

The House Committee on Judiciary Non-civil offers the following substitute to HB 771:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to
2 limitations of actions, so as to extend the statute of limitations for actions for childhood
3 sexual abuse; to provide for related matters; to provide for an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations of
8 actions, is amended by revising Code Section 9-3-33.1, relating to limitations for actions for
9 childhood sexual abuse, as follows:

10 "9-3-33.1.

11 (a)(1) As used in this ~~Code section~~ subsection, the term 'childhood sexual abuse' means
12 any act committed by the defendant against the plaintiff which act occurred when the
13 plaintiff was under ~~the age of 18 years~~ of age and which act would ~~have been proscribed~~
14 ~~by Code Section 16-6-1, relating to rape; Code Section 16-6-2, relating to sodomy and~~
15 ~~aggravated sodomy; Code Section 16-6-3, relating to statutory rape; Code Section 16-6-4,~~
16 ~~relating to child molestation and aggravated child molestation; Code Section 16-6-5,~~
17 ~~relating to enticing a child for indecent purposes; Code Section 16-6-12, relating to~~
18 ~~pandering; Code Section 16-6-14, relating to pandering by compulsion; Code Section~~
19 ~~16-6-15, relating to solicitation of sodomy; Code Section 16-6-22, relating to incest; Code~~
20 ~~Section 16-6-22.1, relating to sexual battery; or Code Section 16-6-22.2, relating to~~
21 ~~aggravated sexual battery, or any prior laws of this state of similar effect which were in~~
22 ~~effect at the time the act was committed~~ be in violation of:

23 (A) Rape, as prohibited in Code Section 16-6-1;

24 (B) Sodomy or aggravated sodomy, as prohibited in Code Section 16-6-2;

25 (C) Statutory rape, as prohibited in Code Section 16-6-3;

26 (D) Child molestation or aggravated child molestation, as prohibited in Code Section
 27 16-6-4;
 28 (E) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5;
 29 (F) Pandering by compulsion, as prohibited in Code Section 16-6-14;
 30 (G) Solicitation of sodomy, as prohibited in Code Section 16-6-15;
 31 (H) Incest, as prohibited in Code Section 16-6-22;
 32 (I) Sexual battery, as prohibited in Code Section 16-6-22.1; or
 33 (J) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2.

34 (b)(2) Notwithstanding Code Section 9-3-33, any civil action for recovery of
 35 damages suffered as a result of childhood sexual abuse committed before the effective
 36 date of subsection (b) of this Code section shall be commenced within five years of the
 37 date the plaintiff attains the age of majority 18.

38 (b)(1) As used in this subsection, the term 'childhood sexual abuse' means any act
 39 committed by the defendant against the plaintiff which act occurred when the plaintiff
 40 was under 18 years of age and which act would be in violation of:

41 (A) Trafficking a person for sexual servitude, as prohibited in Code Section 16-5-46;
 42 (B) Rape, as prohibited in Code Section 16-6-1;
 43 (C) Statutory rape, as prohibited in Code Section 16-6-3, if the defendant was 21 years
 44 of age or older at the time of the act;
 45 (D) Aggravated sodomy, as prohibited in Code Section 16-6-2;
 46 (E) Child molestation or aggravated child molestation, as prohibited in Code Section
 47 16-6-4, unless the violation would be subject to punishment as provided in paragraph
 48 (2) of subsection (b) of Code Section 16-6-4 or paragraph (2) of subsection (d) of Code
 49 Section 16-6-4;
 50 (F) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5, unless
 51 the violation would be subject to punishment as provided in subsection (c) of Code
 52 Section 16-6-5;
 53 (G) Incest, as prohibited in Code Section 16-6-22; or
 54 (H) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2.

55 (2) Notwithstanding Code Section 9-3-33 or 9-3-99, any civil action for recovery of
 56 damages suffered as a result of childhood sexual abuse committed by the defendant on
 57 or after the effective date of this subsection shall be commenced against the defendant
 58 within ten years of the date the plaintiff attains the age of 18; provided, however, that any
 59 civil action against a party other than the individual alleged to have committed childhood
 60 sexual abuse shall be commenced within five years of the date the plaintiff attains the age
 61 of 18."

62 **SECTION 2.**

63 This Act shall become effective upon its approval by the Governor or upon its becoming law
64 without such approval.

65 **SECTION 3.**

66 All laws and parts of laws in conflict with this Act are repealed.