

CARDOZO LAW

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

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Summary of Statutes of Limitations Reform Across the United States May 3, 2016

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- A. 2016 Pending Child Sex Abuse Statutes of Limitations Reform Bills
- B. 2016 Enacted Child Sex Abuse Statutes of Limitations Reform Legislation
- C. States with No Civil Statute of Limitations for Child Sex Abuse
- D. States with No Criminal Statute of Limitations for Child Sex Abuse
- E. SOL Revival Legislation Enacted (waiver of SOL for set period of time)

A. 2016 Child Sex Abuse Statutes of Limitations Reform Bills

CA Senate Bill 813 S.B. 813 (eliminating criminal SOL)

HI Senate Bill 3053 S.B. 3053 (window extension)

MD House Bill 1215f H.B. 1215 (civil extension to age 38)
Senate Bill 69 S.B. 69 (civil extension to age 38)

NY Assembly Bill 2872A A. 2872A (civil elimination and 1-year civil window)
Senate Bill 63A S. 63A (civil elimination and 1-year civil window)
Assembly Bill 8567 A. 8567 (criminal elimination)
Senate Bill 6436 S. 6436 (criminal elimination)
Assembly Bill 09877 A. 09877 (criminal and civil elimination, plus 1-year civil window)

PA House Bill 1947 H.B. 1947 (retroactive/revival civil extension to age 50, and criminal elimination)

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B. 2016 Enacted Child Sex Abuse Statutes of Limitations Reform Legislation

TN House Bill 2593 H.B. 2593 (extends civil SOL to discovery + 3 years)
Effective date(s) 04/07/2016

Senate Bill 2484 S.B. 2484 (extends civil SOL to discovery + 3 years)
Effective date(s) 04/07/2016

UT House Bill 0279 H.B. 0279 (Retro to 50 and window, Perp + aides and abettor)
Effective date(s) 05/10/2016

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C. States with No Civil Statute of Limitations for Child Sex Abuse

- Alaska - none for felony sex abuse/assault of minor, felony exploitation of minor
- Connecticut - none if events forming the civil claim led to conviction of first-degree aggravated sexual or sexual assault
- Delaware - none as to perpetrator, or as to gross negligence against employer
- Florida - none for sexual batteries committed against victims under 16 years old
- Illinois - none
- Maine - none
- Minnesota – none for victims abused under age of 18
- Utah - none for victims abused under age of 18 against perpetrator (as of March 2015)
- Guam - none for sex crimes against those under the age of 18

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D. States with No Criminal SOL for Certain Child Sex Crimes

- Arkansas – none (as of 2013)
- Alabama – none for victims abused when they were under 16
- Alaska – none for victims abused when they were under 18 (felony charge)
- Arizona – none for victims abused when they were under 15 or under 18 if the abuser is a parent, guardian, teacher or priest
- California – no SOL for crimes punishable by death or life without parole.
- Colorado – none for felony child sexual offenses
- Connecticut – none for class A felonies
- Delaware - none
- Florida – none for all felonies where victim is under 16; none for 1st degree crimes where victim is under 18
- Georgia – none for crimes committed on and after July 1, 2012, if the victim of a violation of: (1) Trafficking a person for sexual servitude, as defined in Code Section 16-5-46; (2) Cruelty to children in the first degree, as defined in Code Section 16-5-70; (3) Rape, as defined in Code Section 16-6-1; (4) Aggravated sodomy, as defined in Code Section 16-6-2; (5) Child molestation or aggravated child molestation, as defined in Code Section 16-6-4; (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5; or (7) Incest, as defined in Code Section 16-6-22, is under 16 years of age on the date of the violation and the violation is not subject to punishment as provided in:
 - paragraph (2) of subsection (b) of Code Section 16-6-4 (“If the victim is at least 14 but less than 16 years of age and the person convicted of child molestation is 18 years of age or younger and is no more than four years older than the victim”)
 - paragraph (2) of subsection (d) of Code Section 16-6-4 (“A person convicted of the offense of aggravated child molestation when: (A) The victim is at least 13 but less than 16 years of age; (B) The person convicted of aggravated child molestation is 18 years of age or younger and is no more than four years older than the victim; and (C) The basis of the charge of aggravated child molestation involves an act of sodomy”)
 - or subsection (c) of Code Section 16-6-5 (“If the victim is at least 14 but less than 16 years of age and the person convicted of enticing a child for indecent purposes is 18 years of age or younger and is no more than four years older than the victim”)
- Idaho – none for victims abused under 16, or for victims raped under 18
- Illinois - none
- Indiana – none if offense committed with threats or use of deadly force (class A)
- Kentucky – none for felonies

- Louisiana - none for prosecutions of crimes for that are punishable by death or life imprisonment, including aggravated rape and forcible rape
- Maine – none for incest; unlawful sexual contact; sexual abuse of a minor; rape or gross sexual assault, formerly denominated as gross sexual misconduct where victim under 16
- Maryland – none for felonies
- Massachusetts – none where victim under 16 (after +27 years DNA or other corroborating evidence needed)
- Michigan – none 1st degree crimes
- Minnesota – none if DNA evidence preserved
- Mississippi – none if (1) victim was abused during ages 14-16 and offender is 3 years older; (2) victim was abused under 14 and offender 2 years older; (3) victim was abused under 18 and abuser is in a position of authority or trust; or (4) involving touching or handling of children for lustful purposes
- Missouri - murder, forcible rape, attempted forcible rape, forcible sodomy, attempted forcible sodomy, or any class A felony
- Nebraska - none for 1st or 2nd degree sexual assault for victim of any age, or 3rd degree when victim was abused under the age of 16
- Nevada – none for felonies
- New Jersey – none for sexual assault or aggravated sexual assault
- New Mexico – none for 1st degree felonies
- New York – none for 1st degree felonies
- North Carolina - none
- Rhode Island – none for 1st degree sexual assault, and 1st and 2nd degree child molestation
- South Carolina – none
- South Dakota – none for class A, B, and C felonies; all child rape & forcible rape
- Texas – none for most sex crimes against young children
- Utah – none for rape of a child, object rape of a child, sodomy on a child, sexual abuse of a child, aggravated sexual abuse of a child
- Vermont – none for aggravated sexual assault
- Virginia – none for felonies
- West Virginia – none for sexual assault, 1st degree sexual abuse, sexual abuse by parent, guardian, custodian, or person in a position of trust to child
- Wisconsin – none for 1st degree sexual assault, or repeated class A or B felony offenses against the same child
- Wyoming - none
- Guam - none

E. SOL Revival Legislation Enacted (waiver of civil SOL for set period of time)

- California (2003) (1-year window revived civil SOLs, closed)
- Connecticut (2010) (revives expired claims to age 48)
- Delaware (2007-09) (2-year window revived SOLs, closed) (also enacted follow-up window for health care providers when learned existing window did not cover them)
- Georgia (2015-17) (2-year window revives civil SOL against perpetrator, in effect 7/1/2015 – 7/1/2017)
- Guam (2011-2013) (2-year window revived civil SOLs, closed)
- Hawaii (2012-2016) (2-year window with 2-year extension revived civil SOLs, closed April 2016)
- Massachusetts (2014) (revives civil SOL up to age 53 against perpetrator)
(revives civil SOL with discovery +7 years against entities)
- Minnesota (2013-16) (3-year window, closed in April 2016)