



## Hidden Predator Act Heads to Gov. Deal

By Ian Margol **CONNECT**

ATLANTA, GA - The Hidden Predator Act, or House Bill 17, received final passage today, the 40th and final day of the 2015 legislative session. Sponsored by State Representative Jason Spencer (R-Woodbine), House Bill 17 was passed in the Senate with slight changes on Tuesday, March, 31; the House then agreed to the Senate changes, sending HB 17 to Governor Deal for consideration.

"The Hidden Predator Act has had a long journey in the legislative process this year under the Gold Dome," said Rep. Spencer. It has taken nearly two years to pass the final product that received approval from the House of Representatives. This legislation will move Georgia out of the worst category of states who deny justice to victims of childhood sexual abuse and into a more favorable position. The state is on new legal footing with this reform policy to change the civil statute of limitations for childhood sexual abuse. The Hidden Predator Act will provide a path to justice for child sexual abuse so that the court house doors can be unlocked. Unlocking the court house doors will expose the child sexual predators that live among us who will never have criminal charges brought against them or ever be placed on a sex offender registry."

Governor Deal's Floor Leader, State Representative Chad Nimmer (R-Nimmer), spoke to the bill's final passage in the House. Rep. Nimmer expressed his support and appreciation for the work that has gone into this legislation and spoke to the bill's significance of providing justice to victims across the state.

"Georgia now has the ability to now protect children from adult sexual predators and to help adults who unfortunately, have to try and remake their lives," said State Senator Renee Unterman (R-Buford), who sponsored HB 17 in the Senate. "This new law will give both children and adults the tools to make heinous crimes against them right and deter future predators because they know they will have to pay the consequences in Georgia courts. We will no longer be at the bottom of the barrel hiding pedophiles with antiquated laws that have protected them instead of the victims."

The final provisions of HB 17, as passed by the House and Senate include:

- The bill still gives an individual who was a victim of childhood sexual abuse under the age of 18 has until age 23 to file a claim, which is consistent with current law.
- HB 17 creates a two year "discovery rule" that would allow victims who have been locked out of the courts due to Georgia's short limitation to go to court until they understood that their problems in life (i.e.: depression, sexual deviancy, inability to hold a job, etc.) were a result of past sexual abuse. The language in the bill gives the survivor two years from the date the victim knew that the abuse was the reason for their injury (i.e., depression, addiction, etc.), which must be verified by a medical or psychological evaluation before any pre-trial discovery commences. The discovery language is only applied in cases going forward after July 1, 2015 if the bill becomes law.
- The bill allows the courts to determine from admissible evidence in a pre-trial finding when the discovery of alleged abuse occurred and that determination shall be required from the court within six months. This is another due process measure in the bill.
- Also included are two separate negligence standards that will apply differently to the perpetrator and towards a potential negligent entity or third party/vicarious defendant that knew of, or covered-up childhood sexual abuse within their organization. The perpetrator will be subjected to a simple negligence standard, while the potential negligent entity/third party will be subjected to a gross negligence standard.
- Additionally, there will be a retroactive civil "window" open for 2 years to anyone who has a claim to bring forward against their perpetrator if they were locked out of courts due to Georgia's current short statute of limitations. That window will open on July 1, 2015 and close on July 1, 2017 if HB 17 becomes law. The window will not apply to cases where settlements have already been reached, litigated to finality on the merits in court or towards

entities or vicarious defendants.

· Lastly, the victim of child sexual abuse or their guardian will be able to access any investigation file if they or their child was the subject of an investigation only if a criminal case is closed in order to use the records as evidence in civil proceedings. Currently, Georgia law seals records of childhood sexual abuse indefinitely.



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