

2021 -- H 5725

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LC001857
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- SEXUAL ABUSE OR
EXPLOITATION OF A CHILD

Introduced By: Representatives McEntee, Craven, Caldwell, Knight, Fogarty,
McNamara, Batista, Kazarian, Williams, and Carson

Date Introduced: February 24, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings of Facts.

2 (1) On July 1, 2019, the General Assembly expanded the rights of child sexual abuse
3 victims to seek redress for civil liability against their perpetrators for the horrific crimes committed
4 against them.

5 (2) The General Assembly intended the expansion of rights to include all persons or entities
6 whose conduct contributed to sexual abuse or exploitation of each victim where such conduct aided
7 and abetted abuse in such a manner that it could be considered criminal conduct.

8 (3) The General Assembly does not intend to shelter persons or entities who may be
9 criminally liable from the expansion of civil liability remedies.

10 (4) To prevent a narrowing by the courts of the expansion of civil remedies recently granted
11 to those victims, the term "perpetrator defendant" must be clarified to be clear it was and is intended
12 to encompass the entire range of persons and entities which the General Assembly intended.

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

15 **9-1-51. Limitation on actions based on sexual abuse or exploitation of a child.**

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

- 1 (i) Thirty-five (35) years of the act alleged to have caused the injury or condition; or
2 (ii) Seven (7) years from the time the victim discovered or reasonably should have
3 discovered that the injury or condition was caused by the act.

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

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

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

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

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.

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

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

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

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

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

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

3 (e) For purposes of this section, "perpetrator defendant" means any person whose acts or
4 conduct constitutes sexual abuse or exploitation of a child or any person or entity whose acts or
5 conduct aides, abets, assists, conspires, counsels, hires, commands, procures another individual to
6 perform or commit sexual abuse or exploitation of a child, or any person or entity who assists in
7 concealment of the sexual abuse or exploitation of a child, if such conduct could result in criminal
8 liability as a principal.

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

12 (g) The provisions of this section shall apply retroactively to all causes of action pending
13 on or after the effective date.

14 SECTION 3. 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 provide that the term “perpetrator defendant” includes all persons or entities
2 whose conduct contributed to sexual abuse or exploitation of a child. Such an expansion would
3 allow victims to seek recovery of damages for injury suffered as a result of sexual abuse against
4 such contributing individuals or entities. This act would also make the provisions of this section
5 apply retroactively to all causes of action pending on or after the effective date.

6 This act would take effect upon passage.

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