

SB0561/332611/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 561
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 through 4, inclusive, and substitute “Justice for Vulnerable Populations Act”; strike beginning with “providing” in line 10 down through “penalty” in line 15 and substitute “altering the statute of limitations in certain civil actions relating to child sexual abuse; repealing a certain definition; altering a certain definition; prohibiting a person from committing a certain crime of violence against another person when the person knows or believes that the other person is pregnant; establishing a certain penalty for a violation of this Act; providing that a sentence imposed”; in line 15, strike “is” and substitute “may be imposed”; in line 16, strike “a sentence for” and substitute “or concurrent with”; in the same line, after “sentence;” insert “providing for the application of a certain provision of this Act;”; in line 17, strike “crimes of violence against pregnant persons” and substitute “vulnerable populations”; and after line 17, insert:

“BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 5-117
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 6, insert:

“Article – Courts and Judicial Proceedings

5–117.

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(a) [(1) In this section 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) “Sexual] IN THIS SECTION, “SEXUAL abuse” [has the meaning stated in § 5–701 of the Family Law Article] MEANS ANY ACT THAT INVOLVES:

(I) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:

1. OBSCENE PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY;

2. PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY; OR

3. PROSTITUTION;

(II) INCEST;

(III) RAPE;

(IV) SEXUAL OFFENSE IN ANY DEGREE;

(V) SODOMY; OR

(VI) UNNATURAL OR PERVERTED SEXUAL PRACTICES.

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

(1) At any time before the victim reaches the age of majority; or

(2) Subject to subsections (c) and (d) of this section, within the later of:

(i) [20] 40 years after the date that the victim reaches the age of majority; or

(ii) 3 years after the date that the defendant is convicted of a crime relating to the [alleged incident or incidents under:

1. § 3-602 of the Criminal Law Article; or

2. The laws of another state or the United States that would be a crime under § 3-602 of the Criminal Law Article] SEXUAL ABUSE.

(c) In an action brought under this section more than 7 years after the victim reaches the age of majority, damages may be awarded 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

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person or governmental entity that is not the alleged perpetrator more than [20] 40 years after the date on which the victim reaches the age of majority.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

On page 3, in line 10, strike “5-101 OF THE PUBLIC SAFETY ARTICLE” and substitute “14-101 OF THIS TITLE”; in line 11, after “KNOWS” insert “OR BELIEVES”; in line 12, after “IS” insert “GUILTY OF A FELONY AND, IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR THE UNDERLYING CRIME OF VIOLENCE, ON CONVICTION IS”; strike beginning with “IN” in line 13 down through “VIOLENCE” in line 14; strike beginning with “COURT” in line 15 down through “PENALTY” in line 26 and substitute “SENTENCE”; in line 26, strike “SHALL BE” and substitute “MAY BE IMPOSED”; in line 27, after “TO” insert “OR CONCURRENT WITH”; in line 29, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 1 of”; and in the same line, after “shall” insert “be construed to apply retroactively to revive any action that was barred by the application of the period of limitations applicable before October 1, 2019, if the action is filed before October 1, 2021.”

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall”.