

HOUSE BILL 687

D3, D4

9lr1025

By: **Delegates Wilson, Atterbeary, Bromwell, and D.E. Davis**

Introduced and read first time: February 7, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the statute of limitations in certain civil actions relating to
4 child sexual abuse; repealing a certain definition; providing for the application of this
5 Act; and generally relating to child sexual abuse.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 5–117
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2018 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 5–117.

15 (a) [(1) In this section the following words have the meanings indicated.

16 (2) “Alleged perpetrator” means the individual alleged to have committed
17 the specific incident or incidents of sexual abuse that serve as the basis of an action under
18 this section.

19 (3) [Sexual] **IN THIS SECTION, “SEXUAL** abuse” has the meaning stated
20 in § 5–701 of the Family Law Article.

21 (b) An action for damages arising out of an alleged incident or incidents of sexual
22 abuse that occurred while the victim was a minor [shall be filed:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) At any time before the victim reaches the age of majority; or
- 2 (2) Subject to subsections (c) and (d) of this section, within the later of:
- 3 (i) 20 years after the date that the victim reaches the age of
4 majority; or
- 5 (ii) 3 years after the date that the defendant is convicted of a crime
6 relating to the alleged incident or incidents under:
- 7 1. § 3–602 of the Criminal Law Article; or
- 8 2. The laws of another state or the United States that would
9 be a crime under § 3–602 of the Criminal Law Article.
- 10 (c) In an action brought under this section more than 7 years after the victim
11 reaches the age of majority, damages may be awarded against a person or governmental
12 entity that is not the alleged perpetrator of the sexual abuse only if:
- 13 (1) The person or governmental entity owed a duty of care to the victim;
- 14 (2) The person or governmental entity employed the alleged perpetrator or
15 exercised some degree of responsibility or control over the alleged perpetrator; and
- 16 (3) There is a finding of gross negligence on the part of the person or
17 governmental entity.
- 18 (d) In no event may an action for damages arising out of an alleged incident or
19 incidents of sexual abuse that occurred while the victim was a minor be filed against a
20 person or governmental entity that is not the alleged perpetrator more than 20 years after
21 the date on which the victim reaches the age of majority] **MAY BE FILED AT ANY TIME.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed
23 to apply retroactively to revive any action that was barred by the application of the period
24 of limitation applicable before October 1, 2019.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2019.