## **HOUSE BILL 1**

D33lr0840 HB 263/21 – JUD (PRE-FILED) By: Delegate Wilson Requested: November 16, 2022 Introduced and read first time: January 11, 2023 Assigned to: Judiciary A BILL ENTITLED AN ACT concerning Civil Actions - Child Sexual Abuse - Definition and Statute of Limitations (The Child Victims Act of 2023) FOR the purpose of altering the definition of "sexual abuse" for purposes relating to civil actions for child sexual abuse; repealing the statute of limitations in certain civil actions relating to child sexual abuse; repealing a statute of repose for certain civil actions relating to child sexual abuse; providing for the retroactive application of this Act under certain circumstances; and generally relating to child sexual abuse. BY repealing and reenacting, with amendments. Article – Courts and Judicial Proceedings Section 5–117 Annotated Code of Maryland (2020 Replacement Volume and 2022 Supplement) BY repealing Chapter 12 of the Acts of the General Assembly of 2017 Section 2 and 3 BY repealing Chapter 656 of the Acts of the General Assembly of 2017 Section 2 and 3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings** 

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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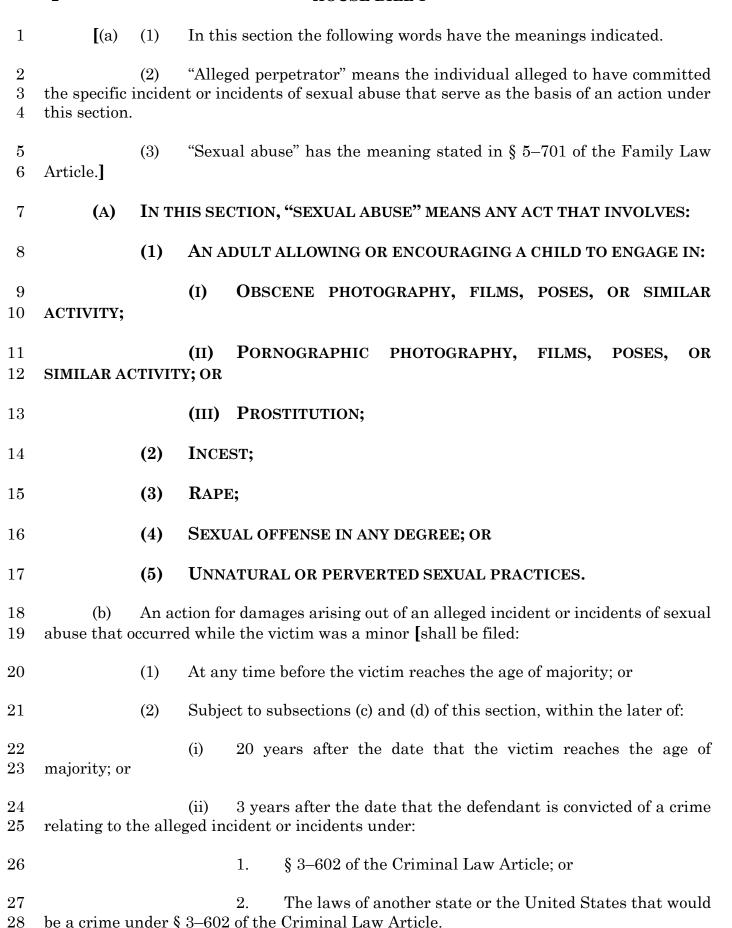
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1 (c) In an action brought under this section more than 7 years after the victim 2 reaches the age of majority, damages may be awarded against a person or governmental 3 entity that is not the alleged perpetrator of the sexual abuse only if:

- (1) The person or governmental entity owed a duty of care to the victim;
- (2) The person or governmental entity employed the alleged perpetrator or exercised some degree of responsibility or control over the alleged perpetrator; and
- 7 (3) There is a finding of gross negligence on the part of the person or 8 governmental entity.
- 9 (d) In no event may an action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor be filed against a person or governmental entity that is not the alleged perpetrator more than 20 years after the date on which the victim reaches the age of majority] MAY BE FILED AT ANY TIME.

## Chapter 12 of the Acts of 2017

[SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to apply retroactively to revive any action that was barred by the application of the period of limitations applicable before October 1, 2017.]

[SECTION 3. AND BE IT FURTHER ENACTED, That the statute of repose under § 5–117(d) of the Courts Article as enacted by Section 1 of this Act shall be construed to apply both prospectively and retroactively to provide repose to defendants regarding actions that were barred by the application of the period of limitations applicable before October 1, 2017.]

## Chapter 656 of the Acts of 2017

[SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to apply retroactively to revive any action that was barred by the application of the period of limitations applicable before October 1, 2017.]

[SECTION 3. AND BE IT FURTHER ENACTED, That the statute of repose under § 5–117(d) of the Courts Article as enacted by Section 1 of this Act shall be construed to apply both prospectively and retroactively to provide repose to defendants regarding actions that were barred by the application of the period of limitations applicable before October 1, 2017.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively to revive any action that was barred by the application of the period of limitations applicable before October 1, 2023, if the action is filed before October 1, 2025.

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SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect 7 October 1, 2023.