

CS FOR HOUSE BILL NO. 2(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/12/03

Referred: Finance

Sponsor(s): REPRESENTATIVES MEYER, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the statute of limitations for certain civil actions; and providing for
2 an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 09.10.065 is amended to read:

5 **Sec. 09.10.065. Commencement of actions for acts constituting sexual**
6 **offenses [ABUSE OR ASSAULT]. A [NOTWITHSTANDING OTHER**
7 **PROVISIONS IN THIS CHAPTER, A] person may bring an action at any time for**
8 **conduct that would have, at the time the conduct occurred, violated provisions of**
9 **any of the following offenses [ACTS]:**

10 (1) felony sexual abuse of a minor; [OR]

11 (2) felony sexual assault; or

12 **(3) unlawful exploitation of a minor.**

13 * **Sec. 2.** AS 09.10.065 is amended by adding a new subsection to read:

14 (b) Unless the action is commenced within three years of the accrual of the

1 claim for relief, a person may not bring an action for conduct that would have, at the
2 time the conduct occurred, violated the provisions of any of the following offenses:

- 3 (1) misdemeanor sexual abuse of a minor;
- 4 (2) misdemeanor sexual assault;
- 5 (3) incest; or
- 6 (4) felony indecent exposure.

7 * **Sec. 3.** AS 09.10.140(b) is amended to read:

8 (b) An action based on a claim of sexual abuse under AS 09.55.650 **that is**
9 **subject to AS 09.10.065(b)** may be brought more than three years after the plaintiff
10 reaches the age of majority if it is brought under the following circumstances:

11 (1) if the claim asserts that the defendant committed one act of sexual
12 abuse on the plaintiff, the plaintiff shall commence the action within three years after
13 the plaintiff discovered or through use of reasonable diligence should have discovered
14 that the act caused the injury or condition;

15 (2) if the claim asserts that the defendant committed more than one act
16 of sexual abuse on the plaintiff, the plaintiff shall commence the action within three
17 years after the plaintiff discovered or through use of reasonable diligence should have
18 discovered the effect of the injury or condition attributable to the series of acts; a claim
19 based on an assertion of more than one act of sexual abuse is not limited to plaintiff's
20 first discovery of the relationship between any one of those acts and the injury or
21 condition, but may be based on plaintiff's discovery of the effect of the series of acts.

22 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 **RETROACTIVITY.** To the extent permitted by the state and federal constitutions,
25 this Act is retroactive to October 1, 2001.

26 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).