

HB0642/252810/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 642

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “abuse;” insert “establishing a statute of repose for certain civil actions relating to child sexual abuse;”; in the same line, after “action” insert “filed more than a certain number of years after the victim reaches the age of majority”; and in line 9, after “Act;” insert “defining a certain term; making certain stylistic changes;”.

AMENDMENT NO. 2

On page 2, in line 9, after “(a)” insert “**(1)**”; in the same line, strike the comma and substitute “THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

**(2)** “ALLEGED PERPETRATOR” MEANS THE INDIVIDUAL ALLEGED TO HAVE COMMITTED THE SPECIFIC INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT SERVE AS THE BASIS OF AN ACTION UNDER THIS SECTION.

**(3)**;

in the same line, strike “sexual” and substitute “SEXUAL”; strike beginning with “AGAINST” in line 12 down through “ABUSE” in line 13; and in line 16, strike “WITHIN” and substitute “SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, WITHIN”.

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 11 on page 3, inclusive, and substitute:

**(C) IN AN ACTION BROUGHT UNDER THIS SECTION MORE THAN 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY, DAMAGES MAY BE AWARDED**

(Over)

AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT THE ALLEGED PERPETRATOR OF THE SEXUAL ABUSE ONLY IF:

(1) THE PERSON OR GOVERNMENTAL ENTITY OWED A DUTY OF CARE TO THE VICTIM;

(2) THE PERSON OR GOVERNMENTAL ENTITY EMPLOYED THE ALLEGED PERPETRATOR OR EXERCISED SOME DEGREE OF RESPONSIBILITY OR CONTROL OVER THE ALLEGED PERPETRATOR; AND

(3) THERE IS A FINDING OF GROSS NEGLIGENCE ON THE PART OF THE PERSON OR GOVERNMENTAL ENTITY.

(D) IN NO EVENT MAY AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM WAS A MINOR BE FILED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT THE ALLEGED PERPETRATOR MORE THAN 20 YEARS AFTER THE DATE ON WHICH THE VICTIM REACHES THE AGE OF MAJORITY.”.

AMENDMENT NO. 3

On page 4, strike beginning with “That” in line 6 down through “Act” in line 8 and substitute “That this Act may not be construed to apply retroactively to revive any action that was barred by the application of the period of limitations applicable before October 1, 2017”; and in line 9, after “That” insert “the statute of repose under § 5-117(d) of the Courts Article as enacted by Section 1 of this Act shall be construed to apply both prospectively and retroactively to provide repose to defendants regarding actions that were barred by the application of the period of limitations applicable before October 1, 2017.”

SECTION 4. AND BE IT FURTHER ENACTED, That”.