

SENATE No. 2815

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 eliminating the statute of limitation in civil child sexual abuse cases.

PETITION OF:

NAME:

Joan B. Lovely

DISTRICT/ADDRESS:

Second Essex

SENATE No. 2815

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 2815) (subject to Joint Rule 12) of Joan B. Lovely for legislation to eliminate the statute of limitation in civil child sexual abuse cases. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act eliminating the statute of limitation in civil child sexual abuse cases.

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 2018
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
3 thereof the following paragraph:-

4 Actions of tort alleging the defendant sexually abused a minor may be commenced at any
5 time after the acts alleged to have caused an injury or condition.

6 SECTION 2. Said chapter 260 is hereby amended by striking out section 4C1/2, as so
7 appearing, and inserting in place thereof the following section:-

8 Section 4C½. An action of tort alleging that the defendant negligently supervised a
9 person who sexually abused a minor or that the defendant’s conduct caused or contributed to the
10 sexual abuse of a minor by another person may be commenced at any time after the acts alleged
11 to have caused an injury or condition. For the purposes of this section, “sexual abuse” shall have
12 the same meaning as in section 4C.

13 SECTION 3. Sections 4C and 4C1/2 shall apply regardless of when acts alleged to have
14 caused an injury or condition to a minor shall have accrued and regardless of whether it may
15 have lapsed or would otherwise be barred by time under any law of the commonwealth. In an
16 action based on sexual abuse against a minor that would have been barred by time under any law
17 of the commonwealth in effect before the effective date of this act, damages may be awarded
18 against an entity that employed or supervised the person who allegedly committed the sexual
19 abuse only if there is a finding of gross negligence on the part of the entity.

20 SECTION 4. Section 10(j) of chapter 258 of the General Laws, as appearing in the 2018
21 Official Edition, is hereby amended by inserting, after the fourth paragraph, the following
22 paragraph:-

23 (5) any claim by or on behalf of a person who alleges that he or she was sexually abused
24 as a child, as that term is defined in section 4C of chapter 260

25 SECTION 5. Section 85K of chapter 231 of the General Laws, as appearing in the 2018
26 Official Edition, is hereby amended by inserting after the words “and provided further, that in the
27 context of medical malpractice claims against a nonprofit organization providing health care,”
28 the following:- or in a civil action for child sexual abuse of a minor, as that term is defined in
29 section 4C1/2 of chapter 260.