

# SENATE BILL 505

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7lr2557  
CF HB 642

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By: **Senators Kelley, Benson, Brochin, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kasemeyer, Lee, Madaleno, Manno, McFadden, Middleton, Miller, Muse, Nathan–Pulliam, Peters, Robinson, Smith, and Zucker**

Introduced and read first time: February 1, 2017

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Child Sexual Abuse – Statute of Limitations and Required**  
3 **Findings**

4 FOR the purpose of altering the statute of limitations in certain civil actions relating to  
5 child sexual abuse; providing that, in a certain action, damages may be awarded  
6 against a person or governmental entity that is not an alleged perpetrator only under  
7 certain circumstances; providing that a certain action is exempt from certain  
8 provisions of the Local Government Torts Claims Act; providing that a certain action  
9 is exempt from certain provisions of the Maryland Torts Claims Act; providing for  
10 the application of this Act; and generally relating to child sexual abuse.

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 5–117 and 5–304(a)  
14 Annotated Code of Maryland  
15 (2013 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Courts and Judicial Proceedings  
18 Section 5–304(b)  
19 Annotated Code of Maryland  
20 (2013 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – State Government  
23 Section 12–106(a)  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2016 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – State Government  
3 Section 12–106(b)  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2016 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 5–117.

10 (a) In this section, “sexual abuse” has the meaning stated in § 5–701 of the Family  
11 Law Article.

12 (b) An action for damages arising out of an alleged incident or incidents of sexual  
13 abuse that occurred while the victim was a minor shall be filed [within] **AGAINST THE**  
14 **ALLEGED PERPETRATOR OF THE SEXUAL ABUSE:**

15 **(1) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF**  
16 **MAJORITY; OR**

17 **(2) WITHIN THE LATER OF:**

18 **(I) [7] 20 years [of] AFTER the date that the victim [attains]**  
19 **REACHES the age of majority; OR**

20 **(II) 3 YEARS AFTER THE DATE THAT THE DEFENDANT IS**  
21 **CONVICTED OF A CRIME RELATING TO THE ALLEGED INCIDENT OR INCIDENTS**  
22 **UNDER:**

23 **1. § 3–602 OF THE CRIMINAL LAW ARTICLE; OR**

24 **2. THE LAWS OF ANOTHER STATE OR THE UNITED**  
25 **STATES THAT WOULD BE A CRIME UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE.**

26 **(C) (1) AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED**  
27 **INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM**  
28 **WAS A MINOR SHALL BE FILED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT**  
29 **IS NOT AN ALLEGED PERPETRATOR OF THE SEXUAL ABUSE:**

30 **(I) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF**  
31 **MAJORITY; OR**



**SENATE BILL 505**

- 1                   (1)     the claimant submits a written claim to the Treasurer or a designee of  
2 the Treasurer within 1 year after the injury to person or property that is the basis of the  
3 claim;
- 4                   (2)     the Treasurer or designee denies the claim finally; and
- 5                   (3)     the action is filed within 3 years after the cause of action arises.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
7 apply only prospectively and may not be applied or interpreted to have any effect on or  
8 application to any cause of action arising before the effective date of this Act.

9                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2017.