

Introduced: 3/23/89  
Referred: Judiciary

6-0597A

1 IN THE HOUSE

BY ULMER, GOLL AND COLLINS

2

HOUSE BILL NO. 238

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act extending to three years the statute of  
7 limitations for civil actions brought by victims of  
8 sexual abuse, and relating to causes of action  
9 brought by adult victims based on injury suffered as  
10 a result of sexual abuse during childhood and the  
11 statute of limitations applicable to those causes of  
12 action; and providing for an effective date."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

14 \* Section 1. AS 09.10.060 is amended by adding a new subsection to  
15 read:

16 (c) A person who was the victim of sexual abuse may not maintain  
17 an action for recovery of damages against the perpetrator of the act  
18 or acts of sexual abuse based on the perpetrator's intentional conduct  
19 for an injury or condition suffered as a result of the sexual abuse  
20 unless commenced within three years. In this subsection, "sexual  
21 abuse" means an act committed by the defendant against the plaintiff  
22 maintaining the cause of action if the defendant's conduct would have  
23 violated the provisions of AS 11.41.410 - 11.41.440 or 11.41.450 -  
24 11.41.455 at the time it was committed.

25 \* Sec. 2. AS 09.10.140 is amended to read:

26 Sec. 09.10.140. DISABILITIES OF MINORITY AND INCOMPETENCY. If a  
27 person entitled to bring an action mentioned in this chapter is at the  
28 time the cause of action accrues either (1) under the age of majority,  
29 or (2) incompetent by reason of mental illness, the time of the

1        disability is not a part of the time limited for the commencement of  
2        the action. Except as provided in (b) of this section, the [THE]  
3        period within which the action may be brought is not extended in any  
4        case longer than two years after the disability ceases.

5        \* Sec. 3. AS 09.10.140 is amended by adding a new subsection to read:

6                (b) An action based on a claim of sexual abuse under AS 09.55.-  
7        650 may be brought more than three years after the plaintiff reaches  
8        the age of majority if it is brought under the following circum-  
9        stances:

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

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

25        \* Sec. 4. AS 09.55 is amended by adding a new section to read:

26                                ARTICLE 8. ACTIONS BY A VICTIM BASED ON  
27                                SEXUAL ABUSE AS A CHILD.

28                Sec. 09.55.650. CLAIM BASED ON SEXUAL ABUSE AS A CHILD. (a) A  
29        person who, as a minor, was the victim of sexual abuse to a minor may

1 maintain an action for recovery of damages against the perpetrator of  
2 the act or acts of sexual abuse to a minor based on the perpetrator's  
3 intentional conduct for an injury or condition suffered as a result of  
4 the sexual abuse.

5 (b) If the defendant committed more than one act of sexual abuse  
6 to a minor on the plaintiff, the plaintiff is not required to prove  
7 which specific act caused the injury.

8 (c) In this section,

9 (1) "minor" means a person under 18 years of age;

10 (2) "sexual abuse to a minor" means an act committed by the  
11 defendant against the plaintiff maintaining the cause of action if the  
12 defendant's conduct would have violated the provisions of AS 11.-  
13 41.434 - 11.41.440 or 11.41.450 - 11.41.455, former AS 11.15.120,  
14 11.15.134, or 11.15.160, or former AS 11.40.110 at the time it was  
15 committed.

16 \* Sec. 5. APPLICABILITY. Sections 2 - 4 of this Act apply to all  
17 actions commenced on or after the effective date of this Act, regardless of  
18 when the cause of action may have arisen.

19 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).