

HCS HB 519 -- STATUTES OF LIMITATION

SPONSOR: Ellington

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 10 to 1.

Currently, civil actions for childhood sexual abuse must be brought within 10 years of the plaintiff turning 21 or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse. This bill specifies that the action must be brought within 30 years of the plaintiff turning 21 or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse. However, an action against a defendant who has been convicted of an unlawful sexual offense in which the plaintiff was the victim may be commenced at any time.

Currently, prosecutions for unlawful sexual offenses involving a person 18 years of age or under must be commenced within 30 years after the victim reaches the age of 18. This bill specifies that such prosecutions or any prosecution for child abuse may be commenced at any time.

This bill is similar to HB 1525 (2016).

PROPONENTS: Supporters say that a lot of people suppress memories in these sorts of situations, so the statutes of limitation serve as a hindrance. Many of these clients are paralyzed on the inside, and that is why they are often unable to come forward for a very long time. There are 38 other states that have done away with the statute of limitation for criminal prosecutions, and there are eight states that have done away with it for civil actions. Only five of 1000 claims were dismissed for lack of proof. Statutes of limitation in child sex abuse are barriers to justice. The nature of the crime, the offender, and the victim are all different. No reasonable adult would sit in front of a room of 12 strangers and talk about his or her first sexual experience, but that is what we are asking children to do. Prosecutors see delayed disclosure all the time.

Testifying for the bill were Representative Ellington; Missouri Coalition Against Domestic and Sexual Violence; Randy Rhoades; Rene Artman; Deborah Games; Missouri Kids First; Missouri Association of Prosecuting Attorneys; and Rachel Girdler, Empower Missouri.

OPPONENTS: Those who oppose the bill say that the removal of the statute of limitation for civil actions is concerning, because the

more time passes, the more difficult it becomes to prove.

Testifying against the bill was Missouri Catholic Conference.