

HOUSE No. 4126

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 28, 2014.

The committee on the Judiciary to whom were referred the petition (accompanied by bill, Senate, No. 633) of William N. Brownsberger, Harriette L. Chandler, Katherine M. Clark, Kenneth J. Donnelly and other members of the General Court for legislation to extend the statute of limitations in civil child sexual abuse cases and the 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, reports recommending that the accompanying bill (House, No. 4126) ought to pass.

For the committee,

CHRISTOPHER M. MARKEY.

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The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act extending the statute of limitations in civil child sexual abuse cases.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase forthwith the statute of limitations in civil child sexual abuse cases, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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 4 of chapter 258 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the word “section”, in line 7, the following
3 words:- ; provided, however, that a civil action against a public employer which relates to the
4 sexual abuse of a minor, as provided in section 4C of chapter 260, shall be governed by section
5 4C½ of said chapter 260 and shall not require presentment of such claim pursuant to this section.

6
7 SECTION 2. Said section 4 of said chapter 258, as so appearing, is hereby further
8 amended by inserting after the word “accrued”, in line 13, the following words:- ; provided,
9 however, that an action which relates to the sexual abuse of a minor, as defined in said section
10 4C of said chapter 260, shall be governed by said section 4C½ of said chapter 260.

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12 SECTION 3. Section 3A of chapter 260 of the General Laws, as so appearing, is hereby
13 amended by inserting after the word “accrues”, in line 3, the following words:- ; provided,
14 however, that an action which relates to the sexual abuse of a minor, as provided in section 4C,
15 shall be governed by section 4C½.

17 SECTION 4. Section 4C of said chapter 260, as so appearing, is hereby amended by
18 striking out, in line 1, the words “for assault and battery” and inserting in place thereof the
19 following words:- of tort.

21 SECTION 5. Said section 4C of said chapter 260, as so appearing, is hereby further
22 amended by striking out, in line 2, the word “three” and inserting in place thereof the following
23 figure:- 35.

25 SECTION 6. Said section 4C of said chapter 260, as so appearing, is hereby further
26 amended by striking out, in line 3, the word "three" and inserting in place thereof the following
27 figure:- 7.

29 SECTION 7. Said chapter 260 is hereby amended by inserting after section 4C the
30 following section:-

32 Section 4C½. An action of tort alleging that the defendant negligently supervised a
33 person who sexually abused a minor or that the defendant's conduct caused or contributed to the
34 sexual abuse of a minor by another person shall be commenced within the later to expire of: (i)
35 35 years of the acts alleged to have caused an injury or condition to such minor; or (ii) 7 years of
36 the time the victim discovered or reasonably should have discovered that an emotional or
37 psychological injury or condition was caused by such act; provided, however, that the time limit
38 for commencement of such an action under this section shall be tolled for a child until the child
39 reaches 18 years of age. For purposes of this section, "sexual abuse" shall have the same
40 meaning as in section 4C.

42 SECTION 8. Clause (i) of section 4C½ of chapter 260 of the General Laws shall be
43 limited to all claims arising out of or based upon acts alleged to have caused an injury or
44 condition to a minor which first occurred after the effective date of this act. Clause (ii) of said
45 section 4C½ of said chapter 260 and sections 4 to 6, inclusive, of this act shall apply regardless
46 of when any such action or claim shall have accrued or been filed and regardless of whether it
47 may have lapsed or otherwise be barred by time under the law of the commonwealth.