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SENATE BILL NO. 277

INTRODUCED BY S. MORIGEAU, P. FLOWERS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CRIME VICTIMS; REMOVING THE STATUTE OF LIMITATIONS FOR CLAIMS OF CHILDHOOD SEXUAL ABUSE; AND AMENDING SECTION 27-2-216, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 27-2-216, MCA, is amended to read:

**"27-2-216. Tort actions -- childhood sexual abuse.** (1) ~~Except as provided in subsection (4), an~~ action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of childhood sexual abuse ~~against the individual who committed the acts~~ must may be commenced: at any time.

~~(a) before the victim of the act of childhood sexual abuse that is alleged to have caused the injury reaches 27 years of age; or~~

~~(b) not later than 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of childhood sexual abuse.~~

(2) As used in this section, "childhood sexual abuse" means any act committed against a plaintiff who was less than 18 years of age at the time the act occurred and that would have been a violation of 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-602, 45-5-603, 45-5-625, 45-5-627, 45-5-704, 45-5-705, or prior similar laws in effect at the time the act occurred.

~~(3) Except as provided in subsection (5), in an action for recovery of damages for liability against any entity that owed a duty of care to the plaintiff, where a wrongful or negligent act by an employee, officer, director, official, volunteer, representative, or agent of the entity was a legal cause of the childhood sexual abuse that resulted in the injury to the plaintiff, the action must be commenced:~~

~~(a) before the victim of the act of childhood sexual abuse that is alleged to have caused the injury reaches 27 years of age; or~~

1           ~~(b) not later than 3 years after the plaintiff discovers or reasonably should have discovered that the~~  
2 ~~injury was caused by the act of childhood sexual abuse.~~

3           ~~(4) A claim for damages described in subsection (1) that would otherwise be barred because the~~  
4 ~~applicable statute of limitations has expired may be commenced within 1 year of May 7, 2019, if the individual~~  
5 ~~who committed the act of childhood sexual abuse against the plaintiff is alive at the time the action proceeds or~~  
6 ~~is commenced and:~~

7           ~~(a) has admitted to the commission of the act of childhood sexual abuse against the plaintiff in either~~  
8 ~~a written and signed statement or a statement recorded by audio or video; or~~

9           ~~(b) (i) has made one or more statements admitting to the commission of the act of childhood sexual~~  
10 ~~abuse against the plaintiff under oath or in a plea agreement; or~~

11           ~~(ii) has been convicted of an offense listed in subsection (2) in which the plaintiff was the victim.~~

12           ~~(5) (a) A claim for damages described in subsection (3) that would otherwise be barred because the~~  
13 ~~applicable statute of limitations has expired must be revived if the court concludes that the entity against whom~~  
14 ~~the action is commenced, based upon documents or admissions by employees, officers, directors, officials,~~  
15 ~~volunteers, representatives, or agents of the entity, knew, had reason to know, or was otherwise on notice of~~  
16 ~~any unlawful sexual conduct by an employee, officer, director, official, volunteer, representative, or agent and~~  
17 ~~failed to take reasonable steps to prevent future acts of unlawful sexual conduct.~~

18           ~~(b) A cause of action in which allegations described in subsection (5)(a) are made but that would~~  
19 ~~otherwise be barred by the statute of limitations in subsection (3) may be commenced within 1 year of May 7,~~  
20 ~~2019.~~

21           ~~(6) As used in subsection (5), "admissions" include:~~

22           ~~(a) a criminal conviction of an employee, officer, director, official, volunteer, representative, or agent~~  
23 ~~of the entity for an offense of childhood sexual abuse;~~

24           ~~(b) a written statement;~~

25           ~~(c) a documented or recorded oral statement; or~~

26           ~~(d) statements made in:~~

27           ~~(i) a plea agreement or change of plea hearing;~~

28           ~~(ii) a trial; or~~

