2023

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

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

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

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

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

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

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

17 (a)(1) All claims or causes of action brought against any party by any person for recovery
18 of damages for injury suffered as a result of sexual abuse shall not be subject to any statute of
19 limitations regardless of whether the claim may have lapsed or was time-barred under previous
20 versions of the general laws.

21 (2) Claims and causes of action brought against any party including, but not limited to,
22 sexual abuse of a minor, negligent supervision of a person who sexually abuses a minor, defendant's
23 conduct caused or contributed to the childhood sexual abuse of another, wrongful conduct,
24 negligent or default in supervision, hiring, employment, training, monitoring, or failure to report
25 and/or concealment of sexual abuse of a minor. All such claims or causes of action shall not be
26 subject to any statute of limitations regardless of whether the claim may have lapsed or was time-
27 barred under previous versions of the general laws.

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

32 (c) The knowledge of a custodial parent or guardian shall not be imputed to a person under
33 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, “sexual abuse” means any act committed by the defendant
3 against a complainant who was less than eighteen (18) years of age at the time of the act and which
4 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 make all causes of action based on sexual abuse or exploitation of a child
- 2 not subject to any statute of limitations whether the claim has lapsed or was previously time-barred.
- 3 This act would take effect upon passage.

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