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MEMORANDUM

To: Members of the House Judiciary Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Advocacy Director

Subject: House Bill 1 - Civil Actions - Child Sexual Abuse - Definition, Damages, and Statute of Limitations (The Child Victims Act of 2023)

Date: March 2, 2023

Position: Informational Letter

The Maryland State Bar Association (MSBA) provides this informational letter for **House Bill 1 - Civil Actions - Child Sexual Abuse - Definition, Damages, and Statute of Limitations (The Child Victims Act of 2023)**. HB 1 alters the definition of "sexual abuse" for purposes relating to civil actions for child sexual abuse to include any act that involves an adult allowing or encouraging a child to engage in certain activities; repeals the statute of limitations in certain civil actions relating to child sexual abuse; repeals a statute of repose for certain civil actions relating to child sexual abuse; provides for the retroactive application of the Act under certain circumstances; etc.

The MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland's legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

The MSBA strongly support the goals of the bill and is extremely sympathetic to child sexual abuse survivors seeking relief, to find justice and achieve some closure on their

abuse through open access to the civil justice system and appropriate remedies. The MSBA thanks the Legislature for its continued diligence and dialogue on this issue.

The proposed bill raises constitutional issues, particularly regarding the ability to revive civil claims after the statute of limitations has already ended. The State Bar has concerns about retroactive legislation that may diminish due process and encourages the Committee to consider additional solutions. The MSBA hopes that survivors can achieve meaningful reform without facing further legal challenges in court regarding the validity of this approach.

For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.