

Ga. lawmakers consider hidden predator act

On a mission to get Georgia's Hidden Predator Act signed into law, a local man who says he was sexually abused as a child is speaking out.

Heather Crawford, WTLV 12:17 a.m. EDT March 27, 2015



(Photo: Hidden Predator Act of Georgia)

JACKSONVILLE, Fla. -- On a mission to get Georgia's Hidden Predator Act signed into law, a local man who says he was sexually abused as a child is speaking out. He and the bill's sponsor, Republican State Representative Jason Spencer of Woodbine, say the bill is getting a lot of push back (<http://www.house.ga.gov/representatives/en-US/member.aspx?Member=789&Session=24>) from some powerful special interest groups.

"Imagine summoning the courage to come forward. Most survivors come forward to protect other children, and they often come forward when they are at an age when they have their own children and want to identify the perpetrator, and being told there is nothing you can do," said Justin Conway.

That is what Conway, 37, who is from Kingsland, Georgia says happened to him. It wasn't until about 18 months ago that he says he broke his silence and went to authorities sharing a dark secret he says he had kept for decades.

"I'm a survivor of childhood sexual abuse," said Conway. "Unfortunately the laws sets up now are set up to hide predators and the Hidden Predator Act is aimed at changing that."

Due to the statute of limitations Conway can't take any legal action against the person he says abused him when he was a child.

The Hidden Predator Act would extend the civil statute of limitations to give victims of childhood sexual abuse access to a court of law. It would open a two year window for civil suits to be filed against alleged perpetrators, allow victims access to investigative files pertaining to their case, and under certain circumstances allow entities to be found liable if the victim can prove negligence.

"There's been just a huge response behind the scenes against it. There's been hearing after hearing, and not one individual or organization has voiced concern at a public hearing," said Conway.

Representative Spencer said, "There are powerful interests that have chosen to stand in the way of HB 17, favoring instead to protect the almighty dollar over taking a brave, principled stand for our children. Who are these pro-child sexual predator special interest groups that are trying to stop this bill and undermine the promise of justice for all? The Georgia Chamber of Commerce, the insurance lobby and the Archdiocese of Atlanta are all working fervently behind the scenes to see to it that this proposal never becomes law in Georgia."

We reached out to the Archdiocese of Atlanta seeking a comment and to an insurance lobbyist but got no response.

In a statement to First Coast News [Georgia Chamber of Commerce \(https://www.gachamber.com/\)](https://www.gachamber.com/) spokeswoman, Jo Morsberger said,



Georgia Capitol Building (Photo: FCN)

"The Georgia Chamber supports the intent of the Hidden Predator Act (HB 17) and sympathizes with victims of childhood sexual abuse and supports efforts to bring offenders to justice.

We are concerned however over one section that would allow employers, non-profits and government entities to be sued even though there was no willful misconduct on their behalf. We believe that a Georgia law requiring "willful misconduct" when bringing legal claims against an entity that did not perform the alleged abuse is a reasonable standard and should apply for HB 17.

Our sincere hope is that the bill will be amended to help victims, hold predators accountable and provide reasonable recourse for willful misconduct of an employer without harming small businesses, innocent taxpayers or nonprofits."

In response to that statement Rep. Spencer issued the following statement:

"The statement issued by The Georgia Chamber's stating that they believed applying a "willful misconduct" standard of negligence would be a reasonable protection for entities is a significant departure from current case law in Georgia. According to the nation's leading expert on statute of limitations reform, Professor Marci Hamilton, "The Chamber is saying, where an organization knew or should have known they were harboring a pedophile, they are off the hook. That will keep Georgia in the worst state category and a magnet for child sex trafficking." The Chamber of Commerce did make an attempt to amend the bill in committee offered by Majority Leader Bill Cowser (R-Athens), but the amendment failed to pass. The Chamber's amendment failed because of the committee members' dedication to passing a well-rounded piece of legislation. Georgia case law requires that an entity be held liable for negligent acts when they "knew or should have known" that a risk to harm others is reasonably foreseeable (*Munroe v. Universal Health Services, Inc.* 2004). I believe The Chamber inadvertently supported a standard of "willful misconduct" that would have made the bill "predator friendly" and effectively placed a burden of proof on survivors of childhood sexual abuse that does not exist in any other state. This would essentially provide immunity to businesses and organizations that have knowingly covered up abuse.

The Hidden Predator Act passed the House and is now making its way through the Georgia Senate. Lawmakers have until April 2 to get it passed. That's when Georgia's 2015 Legislative Session ends.

"The only people who should be afraid of the Hidden Predator Act or the laws changing the way they should be are pedophiles and institutions or people who have knowingly protected them," said Conway.

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