

## State Civil Statutes of Limitations in Child Sexual Abuse C

## 5/30/2017

Statutes of Limitations (SOL) is the time in which a lawsuit is initiated by an injured person or victim. In most cases there is a special circumstance, the SOL begins to run from the date of the occurrence that caused the injury. Stat limitations are enacted by the legislature, which might extend or reduce time limits, based on certain restrictions.

According to the National Center for Victims of Crime, nearly every state has a basic suspension of the statute of I ("tolling") for civil actions while a person is a minor. Many states have also adopted additional extensions specifica cases involving sexual abuse of children. Extensions for filing civil actions for child sexual abuse are most often be upon the discovery rule -- by the time the victim discovers the sexual abuse or the relationship of the conduct to th injuries, the ordinary time limitation may have expired. This "delayed discovery" may be due to emotional and psyc trauma and is often accompanied by repression of the memory of abuse. Child victims frequently do not discover t relationship of their psychological injuries to the abuse until well into adulthood -- usually during the course of psyc counseling or therapy. They may not even discover the fact of such abuse until they undergo such therapy.

For information on the State Criminal Statutes of Limitations, please visit the National Association for the Prosecut Child Abuse statutes.

		STATUTES OF LIMITATION			
STATES	CITATION	EXTENDED SOL	SUMMARY		
Alabama	Ala. Code § 6-2-38	online privacy policy	Alabama has no special statute of limitations. Alabama Supreme Court has refused to adop discoverv rule or any provision to repressed r ms must be brought within 2 year njury under Alabama Code § 6-2-		
Alaska	Alaska Stat. § 09.10.060 Alaska Stat. § 09.10.140 Alaska Stat. § 09.10.065		Alaska has no statute of limitations for felony abuse. However, under AS 09.10.065, a pers bring an action at any time for felony sexual a a minor, or felony sexual assault. Also, Alaska delayed discovery/realization statute. AS § 09 Discovery is defined as when "the plaintiff dis or through use of reasonable diligence should discovered that the act caused the injury or ca		
Arizona		Yes, Minority Tolling	Arizona does not have a special statute of lim for childhood sexual abuse. However, in certa cases, it has applied it statutory minority and "unsound mind" (Arizona Statutes § 12-502) to provisions to the general tort statute (Arizona		

Arkansas	Ark. Stat. Ann. § 16-56- 130(a)	Yes
California	Ca. Civ. Penal Code 803 (4) (A) Ca. Civ. Proc. Code § 340.1	Yes

§ 12-542) of limitations.

Arkansas civil claims must be filed within 3 ye the discovery of childhood sexual abuse.

SB 813, Leyva. Sex offenses: statute of limita

Existing law generally requires that the prose a felony sex offense be commenced within after the commission of the offense. Under law, prosecution for the crimes of rape, sodo or lascivious acts, continuous sexual abuse c oral copulation, and sexual penetration, if c against a victim who was under 18 years of a be commenced at any time prior to the victi birthday. Existing law allows prosecution of al punishable by death or by imprisonment for life without the possibility of parole, or embezzlement of public money, to be comm any time.

This bill would allow the prosecution of rape, lewd or lascivious acts, continuous sexual at child, oral copulation, and sexual penetration committed under certain circumstances, as s to be commenced at any time. The bill would these crimes committed after January 1, 201 crimes for which the statute of limitations the effect prior to January 1, 2017, has not ri January 1, 2017.

This bill would incorporate changes to Sectic the Penal Code proposed by both this bill 1088, which would become operative only if are enacted and become effective on o January 1, 2017, and this bill is chaptered las

SEC. 3. Section 803 of the Penal Code is am read: (4) (A) In a criminal investigation invol of the crimes listed in paragraph (1) cr against a child, when the applicable limitation has not expired, that period shall be tolled time a party initiates litigation challenging a g subpoena until the end of the litigation, inclu associated writ or appellate proceeding, or

final disclos	ure of	evide	ence	to	the	inve	estiç
prosecuting	agency	y, if	that	di	sclos	sure	is
pursuant to t	the subp	oena	a afte	r th	e liti	gatio	n.

Civ. Proc. Code 340.1 Effective January 1, 20
new law provides that actions for the recovery
damages suffered as a result of childhood se:
abuse may be commenced on or after the vic
26th birthday if the person or entity against w
action is commenced knew, had reason to kn-
was otherwise on notice, of any unlawful sexu
conduct by an employee, volunteer, represen
agent, and failed to take reasonable steps, ar
implement reasonable safeguards, to avoid fu
acts of unlawful sexual conduct. Additionally,
certain circumstances, a cause of action solel
those claims listed above may be revived for
of one (1) year. All California victims, regardle
age, have one (1) year from January 1, 2003,
which to bring a civil suit.

Colorado	Colo. Rev. Stat. Ann. § 16-5-401	Yes	Concerning extending the Criminal Statute of Limitations for sexual assault to twenty years. (a.7) (I) EXCEPT AS OTHERWISE PROVIDE PARAGRAPH (a) OF SUBSECTION (1) OF T SECTION PERTAINING TO SEX OFFENSES AGAINST CHILDREN AND EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS AND (a.5) OF THIS SUBSECTION (8), THE I OF TIME DURING WHICH AN ADULT PERS JUVENILE MAY BE PROSECUTED SHALL E TWENTY YEARS AFTER THE COMMISSIOI THE OFFENSE OR DELINQUENT ACT AS T OFFENSE OR DELINQUENT ACT AS T OFFENSE OR DELINQUENT ACT CHARGE FELONY UNDER SECTION 18-3-402, C.R.S. CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT A FELONY UNE SECTION 18-3-402, C.R.S.
Connecticut	Conn. Gen. Stat. § 52- 577d	Yes	Connecticut has no common law discovery pr The existing special statute allows action with years from the date the victim reached the "ag majority."
Delaware	Del. Code tit. 10, § 8145	Yes	Claims must be brought within 2 years from the of the injury. Senate Bill 29 (§8145) was introduced on Jar 2007. It is an act to amend title 10 of the Dela

	Del. Code tit. 10, § 8119		Code by removing the statute of limitations fo suits relating to child sexual abuse and adding provisions regarding such suits. The bill, now 102, was signed by the Governor 7/10/07.
District of Columbia	D.C. Code § 12-301 D.C. Code § 12-302 (a) (1)	Yes	Claims must be brought within three years "fro time the right to maintain the action accrues." victim is a minor when the injury occurs, he of may bring the action within three years of his eighteenth birthday.
Florida	Fla. Stat. § 95.11(7) House Bill 133, Chapter 2015-133 s. 775.15 Time limitations; general time limitations; exceptions.	Yes	Claims founded on alleged abuse, or incest, r commenced at any time within 7 years after th of majority, or within 4 years after the injured leaves the dependency of the abuser, or withi years from the time of discovery by the injure of both the injury and the causal relationship I the injury and the abuse, whichever occurs la intentional torts based on abuse." The bill provides that the act may be cited as Days Initiative Act." It amends the statute of Ii law, s. 775.15, F.S., by extending the current of limitation time period for a first or second-d felony sexual battery when the victim is 16 ye age or older and does not report the crime wit hours. The bill provides a statute of limitation years for these offenses instead of the previo year time period. Under the bill, if a 16-year-o older victim of second-degree felony sexual b an 18-year-old or older victim of first-degree f sexual battery report the crime within 72 hour current law is applicable and there is no time for bringing a prosecution. The bill applies to a offense except one already time-barred on or July 1, 2015, meaning it applies retroactively previously committed offenses as long as the of limitation has not run on these offenses privaluly 1, 2015.
Georgia	Ga. Code § 9-3-33.1 2015 House Bill 17, Act 97 Chapter 3 of Title 9 and	Yes	§ 17-3-2.2. Statute of limitations—In addition periods excluded pursuant to Code Section 1 the victim is a person who is 65 years of age the applicable period within which a prosecuti be commenced under Code Section 17-3-1 o applicable statute shall not begin to run until t violation is reported to or discovered by a law

Article 2 of Chapter 5 of Title 49 enforcement agency, prosecuting attorney, or governmental agency, whichever occurs earlilaw enforcement agency or other government agency shall promptly report such allegation t appropriate prosecuting attorney. Except for prosecutions for crimes for which the law provstatute of limitations longer than 15 years, proshall not commence more than 15 years after commission of the crime.

(I) Part 2 of Article 3 of Chapter 12 of Title 16. Notwithstanding Code Section 9-3-33, any civ for recovery of damages suffered as a result ( childhood sexual abuse committed on or after 2015, shall be commenced on or before the d plaintiff attains the age of 53. (d)(1) It is the exintent of the General Assembly that for a perio years following July 1, 2015, plaintiffs of any a were time-barred from filing a civil action for i resulting from childhood sexual abuse due to expiration of the statute of limitations in effect 30, 2015, shall be permitted to file such action before July 1, 2017, thereby reviving those ci actions which had lapsed or technically expire the law in effect on June 30, 2015.

Relates to limitations of actions and child abu deprivation records, respectively, so as to exte statute of limitations for actions for childhood abuse; to provide for a short title; to provide fo limitations of liability for certain legal entities; change provisions relating to tolling of limitation minor's cause of action; to change provisions to the tolling of limitations for tort actions while criminal prosecution is pending; to change prorelating to the confidentiality and use of certai records; to provide for related matters; to proan effective date; to repeal conflicting laws; an other purposes.

		other purposes.
Guam	2011 Guam Public Law 33-31	Abolishes altogether the statute of limitations criminal prosecution of perpetrators of sex cri against children.
Hawaii	Hawaii Rev. Stat. § 657- Yes, Minority Tolling 7	General limitations period for injuries is 2 yea

Idaho	Idaho Code § 6-1704	Yes	Suit may be brought within five years of the vi reaching the age of majority. The statute is or applicable to cases arising after its effective d 1, 1989.
Illinois	III. Rev. Stat. ch. 735, § 13–202.2(b)	Yes	Illinois has a special statute of limitations for s of childhood sexual abuse. As amended in 2C Illinois Statutes § 13202.2(b) provides: An a damages for personal injury based on childhc sexual abuse must be commenced within 10 the date the victim discovers that the act of ch sexual abuse occurred and that the injury was by the childhood sexual abuse.
Indiana	Ind. Code § 34-11-2-4 2015 Senate Bill 94, Act 94	Yes	General statute of limitations requires that any for injuries to the person must be filed within 2 of the time when the cause of action accrues, before the child becomes 31 years of age. §§ 2-5 prohibits suits based on injuries that trans childhood unless brought within two years of 1 reaching eighteen. Provides that a rape charge otherwise barred statute of limitations may be brought within fiv of the time that: (1) the state first discovers DI evidence sufficient to charge the offender; (2) state first becomes aware of the existence of recording that provides evidence sufficient to the offender; or (3) a person confesses to the
lowa	Iowa Code § 614.8A	Yes	Pursuant to Iowa statutory law and case law, must commence their lawsuits within 4 years discovery of an. Iowa Code Ann. §§ 614.8A w apply to all cases in which injury occurred afte 1990.
Kansas	Kan. Stat. Ann. § 60- 523	Yes	The abused have 3 years from the age of 18 years from the date the victim realizes they has suffered an injury or illness caused by sexual The statute is expressly retroactive.
Kentucky	Ky. Rev. Stat. § 413.249	Yes	Civil actions for sexual abuse may be brought five years of the last act of abuse, or within fiv of the date, the victim's discovery of the abus- within five years after the victim reaches the a eighteen.

Louisiana	La. Rev. Stat. § 9:2800.9.	Yes	§2800.9. Action against a person for abuse c minor. A. An action against a person for sexua of a minor, or for physical abuse of a minor re in permanent impairment or permanent physic or scarring, is subject to a liberative prescripti period of ten years. This prescription comme run from the day the minor attains majority, ar prescription shall be suspended for all purpos the minor reaches the age of majority. Abuse same meaning as provided in Louisiana Chilc Code Article 603. This prescriptive period sha subject to any exception of preemption provid law. General discovery rule provides suit must be one year from date of discovery.
Maine	Me. Rev. Stat. Ann. tit. 14, § 752-C	Yes-Anytime	Civil or criminal actions may be brought at an
Maryland	Md. Cts. and Jud. Proc. § 5-117		Extending the statute of limitations for civil ch sexual abuse actions to 7 years after the date victim attains the age of majority.
Massachusetts	Mass. Gen. Laws ch. 260, § 4C	Yes	Section 4C. Actions of tort alleging the defence sexually abused a minor shall be commenced 35 years of the acts alleged to have caused a or condition or within 7 years of the time the v discovered or reasonably should have discov an emotional or psychological injury or condit caused by said act, whichever period expires provided, however, that the time limit for commencement of an action under this sectic tolled for a child until the child reaches eighte of age.
Michigan			None. No special statute. The general person statute, § 600.5805 governs actions for childh sexual abuse. Sec. 5805. (1) A person shall n or maintain an action to recover damages for to persons or property unless, after the claim accrued to the plaintiff or to someone through the plaintiff claims, the action is commenced with the periods of time prescribed by this section.
Minnesota	Minn. Stat. Ann. § 541.073	Yes	Action for damages based on personal injury by sexual abuse must originate within six yea time the plaintiff knew or had reason to know

injury was caused by sexual abuse." If the vic
minor, the six-year limitations begin to run one
after the plaintiff reaches 18 and would termir
age 25.

An action for damages based on sexual abus must be commenced within six years of the a sexual abuse in the case of alleged sexual at an individual 18 years or older; (2) may be commenced at any time in the case of alleged abuse of an individual under the age of 18, ex provided for in subdivision 4; and (3) must be commenced before the plaintiff is 24 years of claim against a natural person alleged to have sexually abused a minor when that natural pe was under 14 years of age.

Subd. 4. Vicarious liability or respondent supe claims. A claim for vicarious liability or liability the doctrine of respondeat superior must be commenced within six years of the alleged se abuse, provided that if the plaintiff was under of 18 at the time of the alleged abuse, the cla be commenced before the plaintiff is 24 years This subdivision does not limit the availability claims under other law.

Subd. 5. Title. "Child Victims Act." (a) This see effective the day following final enactment. E> provided in paragraph (b), this section applies actions that were not time-barred before the e date. Notwithstanding any other provision of I the case of alleged sexual abuse of an indivic under the age of 18, if the action would other time-barred under a previous version of Minne Statutes, section 541.073, or other time limits action for damages against a person, as defir Minnesota Statutes, section 541.073, subdivis clause (2), may be commenced no later than years following the effective date of this section paragraph does not apply to a claim for vicariliability or respondent superior but does apply claims, including negligence. This paragraph to actions pending on or commenced on or af effective date.

Mississippi victims must file their claims: withi years of the act constituting sexual abuse unc 1-49

within 3 years of attaining the age of majority

Minnesota

Miss. Code Ann. § 15-1-49 Yes

Minn. Stat. Ann. §

541.073

	Miss. Code Ann. § 15- 1-59 Miss. Code Ann. § 15- 1-57		the "minor savings statute" under § 15-1-59, a within 3 years of the victim's release from imprisonment under § 15-1-57. The Court has declined to apply the discovery to cases of delayed realization of the connect between the abuse and the victim's psycholog injury; however, the issue has not been prese the context of extensive memory repression. standards for proving fraudulent concealment claim are so high as to be impracticable.
Missouri	Mo. Rev. Stat. § 537.046	Yes	Civil claims must be filed either within 5 years time the victim reaches age 18 or within 3 yea the date the victim discovers that physical or psychological injury was caused by abuse
Montana	Mont. Code § 27-2- 216(a)	Yes	Claim may bring three years after the act of c sexual abuse that is alleged to have caused t or 3 years after the time of discovery or reaso should have discovered that the injury was ca the act of childhood sexual abuse.
Nebraska	Neb. Rev. Stat. § 25- 207		None. There is no special statute of limitation victims of child sexual abuse. Nebraska victin file their cases as follows: Within 4 years of the acts constituting abuse is the general tort SOL. (Neb. Rev. Stat. § 25-20 statute of limitations is suspended for victims were abused as minors until they reach the age (Neb. Rev. Stat. § 25-213), therefore, victims period of 4 years from attaining the age of 21 to institute legal action.
Nevada	Nev. Rev. Stat. § 11.215	Yes	Civil claims within 10 years of age 18, or within years of discovery that injury was caused by 1 abuse. No outside time limitation as long as c convincing evidence exists that the abuse occ
New Hampshire	N.H. Rev. Stat. § 508:4- 9	Yes	A person, alleging to have been subjected to offense under RSA 632-A, or an offense unde 639:2, who were under 18 years of age when alleged offense occurred, may commence a p action based on the incident within the later o I. Twelve years of the person's eighteenth birt II. Three years of the time the plaintiff discove the exercise of reasonable diligence should h discovered, the injury and its causal relationsl

New Jersey	N.J. Stat. Ann. § 2A:61B-1	Yes
New Mexico	N.M. Code § 37-1-30	Yes
New York	N.Y. Civil Prac. Law § 215 N.Y. Civil Prac. Law § 214	Yes
	N.Y. Civil Prac. Law §213-c	
North Carolina	N.C. Gen. Stat. § 1- 52(16)	Yes
North Dakota	N.D. Cent. Code § 28- 01-25.1 2015 Senate Bill 2331	

the act or omission complained of.

Actions can be initiated within two years of the the "reasonable discovery" of the "injury and i causal relationship to the act of sexual abuse

Action can be initiated by the victim's 24th bir 3 years from the date of discovery of abuse, c reason to know of the childhood sexual abuse that the abuse resulted in injury.

In New York, there is no extended statute of limitations for sexual abuse; however, if the al treated as an intentional tort, New York's SOL year. N.Y. Civil Prac. Law § 215. If the victim I claim against a church or school which admin the perpetrator, or any action that is based in negligence, rather than criminal behavior, the 3 years—N.Y. Civil Prac. Law § 214. New Yor adopted a special statute of limitations for vici sexual crimes in 2006—N.Y. Civil Prac. Law § The statute provides that actions for civil dam defined sexual crimes, including sexual abuse minor, may be brought within 5 years of the a constituting the sexual offense.

General discovery statute (N.C. Gen. Stat. § (1993) and general incompetence tolling prov 1-17(a)(1993).

28-01-25.1. Limitation on actions alleging chil sexual abuse. Notwithstanding section 28-01claim for relief resulting from childhood sexua must be commenced within ten years after the knew or reasonably should have known that a potential claim exists resulting from alleged cl sexual abuse. For purposes of this section, "c sexual abuse" means any act committed by th defendant against the plaintiff which occurred the plaintiff was under eighteen years of age a which would have been a violation of chapter or 12.1-27.2. In a claim for relief under this se the plaintiff is not required to establish which a continuous series of sexual abuse acts by the defendant caused the injury

SECTION 1. AMENDMENT. Section 28-01-2! North Dakota Century Code is amended and

reenacted as follows: 28-01-25.1. Limitation c actions alleging childhood sexual abuse. Notwithstanding section 28-01-25, there is no limitation of the time within which a claim for r resulting from childhood sexual abuse must b commenced.

Ohio	Ohio Code § 2305.111(c)	Yes	Ohio's Special Statute of Limitations for Child Sexual Abuse, Effective August 3, 2006. The gives victims 12 years from their age of major bring actions against their perpetrators.
Oklahoma	Okla. Stat. tit. 12, § 95	Yes	Action commenced two years of the last act, 1 years of age 18 or two years of discovery, through years from age 18.
Oregon	Or. Rev. Stat. § 12.117	Yes	Claims must be brought within six years of ag three years of discovery of the injury and the
Pennsylvania	Pa. Cons. Stat. tit. 42 § 5533(b)	Yes, Minority Tolling	Extended Statute of Limitations (SOL) Section 5533(b) (2) of Title 42 of the Pennsylvania Consolidated Statutes is amended to provide of 12 years from the date of a victim reaching her age of majority (18). The act also provides however, that the amendment to 42 Pa.C.S. § shall not be applied to revive an action that ha barred by an existing statute of limitations on effective date of the act.
Rhode Island	R.I. Gen. Laws § 9-1- 51	Yes	Administer claims against non-perpetrators; a must be brought within three years of accrual seven years of the last act or discovery that th or illness was caused by the act.
South Carolina	S.C. Code Ann. § 15-3- 555	Yes	Extends the statute of limitations for civil clain years after the person reaches twenty-one or years from the time the victim realizes that the injuries are caused by child sexual abuse.
South Dakota	S.D. Codified Laws § 26-10-25	Yes	Within three years of the act or discovery that injury was caused by the act.
Tennessee	Tenn. Code 28-3-104 and 28-1-106	Yes, Minority Tolling	There is no specific statute of limitations for s of sexual abuse. General one year SOL. Gen minority tolling statute suspending the claim u plaintiff reaches 18 available. Suit must then I brought within one year.

				subsection: (m) Notwithstanding subsection (l prosecutions for any offense committed on or July 1, 2016, that constitutes the offense of aggravated child abuse, or aggravated child r or endangerment, under§ 39-15-402, shall co by the later of: (1) Ten (10) years after the chi reaches eighteen (18) years of age; or (2) The within which prosecution must be commenced pursuant to subsection (b).
	Texas	Tex. Civ. Prac. & Rem. Code § 16.0045	Yes	Fifteen-year statute of limitations for violation Section 22.011, Penal Code sexual assault; o Section 22.021, Penal Code aggravated sexu assault. Majority tolling provision states that if victim was a minor, the SOL does not begin to until his/her eighteenth birthday.
	Utah	Utah Code § 78B-2- 309 House Bill 2015-0277, Chapter 082	Yes	Effective 3/23/2015 78B-2-308. Civil actions sexual abuse of a child. Eliminates the statut limitations for civil actions for child sexual abu Provides that a victim of child sexual abuse m civil action at any time.
	Vermont	Vt. Stat. Ann. tit. 12, § 522	Yes	Civil action brought by any person for injury s as a result of childhood sexual abuse initiatec six years of the act, or six years of the time of discovery.
	Virginia	Va. Code § 8.01-243	Yes	General statute of limitation for injuries to the 2 years after the time of the injury. If the perso time of the injury is a minor, the two-year time will commence once that person comes of ag D. Every action for injury to the person, whate theory of recovery, resulting from sexual abus occurring during the infancy or incapacity of the person as set forth in subdivision 6 of § 8.01-; be brought within 20 years after the cause of action accrues.
	Washington	Wash. Rev. Code § 4.16.340	Yes	Claims of action shall be commenced within t years of the act alleged to have caused the in condition; within three years of the time of dis or reasonably should have discovered that the or condition was caused by abuse; or within the years of the time the victim discovered that the caused the injury for which the claim is broug

Tennessee Code Annotated, Section 40-2-10 amended by adding the following language as

			provided that the time limit for commencemer action is tolled for a child until the he/she reac eighteen years.
West Virginia	W. Va. Code § 55-2-15	Yes	The burden is on the victim to demonstrate th he/she was prevented from knowing of the cla the time of the injury by reason of fraudulent concealment, inability to comprehend the inju other extreme hardship. Mere ignorance of ex of cause of action or of identity of wrongdoer prevent running of statute of limitations. Nor c discovery rule be used to extend past the 20 y statute of repose.
Wisconsin	Wis. Stat. § 893.587	Yes	Claim may be filed two years of reaching age majority.
Wyoming	Wyo. Stat. § 1-3-105	Yes	Action for childhood sexual abuse may be brc eight years after victims eighteenth birthday c years after the time of discovery.

## **About This NCSL Project**

The Denver-based child welfare project staff focuses on state policy, tracking legislation and providing research ar analysis, consultation, and technical assistance specifically geared to the legislative audience. Denver staff can be at (303) 364-7700 or childwelfare@ncsl.org.

NCSL staff in Washington, D.C. track and analyze federal legislation and policy and represent state legislatures or welfare issues before Congress and the Administration. Staff in D.C. can be reached at (202) 624-5400 or cyfinfo@ncsl.org.

