

SENATE No. 1069

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 extending the civil statute of limitations for child abuse.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No. 1069

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1069) of Michael O. Moore for legislation to extend the civil statute of limitations for child abuse. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act extending the civil statute of limitations for child abuse.

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. Chapter 260 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by adding after section 4D, the following new sections:-

3 Section 4E. Abuse of minors

4 Actions of tort alleging the defendant abused a minor shall be commenced within 35
5 years of the acts alleged to have caused an injury or condition or within 7 years of the time the
6 victim discovered or reasonably should have discovered that an emotional or psychological
7 injury or condition was caused by said act, whichever period expires later; provided, however,
8 that the time limit for commencement of an action under this section is tolled for a child until the
9 child reaches eighteen years of age.

10 For purposes of this section, “abuse” shall mean the commission of any act against a
11 minor as set forth in section 13J, 13L, 26, 44 of chapter 265 or section 28 of chapter 272.

Section 4E1/2. Negligent supervision or conduct causing or contributing to the abuse of a minor by another person

Section 4E/2. An action of tort alleging that the defendant negligently supervised a person who abused a minor or that the defendant's conduct caused or contributed to the abuse of a minor by another person shall be commenced within the later to expire of: (i) 35 years of the acts alleged to have caused an injury or condition to such minor; or (ii) 7 years of the time the victim discovered or reasonably should have discovered that an emotional or psychological injury or condition was caused by such act; provided, however, that the time limit for commencement of such an action under this section shall be tolled for a child until the child reaches 18 years of age. For purposes of this section, "abuse" shall have the same meaning as in section 4E.

SECTION 2. This act shall apply regardless of when any such action or claim shall have accrued or been filed and regardless of whether it may have lapsed or otherwise been barred by time under the law of the commonwealth.