

HOUSE BILL 687

D3, D4

9lr1025

By: Delegates Wilson, Atterbeary, Bromwell, ~~and D.E. Davis~~ D.E. Davis, Moon, Lopez, Grammer, Bartlett, Crutchfield, McComas, R. Watson, Arikan, Shetty, and W. Fisher

Introduced and read first time: February 7, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Child Sexual Abuse – Definition and Statute of Limitations**
3 **(Hidden Predator Act of 2019)**

4 FOR the purpose of altering the definition of “sexual abuse”; altering the statute of
5 limitations in certain civil actions relating to child sexual abuse; repealing a certain
6 definition; ~~providing for the application of this Act~~ providing for the retroactive
7 application of this Act under certain circumstances; and generally relating to child
8 sexual abuse.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–117
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2018 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 5–117.

18 (a) [(1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) “Alleged perpetrator” means the individual alleged to have committed
 2 the specific incident or incidents of sexual abuse that serve as the basis of an action under
 3 this section.

4 (3) “Sexual] **IN THIS SECTION, “SEXUAL abuse” has the meaning stated**
 5 ~~in § 5-701 of the Family Law Article~~ **MEANS ANY ACT THAT INVOLVES:**

6 **(1) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:**

7 **(I) OBSCENE PHOTOGRAPHY, FILMS, POSES, OR SIMILAR**
 8 **ACTIVITY;**

9 **(II) PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES, OR**
 10 **SIMILAR ACTIVITY; OR**

11 **(III) PROSTITUTION;**

12 **(2) INCEST;**

13 **(3) RAPE;**

14 **(4) SEXUAL OFFENSE IN ANY DEGREE;**

15 **(5) SODOMY; OR**

16 **(6) UNNATURAL OR PERVERTED SEXUAL PRACTICES.**

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

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

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

21 (i) 20 years after the date that the victim reaches the age of
 22 majority; or

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

25 1. § 3-602 of the Criminal Law Article; or

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

1 (c) In an action brought under this section more than 7 years after the victim
2 reaches the age of majority, damages may be awarded against a person or governmental
3 entity that is not the alleged perpetrator of the sexual abuse only if:

4 (1) The person or governmental entity owed a duty of care to the victim;

5 (2) The person or governmental entity employed the alleged perpetrator or
6 exercised some degree of responsibility or control over the alleged perpetrator; and

7 (3) There is a finding of gross negligence on the part of the person or
8 governmental entity.

9 (d) In no event may an action for damages arising out of an alleged incident or
10 incidents of sexual abuse that occurred while the victim was a minor be filed against a
11 person or governmental entity that is not the alleged perpetrator more than 20 years after
12 the date on which the victim reaches the age of majority] **MAY BE FILED AT ANY TIME.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~may not be construed~~
14 ~~to apply retroactively to revive any action that was barred by the application of the period~~
15 ~~of limitation applicable before October 1, 2019~~ shall be construed to apply retroactively to
16 revive any action that was barred by the application of the period of limitations applicable
17 before October 1, 2019, if the action is filed before October 1, 2021.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.