SENATE BILL 68

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By: **Senators Kelley, Britt, Conway, Exum, Forehand, Gladden, Grosfeld,
    Hollinger, Hughes, Jones, Kramer, Lawlah, Ruben, Stone, and
    Teitelbaum**
Introduced and read first time: January 20, 2003
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 19, 2003

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CHAPTER_____

1 AN ACT concerning

2   **Civil Actions - Child Sexual Abuse - Statute of Limitations**

3 FOR the purpose of extending the statute of limitations in certain civil actions
4   relating to child sexual abuse; providing for the ~~construction and~~ application of
5   this Act; defining a certain term; and generally relating to child sexual abuse.

6 BY adding to
7   Article - Courts and Judicial Proceedings
8   Section 5-117
9   Annotated Code of Maryland
10   (2002 Replacement Volume)

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

13   **Article - Courts and Judicial Proceedings**

14 5-117.

15   (A)   IN THIS SECTION, "SEXUAL ABUSE" HAS THE MEANING STATED IN § 5-701
16 OF THE FAMILY LAW ARTICLE.

17   (B)   AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR
18 INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM WAS A MINOR
19 SHALL BE FILED WITHIN ~~12 YEARS OF THE LATER OF:~~

1   (1)   THE VICTIM'S 21ST BIRTHDAY; OR

2   (2)   THE DATE ON WHICH THE VICTIM KNEW OR REASONABLY SHOULD
3 HAVE KNOWN THAT THE ALLEGED ABUSE WAS ACTIONABLE 7 YEARS OF THE DATE
4 THAT THE VICTIM ATTAINS THE AGE OF MAJORITY.

5   (C)   THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE A COURT FROM
6 APPLYING ANY OTHER APPLICABLE EXCEPTION TO THE RUNNING OF THE
7 APPLICABLE STATUTE OF LIMITATIONS.

8   (D)   THIS SECTION SHALL APPLY TO ANY ACTION COMMENCED ON OR AFTER
9 OCTOBER 1, 2003, INCLUDING ANY ACTION THAT WOULD HAVE BEEN BARRED BY THE
10 APPLICATION OF THE PERIOD OF LIMITATION APPLICABLE BEFORE OCTOBER 1, 2003.

11   SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
12 construed to apply retroactively to revive any action that was barred by the
13 application of the period of limitations applicable before October 1, 2003.

14   SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 2003.