

SENATE BILL 505

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7lr2557
CF HB 642

By: **Senators Kelley, Benson, Brochin, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kasemeyer, Lee, Madaleno, Manno, McFadden, Middleton, Miller, Muse, Nathan–Pulliam, Peters, Robinson, Smith, and Zucker**

Introduced and read first time: February 1, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Child Sexual Abuse – Statute of Limitations and Required**
3 **Findings**

4 FOR the purpose of altering the statute of limitations in certain civil actions relating to
5 child sexual abuse; providing that, in a certain action, damages may be awarded
6 against a person or governmental entity that is not an alleged perpetrator only under
7 certain circumstances; providing that a certain action is exempt from certain
8 provisions of the Local Government Torts Claims Act; providing that a certain action
9 is exempt from certain provisions of the Maryland Torts Claims Act; providing for
10 the application of this Act; and generally relating to child sexual abuse.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–117 and 5–304(a)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Courts and Judicial Proceedings
18 Section 5–304(b)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – State Government
23 Section 12–106(a)
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,
Article – State Government
Section 12–106(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

5–117.

(a) In this section, “sexual abuse” has the meaning stated in § 5–701 of the Family Law Article.

(b) An action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor shall be filed [within] **AGAINST THE ALLEGED PERPETRATOR OF THE SEXUAL ABUSE:**

(1) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF MAJORITY; OR

(2) WITHIN THE LATER OF:

(I) [7] 20 years [of] AFTER the date that the victim [attains] REACHES the age of majority; OR

(II) 3 YEARS AFTER THE DATE THAT THE DEFENDANT IS CONVICTED OF A CRIME RELATING TO THE ALLEGED INCIDENT OR INCIDENTS UNDER:

1. § 3–602 OF THE CRIMINAL LAW ARTICLE; OR

2. THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE.

(C) (1) AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM WAS A MINOR SHALL BE FILED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT AN ALLEGED PERPETRATOR OF THE SEXUAL ABUSE:

(I) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF MAJORITY; OR

1 **(II) WITHIN 20 YEARS AFTER THE DATE THAT THE VICTIM**
2 **REACHES THE AGE OF MAJORITY.**

3 **(2) IN AN ACTION BROUGHT UNDER THIS SUBSECTION, DAMAGES MAY**
4 **BE AWARDED AGAINST A PERSON OR GOVERNMENTAL ENTITY ONLY ON A**
5 **DETERMINATION BY THE FINDER OF FACT THAT THE PERSON OR GOVERNMENTAL**
6 **ENTITY:**

7 **(I) PRIOR TO THE INCIDENT OR INCIDENTS OF SEXUAL ABUSE**
8 **THAT FORM THE BASIS OF THE ACTION, HAD ACTUAL KNOWLEDGE OF A PREVIOUS**
9 **INCIDENT OR INCIDENTS OF SEXUAL ABUSE; AND**

10 **(II) NEGLIGENCE FAILED TO PREVENT THE INCIDENT OR**
11 **INCIDENTS OF SEXUAL ABUSE THAT FORM THE BASIS OF THE ACTION.**

12 5–304.

13 (a) This section does not apply to an action [against]:

14 **(1) AGAINST** a nonprofit corporation described in § 5–301(d)(23), (24), (25),
15 (26), (28), or (29) of this subtitle or its employees; **OR**

16 **(2) BROUGHT UNDER § 5–117 OF THIS TITLE.**

17 (b) (1) Except as provided in subsections (a) and (d) of this section, an action
18 for unliquidated damages may not be brought against a local government or its employees
19 unless the notice of the claim required by this section is given within 1 year after the injury.

20 (2) The notice shall be in writing and shall state the time, place, and cause
21 of the injury.

22 Article – State Government

23 12–106.

24 (a) This section does not apply to a claim that is:

25 **(1)** asserted by cross–claim, counterclaim, or third–party claim; **OR**

26 **(2) BROUGHT UNDER § 5–117 OF THE COURTS ARTICLE.**

27 (b) Except as provided in subsection (c) of this section, a claimant may not
28 institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.