
By: **Delegates McHale and Menes**
Introduced and read first time: January 27, 2003
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 31, 2003

CHAPTER _____

1 AN ACT concerning

2 ~~Sexual Abuse of a Minor - Time Limitations on Filing Civil Actions~~
3 Civil Actions - Child Sexual Abuse - Statute of Limitations

4 ~~FOR the purpose of providing that a pending criminal prosecution for sexual abuse of~~
5 ~~a minor shall extend in a certain manner the period of limitations for filing a~~
6 ~~civil action arising from sexual abuse of the minor under certain circumstances;~~
7 ~~providing that a person may file a civil action arising from sexual abuse of a~~
8 ~~minor within a certain period after the final disposition of a criminal~~
9 ~~prosecution for sexual abuse of the minor under certain circumstances; defining~~
10 ~~certain terms; providing for the application and construction of this Act; and~~
11 ~~generally relating to altering the time limitations for filing certain civil actions~~
12 ~~arising from sexual abuse of a minor under certain circumstances.~~

13 FOR the purpose of extending the statute of limitations in certain civil actions
14 relating to child sexual abuse; providing for the application of this Act; defining
15 a certain term; and generally relating to child sexual abuse.

16 ~~BY repealing and reenacting, without amendments,~~
17 ~~Article - Courts and Judicial Proceedings~~
18 ~~Section 5-101~~
19 ~~Annotated Code of Maryland~~
20 ~~(2002 Replacement Volume)~~

21 ~~BY repealing and reenacting, with amendments,~~
22 ~~Article - Courts and Judicial Proceedings~~
23 ~~Section 5-201(a)~~
24 ~~Annotated Code of Maryland~~

1 (~~2002 Replacement Volume~~)

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section ~~5-206~~ 5-117

5 Annotated Code of Maryland

6 (2002 Replacement Volume)

7 ~~BY repealing and reenacting, without amendments,~~

8 ~~Article - Criminal Law~~

9 ~~Section 3-602~~

10 ~~Annotated Code of Maryland~~

11 ~~(2002 Volume)~~

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

14 **Article - Courts and Judicial Proceedings**

15 ~~5-101.~~

16 ~~A civil action at law shall be filed within three years from the date it accrues~~
17 ~~unless another provision of the Code provides a different period of time within which~~
18 ~~an action shall be commenced.~~

19 ~~5-201.~~

20 ~~(a) [When] SUBJECT TO THE PROVISIONS OF § 5-206 OF THIS SUBTITLE,~~
21 ~~WHEN a cause of action subject to a limitation under Subtitle 1 of this title or Title 3,~~
22 ~~Subtitle 9 of this article accrues in favor of a minor or mental incompetent, that~~
23 ~~person shall file [his] THE PERSON'S action within the lesser of three years or the~~
24 ~~applicable period of limitations after the date the disability is removed.~~

25 ~~5-206.~~

26 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
27 ~~INDICATED.~~

28 (2) ~~"DATE OF THE FINAL DISPOSITION OF THE CRIMINAL PROSECUTION"~~
29 ~~MEANS THE DATE OF THE LAST TO OCCUR OF THE FOLLOWING:~~

30 (I) ~~THE FINAL JUDGMENT OF A TRIAL COURT;~~

31 (II) ~~THE FINAL DISPOSITION OF AN APPEAL OR REVIEW IN A COURT~~
32 ~~OF THE STATE; OR~~

33 (III) ~~THE EXPIRATION OF TIME FOR FILING AN APPEAL OR PETITION~~
34 ~~FOR REVIEW.~~

1 (3) "Household member" has the meaning stated in § 3-601 of this
2 subtitle.

3 (4) (i) "Sexual abuse" means an act that involves sexual molestation
4 or exploitation of a minor, whether physical injuries are sustained or not.

5 (ii) "Sexual abuse" includes:

6 1. incest;

7 2. rape;

8 3. sexual offense in any degree;

9 4. sodomy; and

10 5. unnatural or perverted sexual practices.

11 (b) (1) A parent or other person who has permanent or temporary care or
12 custody or responsibility for the supervision of a minor may not cause sexual abuse to
13 the minor.

14 (2) A household member or family member may not cause sexual abuse
15 to a minor.

16 (e) A person who violates this section is guilty of a felony and on conviction is
17 subject to imprisonment not exceeding 15 years.

18 (d) A sentence imposed under this section may be separate from and
19 consecutive to or concurrent with a sentence for:

20 (1) any crime based on the act establishing the violation of this section;
21 or

22 (2) a violation of § 3-601 of this subtitle involving an act of abuse
23 separate from sexual abuse under this section.

24 5-117.

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

27 (B) AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR
28 INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM WAS A MINOR
29 SHALL BE FILED WITHIN 7 YEARS OF THE DATE THAT THE VICTIM ATTAINS THE AGE
30 OF MAJORITY.

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

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

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2003.