

HOUSE No. 1455

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Lawn, Jr. and Thomas M. Stanley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the statute of limitations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/30/2013</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>	

HOUSE No. 1455

By Messrs. Lawn of Watertown and Stanley of Waltham, a petition (accompanied by bill, House, No. 1455) of John J. Lawn, Jr., Thomas M. Stanley and others relative to the statute of limitations for certain sexual abuse crimes. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the statute of limitations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 4C of Chapter 260 of the General Laws, as appearing in the 2010
2 Official Edition, shall be amended by striking out the first paragraph thereof as so
3 appearing,

4 and inserting in place thereof the following:

5 Any actions for assault and battery alleging the defendant sexually abused a minor, or for
6 negligence alleging that the defendant negligently supervised a third person who sexually
7 abused a minor, or that the defendant's conduct caused or contributed to the sexual abuse
8 of a minor by a third person, may be commenced at any time before the victim reaches fifty-five
9 years of age.

10 SECTION 2. The provisions of Section 1 shall apply to all claims under Section 4C of
11 Chapter 260 which have accrued, and to all actions which are pending, on the date upon
12 which it becomes effective.

13 SECTION 3. The provisions of Section 1 shall be deemed to be retroactive to the fullest
14 extent permitted under the Constitution of the United States and the Declaration of Rights
15 of the Commonwealth of Massachusetts.

16 SECTION 4. In all actions under Section 4C of Chapter 260 by a person over fifty-five
17 years
18 of age, which are commenced within a ONE (1) year period after the effective date as set
19 forth in Section 6, it shall not be a defense that such action is barred by any applicable
20 statute
21 of limitations.

22 SECTION 5. In all actions under Section 4C of Chapter 260 by a person over fifty-five
23 years
24 of age, which are pending on the effective date as set forth in Section 6, it shall not be a
25 defense that such action is barred by any applicable statute of limitations.

26 SECTION 6. Sections 4 and 5 shall take effect three (3) months after passage,.

27 SECTION 7. All actions under Section 4C of Chapter 260 by a person over fifty-five
28 years
29 of age, in which the acts alleged occurred prior to the effective date as set forth in Section
30 6, but which are commenced after the ONE year period set forth in Section 4, shall be
31 governed by the provisions of Section 4C of Chapter 260 which were in effect prior to the
32 enactment of this act.

33 SECTION 8. Section 4C of Chapter 260 of the General Laws, as appearing in the 2010
34 Official Edition, shall be amended by inserting after the first paragraph thereof the
35 following

36 paragraph: -

37 The determination of the time when the victim discovered that an emotional or
38 psychological injury or condition was caused by sexual abuse shall be based upon the date when
39 the victim first fully understood that the act caused the injury for which the claim was brought, or
40 that he had been harmed by such conduct, whichever date is later.

41 SECTION 9. The provisions of Section 1 shall apply to all claims under Section 4C of
42 Chapter 260 which have accrued, and to all actions which are pending, on the date upon
43 which it becomes effective.

44 SECTION 10. The provisions of Section 1 shall be deemed to be retroactive to the fullest
45 extent permitted under the Constitution of the United States and the Declaration of Rights
46 of the Commonwealth of Massachusetts.