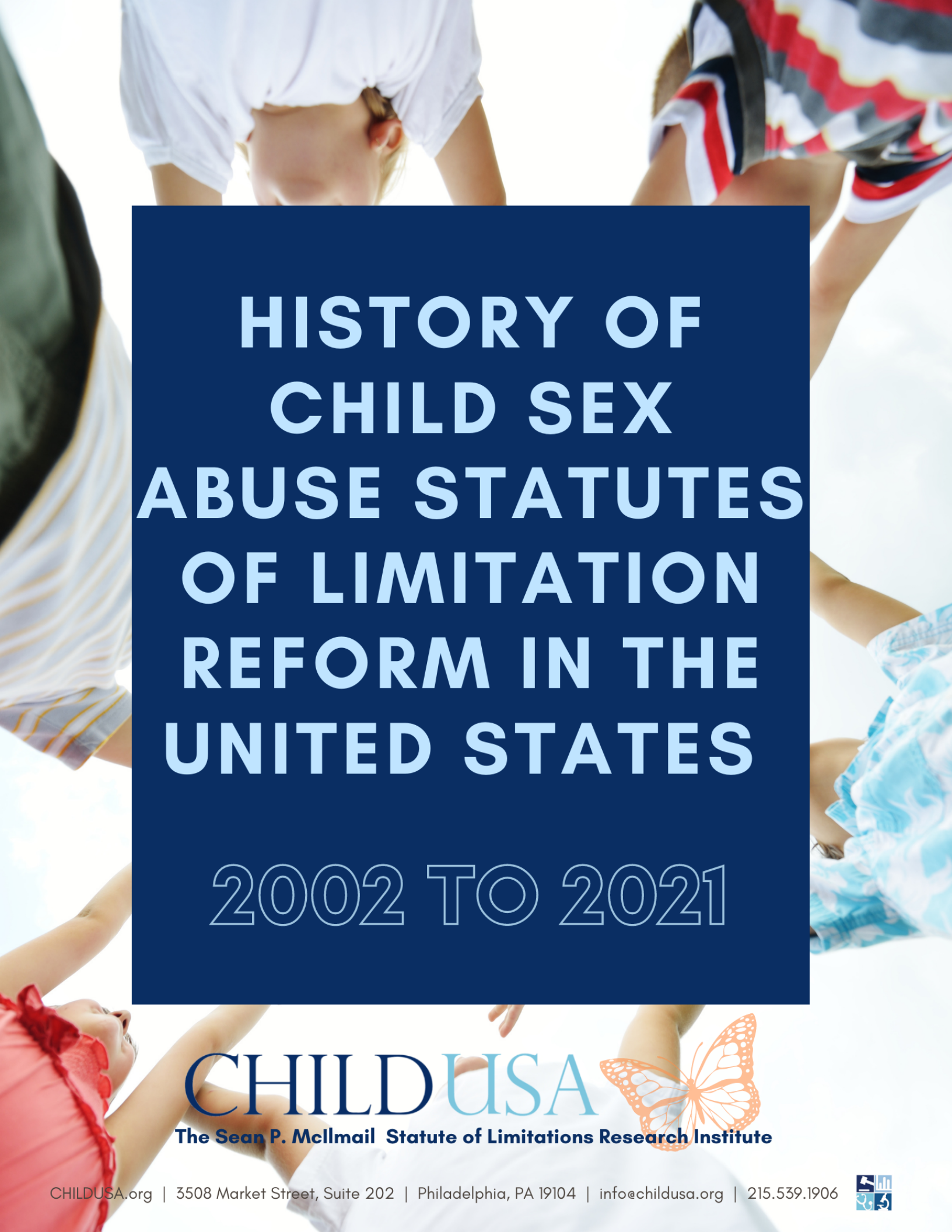

HISTORY OF CHILD SEX ABUSE STATUTES OF LIMITATION REFORM IN THE UNITED STATES

2002 TO 2021

CHILDUSA

The Sean P. McIlmail Statute of Limitations Research Institute

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2021 ANNUAL REPORT: A NATIONAL OVERVIEW OF THE MOVEMENT TO PREVENT CHILD SEX ABUSE AND TO EMPOWER VICTIMS THROUGH STATUTES OF LIMITATION REFORM SINCE 2002

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I. Introduction

A civil rights movement for children and victims of child sexual abuse[1] (CSA) is underway in the United States and around the globe. A necessary step to empower these victims is to establish effective access to justice. Historically, statutes of limitation[2] (SOLs), the arbitrary deadlines for prosecuting crimes and filing civil claims, have been unfairly short. For millions of victims, the SOLs on their claims expired long before they were able to come forward to seek justice. Short SOLs have kept the truth from the public by silencing victims, assisting perpetrators, and aiding institutional cover-ups. That is changing.

CHILD USA's Annual Reports on the history of SOL reform in the United States start with the year 2002 because this movement was spurred by the *Boston Globe*'s January 2002 Pulitzer Prize-winning *Spotlight* series on the cover-up of clergy CSA committed by Cardinal Bernard Law of the Boston Archdiocese.[3] This publication was a turning point in the history of child protection as the public was introduced to the outlines of a paradigm of sex abuse in trusted institutions. The *Spotlight* series brought to the fore the broad themes of institution-based CSA: powerful men motivated by image and self-preservation; calculated ignorance of the clear risks to children; and protection of abusers within an institution, rather than the children. While those in power ignored the horror in plain sight, perpetrators were permitted latitude to abuse countless children. The story was picked up around the world, and clergy sex abuse became standard content in headlines everywhere.

Cardinal Law's recklessness appeared so brazen that, at first, some believed the problem was limited to the Boston Archdiocese. For example, Senator Rick Santorum blamed it on liberalism specific to the city of Boston: "While it is no excuse for this scandal, it is no surprise that Boston, a seat of academic, political and cultural liberalism in America, lies at the center of the storm."[4] Not long thereafter, Philadelphia District Attorney Lynne Abraham initiated a more comprehensive grand jury investigation into Archdiocesan clergy sex abuse than ever previously conducted. The *2005 Grand Jury Report on Sex Abuse in the Philadelphia Archdiocese* established that the cover-up of CSA by dozens of priests in the Philadelphia-area Catholic dioceses was not related to liberalism. Rather, it was a pattern that repeated itself in parish after parish, diocese after diocese, state after state, and one country after another.[5]

The *Spotlight* coverage created new ways for the public to comprehend child endangerment embedded in trusted institutions. The *Spotlight* report was followed by disclosure of systemic failures in other U.S. dioceses[6] and reports about other religious organizations.[7] Other institutional sex abuse cases soon began to appear, starting with Pennsylvania State University's Jerry Sandusky in 2011.[8] From there, abuse in many other venerated institutions surfaced, including in elite prep schools,[9] sports teams, and leagues like the Olympic system,[10] and other youth-serving organizations such as the Boys and Girls Clubs of America and YMCAs. Abuse within the family also became a topic of conversation as CSA allegations surfaced against Woody Allen.[11]

The revelations of institution-based abuse initiated a surge of CSA victims coming forward with claims. Barbara Blaine, President and founder of Survivors Network of Those Abused by Priests (SNAP), and many others led vigils with victims holding pictures of themselves at the age they

were abused in front of churches, Cathedrals, and statehouses. The media covered these demonstrations and the public began to ask about justice. Shockingly, the two paths to justice—criminal prosecution[12] and civil lawsuits[13]—were unavailable for the vast majority of these victims. They could not prosecute the abusers or file civil lawsuits because they had missed arbitrary procedural deadlines—the SOLs.

Before 2002, a trickle of information largely focused on individual perpetrators and victims led the public to believe that CSA was relatively uncommon and a problem related solely to individuals, as opposed to an institutional or society-wide issue. Organizations often portrayed themselves as victims of opportunistic child predators, evading responsibility. Moreover, the pervasive understanding was that children needed to be protected from "stranger danger," while in fact, the primary threats are among parents, clergy, teachers, and coaches. CSA is rampant, impacting one in five girls and one in thirteen boys in North America, totaling 3.7 million children every year.[14]

Many victims of CSA suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, CSA victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of close relationships, or involvement with the authorities.[15] This is a crime that typically occurs in secret and many victims of sexual violence assume no one will believe them.[16] Additionally, CSA survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma of sexual victimization.[17] Victims also can develop a variety of coping strategies—denial, repression, dissociation—to avoid recognizing or dealing with the harm they suffered.[18] They disproportionally develop depression, substance abuse, PTSD, and challenges in personal relationships. These mechanisms may persist well into adulthood, long past the date of the abuse.

The SOLs build a barrier to coming forward. Disclosure of CSA to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process for children. They do not have the life experience to put the experience into perspective. To come forward, the victims must understand that they were abused, decide whether they want to be identified as a victim by the person they tell—the authorities, their families, or the public—and then consciously decide to contact a prosecutor or attorney. It is a daunting decision.

In light of these barriers to disclosure, it should not be surprising that:

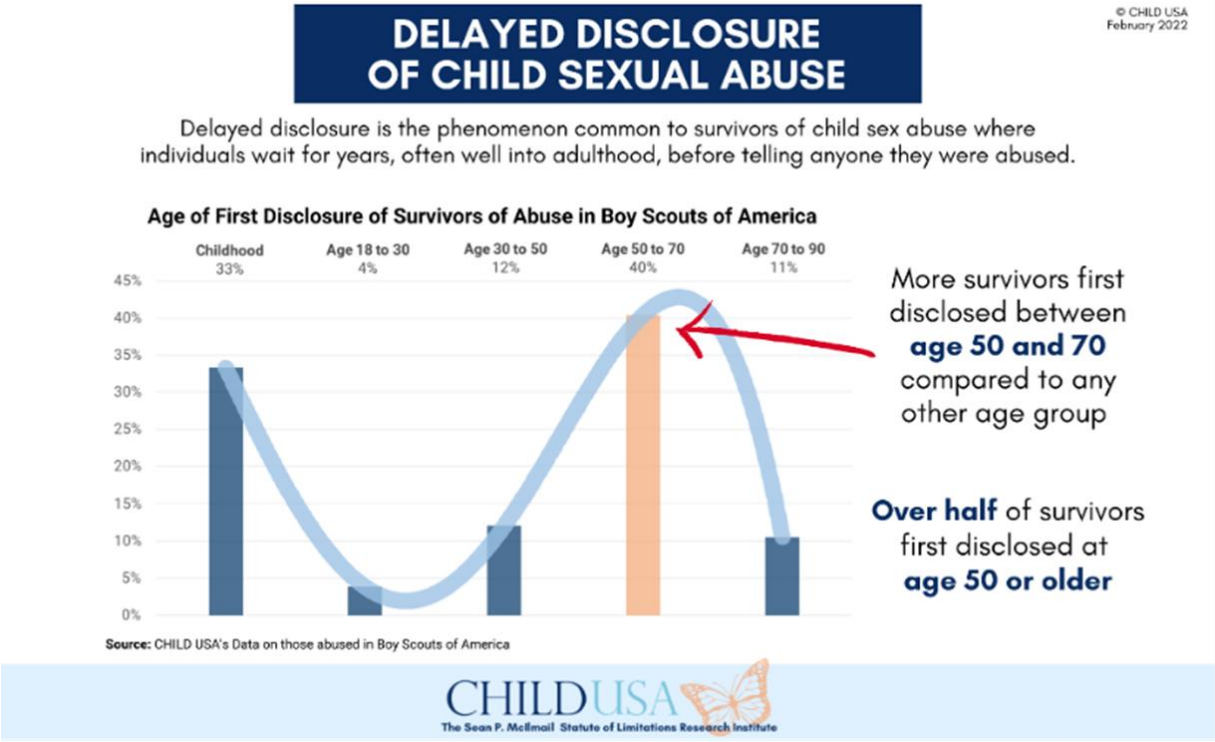
- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time **at age 50 or older**.[19]

- In one study, 44.9% of male victims and 25.4% of female victims of CSA delayed discussing their abuse with anyone **by more than 20 years**.[20]

- Between **70% and 95%** of child sexual assault victims **never report** the abuse to authorities.[21]

- Research has found a **higher rate of PTSD** symptoms in CSA victims delaying disclosure compared to those who did not delay disclosure.[22]

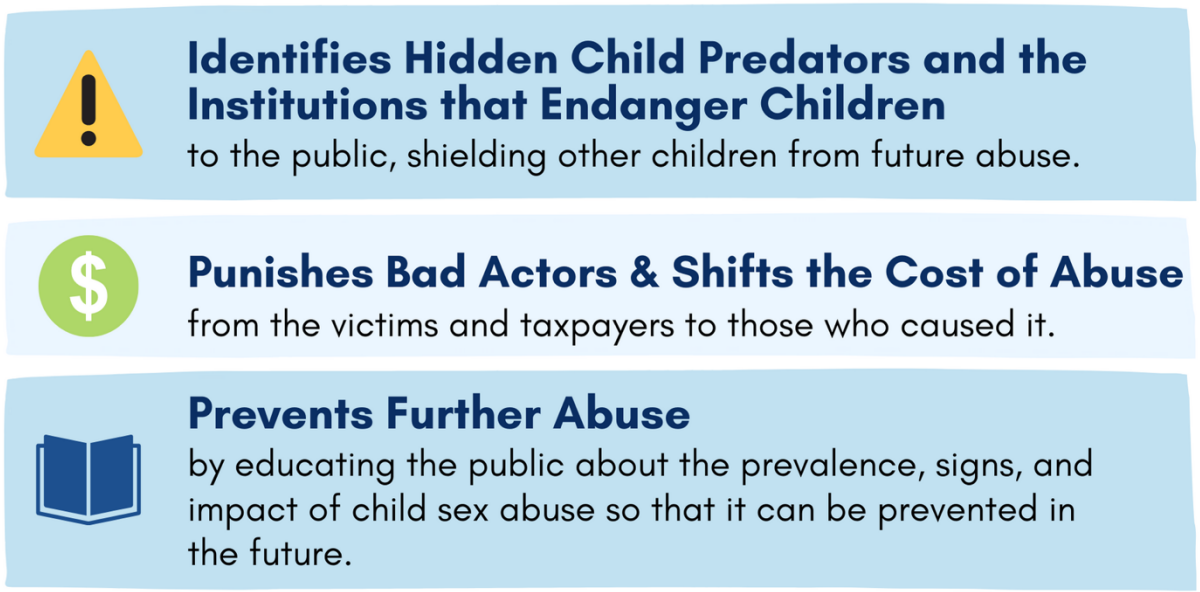
For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse.[23]



When the SOLs blocked justice for the victims and simultaneously protected the perpetrators and institutions, a strong argument was made to do away with the SOLs: this deadline was revealed as patently unfair. Professor Marci Hamilton, CHILD USA's Founder, wrote *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press), because, at the time, she believed that the law was simply a mistake to be corrected. She quickly learned that institutions like the Catholic bishops, insurance industry, teachers' unions, the ACLU, defense attorneys, and the chambers of commerce were not enthusiastic about the public learning the truth about systemic abuse or in the victims obtaining fair justice and compensation for the injuries inflicted on them.[24]

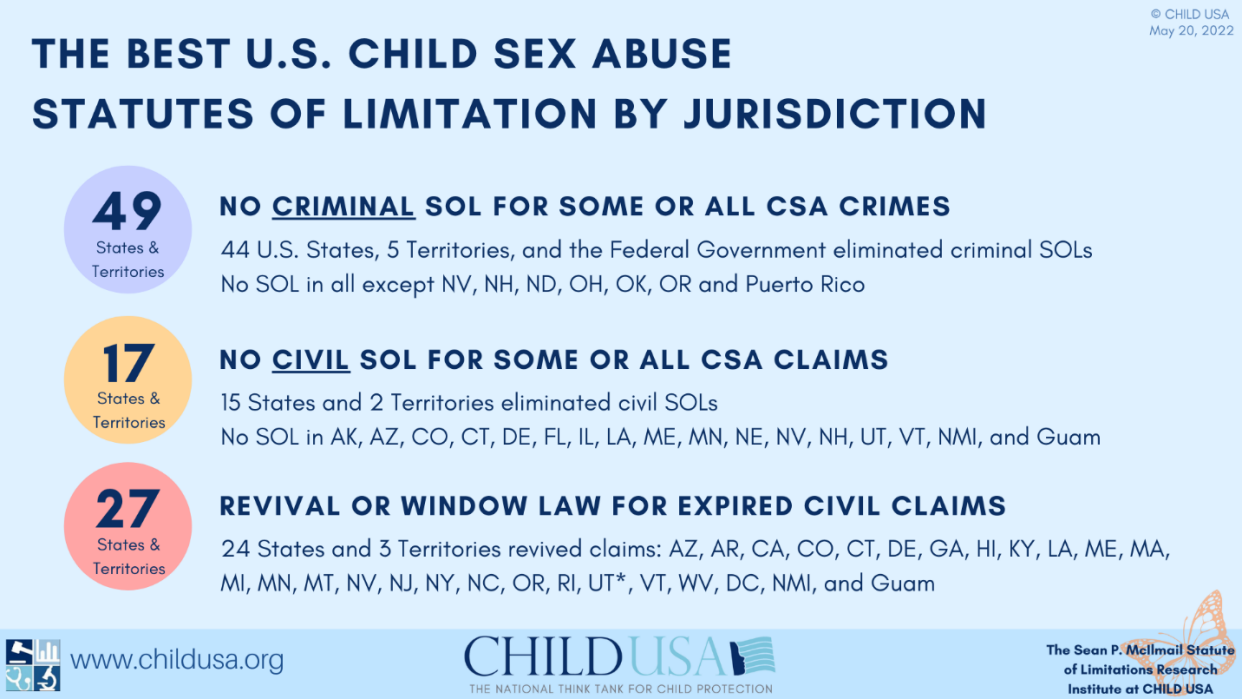
There are two classes of CSA victims to consider: (1) children currently being abused or future victims who are within the relevant SOLs, and (2) adult survivors whose SOLs have expired. Based on the first twenty years of this U.S. movement, for the children at risk right now and in the future, elimination of the civil and criminal SOLs makes the most sense so they can seek justice when they are ready. For those whose SOLs have expired, there is nothing we can do about expired criminal SOLs, but we can revive expired civil claims. That's right: for the victims whose criminal and civil SOLs have expired, the sole means to access justice is through the civil system.[25] There are three compelling public purposes served by the child sexual abuse SOL reform movement, which are explained below:

HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE



There has been an active and innovative movement to reform CSA SOLs since 2002. There was also a pronounced shift from a focus on individuals to a focus on the systems that endanger children. With so many bad actors and institutions in the headlines and thousands of victims coming forward, the pressure for justice has increased. Most states and the federal government have made access to justice, or SOL reform, a priority. Forty-nine states, or 98%, and five territories have amended their CSA SOLs since January 2002.[26] Many jurisdictions have amended their SOLs several times and continue to propose new SOL reform bills year after year.

The gold standard of the SOL reform movement for CSA is: (1) elimination of all criminal SOLs, (2) elimination of all civil SOLs, and (3) revival of all expired civil claims. In general, when civil SOLs are extended or eliminated, the new SOL is only applicable to claims that were not already expired when the new law went into effect, with the exception of revival laws. On the criminal side, generally, a new SOL for prosecuting CSA crimes or the elimination of the SOL, is only applicable to crimes that could still be prosecuted, meaning the SOL was not already expired, as of the date the new law went into effect. It is only by implementing all three reforms, that states are able to provide access to justice to all CSA survivors, past, present, and future, and prevent further abuse. Below is a snapshot of the progress the United States has made towards the three goals of SOL reform.



In 2021 alone, fourteen states and the Northern Mariana Islands reformed their SOLs for CSA, and many states are revisiting the issue in 2022.[27]

II. The State-by-State Developments in CSA SOLs Since January 2002

The states have enacted a patchwork of complicated criminal and civil statutes of limitations, tolling mechanisms, and theories of liability relating to prosecuting CSA crimes and filing civil claims. This section presents an in-depth review of the criminal and civil SOL laws in every U.S. state, territory, and the Federal Government.

The Following Information Is Provided About Civil Law SOLs.

1. **Age Caps:** Each state gives victims of CSA until a certain age to file a civil lawsuit, called the age cap. Often, states contain a majority tolling statute, which keeps the statute of limitations from running until the victim reaches the legal age of adulthood, often age eighteen. This means that, in a state with an SOL of seven years for sexual crime, a child victim has until age twenty-five, or seven years after turning age eighteen. Most states have either extended the age cap SOL since 2002 or eliminated it entirely.

2. **Revival Laws:** Revival laws establish a specific period of time during which survivors can bring previously-expired civil claims to court. When the revival period is a set amount of time after the law is passed, it is called a **revival window**, and claims can be filed while the window is open. States have opened windows for varying periods of time, from ninety days to permanently. When the revival period is set at a survivor's age, it is called a **revival age limit**, and claims can be filed until a survivor reaches that specific age. The age states choose ranges from twenty-seven to fifty-five.

3. **Discovery Tolling:** A discovery rule is a law that says the SOL time countdown does not begin until a person is aware of their injuries relating to CSA or makes the connection that their injuries were caused by abuse. Sometimes, a victim will not make the connection between the abuse and their injury until the age cap has passed, but a discovery rule allows them to bring their claim anyway.

4. **Liability Limitations:** Institutions like the government and charitable organizations are often protected from being sued in civil court for their own negligence or for bad acts of their employees or agents, which impacts whether a victim can bring a claim, when notice of claim must be given, and the amount and types of damages recoverable.

5. **Sovereign Immunity** is a legal doctrine stating that the government cannot be sued without giving consent. Different states have given different members of the public consent to sue them and have set the parameters for such suits.

6. **Charitable Immunity** is a legal doctrine stating that charitable organizations cannot be held liable for negligence under tort law. It originated in the 1800s and is based on the principle that nonprofit assets that are held in trust for the public good should not be used to pay off personal injury claims brought against a charitable organization.

7. **Other Tolling Theories/Causes of Action:** State courts have developed various theories by which a defendant may be held liable or responsible for CSA claims, depending on their

relationship to the victim, the power dynamics between them, or anything a defendant did to cover up the abuse or lie to the victim. Common theories are fraudulent concealment, conspiracy, the continuing violations doctrine, and equitable estoppel. Fraudulent concealment occurs when a defendant knows about a cause of action and has a duty to tell a victim, but they fail to do so. Equitable estoppel is a legal doctrine that prevents a defendant from bringing a defense (like an SOL defense) for reasons of fairness or justice. In some states, equitable estoppel is used to keep defendants from asserting an SOL defense so a claim can move forward. In the context of CSA claims, the continuing violations doctrine tolls SOLs until the perpetrator's last act of abuse.

The Following Information Is Provided About Criminal Law SOLs.

1. **Statute of Limitations:** The SOL for CSA crimes is identified as either an **age cap** or a **time limit**. Similar to a civil age cap, a criminal age cap gives victims of CSA until a certain age to work with prosecutors to bring criminal charges. The SOL time limit is typically defined as giving victims a certain number of years after the crime occurs to initiate a prosecution. In some states, the SOL "clock" does not start to run until a crime victim reaches the legal age of adulthood, typically age eighteen. This means that in a state with a time limit SOL of six years from the abuse, a victim may have until they are twenty-four years-old to report their abuse and work with prosecutors to bring charges.

2. **Tolling Theories:** Many states have identified tolling theories, or situations that justify giving a victim and the state more time to prosecute a defendant for CSA crimes. When the perpetrator is **out of the state** or flees from the state, the SOL often pauses until they return, or for a certain period of time. Many states used to have a **DNA rule**, which restarted the running of an SOL when a defendant was identified through a DNA match in a rape kit.

As of December 31, 2021, here are the civil and criminal SOLs for CSA, including child sex trafficking, and SOL developments since 2002 in every state, U.S. territory, and the Federal Government. For more recent updates, check out the 2022 SOL Tracker at https://childusa.org/2022sol/.

ALABAMA

Current Civil SOL	
Age Cap	Age 25
Revival Law	None
Discovery Tolling	None

Summary: The SOL for civil claims against all defendants[28] for CSA under age nineteen is age twenty-five.

Liability Limitations: The State of Alabama cannot be sued for CSA.[29] Alabama courts generally repudiate the doctrine of charitable immunity,[30] although some cases suggest that charities are immune from claims by beneficiaries.[31]

Other Tolling Theories/Causes of Action: Theories of fraudulent concealment and equitable estoppel toll an SOL, but neither has been asserted in reported CSA cases.[32] Alabama also recognizes a continuous violation doctrine which extends the SOL for claims arising under Title IX.[33]

Civil SOL History

Age Cap	
2002	Age 22 (age 19, plus 3 years)[34] with a limit of 20 years from the date of accrual,[35] meaning no later than 20 years from the last date of the abuse.[36]
2010	Enacted its first human trafficking statute that tolled the civil SOL for sex trafficking claims until age 21 (age 19, plus 2 years) for personal injury and age 25 (age 19, plus 6 years) for assault, battery, or false imprisonment causes of action.[37]
2019	Extended the SOL for all sex offenses against a person under 19 years of age to age 25 (age 19, plus 6 years).[38]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule applicable to CSA claims.[39]
Statutory	No statutory discovery rule applicable to general CSA claims.[40] In 2010, it adopted a statutory discovery rule for human trafficking tolling the SOL "until the plaintiff discovers both that the sex trade act occurred and that the defendant caused, was responsible for, or profited from the sex trade act."[41] The discovery statute is applicable to claims against all defendants, except the State, which has sovereign immunity.[42]

ALABAMA

Current Criminal SOL	
Rape	No SOL
Trafficking, victim under age 16	No SOL

Summary: There is no SOL for felony and misdemeanor sex offenses, including trafficking, against victims under age sixteen. The SOL for sex trafficking is age twenty-four, and there is an SOL of five years from the offense for other felonies and one year for misdemeanors.

Tolling: The SOL is tolled while an indictment is lost or destroyed, and a new indictment is issued.[43] A defendant's misrepresentation may be a continuous offense, extending the limitations period.[44] Courts recognize that the issuance of a state-court arrest warrant will toll the SOL.[45]

Criminal SOL History

Age Cap	
1985	Eliminated the SOL for rape at any age and for any felony involving the use, attempted use, or threat of violence, for victims under the age of 16. Eliminated the SOL for many felony and misdemeanor sex offenses involving victims under age 16.[46] The SOL for remaining felonies was 5 years after the commission of the offense and the SOL for misdemeanors was 1 year.[47]
2010	Enacted its first human trafficking statute which set the SOL for prosecution of sex trafficking crimes at age 23 (age 18, plus 5 years) or 5 years from reasonable discovery.[48]
2011	Eliminated the SOL when victims are under age 16 for rape, sodomy, sexual misconduct, sexual torture, sexual abuse of a child, sexual abuse, indecent exposure enticing, prostitution, incest, pornography, and human trafficking.[49]
2016	Eliminated the SOL when victims are under age 16 for foster parent engaging in sex act.[50]
2017	Eliminated the SOL when victims are under age 16 for sexual extortion, directing a child to engage in a sex act.[51]
2018	Extended the SOL for sex trafficking to age 24 (age 19, plus 5 years) or 5 years from reasonable discovery.[52]

ALASKA

Current Civil SOL	
Age Cap	No SOL against perpetrator for some CSA crimes Age 20-21 against perpetrators for remaining CSA crimes Age 20 against other defendants
Revival Law	None
Discovery Tolling	2-3 years

Summary: There is no civil SOL for sexual abuse/assault, trafficking, or exploitation claims against perpetrators. The SOL is age twenty-one or three years from discovery for some other claims against perpetrators, and it is age twenty or two years from discovery for the remaining CSA claims against all defendants.

Liability Limitations: The State of Alaska is generally immune from CSA claims[53] and punitive damages,[54] with no notice of claim statute.[55] Charitable immunity is not recognized in Alaska.

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment of a cause of action, or the continuing violations doctrine may toll SOLs, but these theories have not been asserted in CSA cases.[56]

Civil SOL History

Age Cap	
1990	SOL for claims against perpetrators for sexual abuse of a minor under age 16, was age 21 (age of majority, 18, plus 3 years).[57] SOL for other claims against perpetrators and other defendants was age 20 (age of majority, 18, plus 2 years).[58]
2001	Eliminated the SOL for claims against a perpetrator for felony sexual abuse of a minor and sexual assault.
2003	Eliminated the SOL for claims against a perpetrator for felony unlawful exploitation of a minor. Extended the SOL to age 21 (age of majority, 18, plus 3 years) for claims against a perpetrator for incest, felony indecent exposure, misdemeanor sexual abuse of a minor, and misdemeanor sexual assault.[59]
2013	Eliminated the SOL for claims against a perpetrator for felony sex trafficking.[60]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	The common law discovery rule applies to claims from the 1950s, providing that the 2-year SOL doesn't accrue until "a reasonable person has enough information to alert that person that he or she has a potential cause of action or should begin an inquiry to protect his or her rights."[61] This rule applies to claims against all types of defendants, including entities and the government.[62] There is a narrow statute of repose that can limit the discovery rule to 10 years after abuse occurs, but only if the claim does not result from an intentional act, gross negligence, fraud, misrepresentation, or breach of trust or fiduciary duty.[63]
Statutory	In 1990, Alaska added a statutory discovery rule allowing a plaintiff to bring a claim of sexual abuse 3 years after they discovered that the abuse caused an injury or condition, if the plaintiff was under the age of sixteen when the abuse occurred.[64] Alaska eliminated the civil SOL for claims against a perpetrator for felony sexual abuse of a minor and sexual assault in 2001, unlawful exploitation in 2003, and felony sex trafficking in 2013, and so a discovery rule is no longer applicable or necessary for these claims.

ALASKA

Current Criminal SOL	
Sexual Abuse of a Minor	No SOL
Felony Sex Trafficking	No SOL

Summary: There is no SOL for many CSA crimes, including trafficking, and an SOL of five years for remaining felonies and misdemeanors.

Tolling: If a suspect hides to avoid prosecution, the SOLs may be extended by up to three years.[65]

Criminal SOL History

Age Cap	
By 2001	Had eliminated the criminal SOL for felony sexual abuse of a minor, sex trafficking, and many other crimes involving CSA, including misdemeanor sexual assault in the fourth degree. Other felonies and misdemeanors had an SOL of 5 years from the crime.[66]
2013	Eliminated the SOL for more felonies, including child pornography and sex trafficking of a person ages 18–20.[67]

ARIZONA

Current Civil SOL	
Age Cap	Age 30 for CSA No SOL for sex trafficking
Revival Law	19-month window (closed 12/30/20) Revival up to age 30
Discovery Tolling	Only for repressed memories of abuse

Summary: The SOL against all defendants is age thirty with a common law discovery rule and revival up to age thirty. There is no SOL for claims of sex trafficking against all defendants.

Liability Limitations: The State of Arizona is generally immune from CSA claims[68] and from punitive damages.[69] In cases where the State is not immune, minors must file a notice of claim against the State within 180 days after an action accrues or 180 days after reaching majority.[70] Arizona abolished charitable immunity in 1952.[71]

Other Tolling Theories/Causes of Action: Fraudulent concealment of a cause of action will toll the SOL until plaintiff's discovery, and the theory has been successfully asserted in cases of CSA.[72] Arizona recognizes duress to toll an SOL, and though limited in application, it has successfully been applied to claims arising under Title IX.[73]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years).[74]
2019	Extended the SOL to age 30.[75]
2021	Added a civil cause of action with no SOL for sex trafficking of minors and adults with liability for all types of defendants, including entities that benefited from participating in a trafficking venture.[76]

Revival Law	
2019	Enacted the Child Protection Act which revived expired CSA claims until a survivor reaches age 30 and opened a 19-month revival window for claims against all types of defendants from May 27, 2019 until December 30, 2020.[77]

Discovery	
Common Law	Since before 2002, Arizona has had a narrow, common law discovery rule that is only applicable to cases involving repressed memories of CSA.[78] Under this rule, Arizona's longstanding 2-year personal injury SOL[79] was tolled until "the plaintiff retrieves repressed memories of abuse."[80]

Statutory	In 2019, Arizona upgraded from this general 2-year SOL to a specific CSA statute with a 12-year SOL.[81] It is unclear whether the discovery rule for repressed memories will still be applicable to future actions because the new SOL does not run from accrual like the previous SOL.

ARIZONA

Current Criminal SOL	
Continuous Sexual Abuse of a Child	No SOL
Child Sex Trafficking	No SOL

Summary: There is no SOL for many felony CSA crimes, including trafficking. The SOL for all other felonies is seven years after the State discovers the offense and one year after the State's discovery for misdemeanors.

Tolling: The SOL is tolled while the defendant is absent from the State or has no "reasonably ascertainable place of abode within the state."[82] The SOL for serious offenses, as defined by statute, is also tolled for any period during which the identity of the perpetrator is unknown.

Criminal SOL History

Age Cap	
By 2001	No SOL for many class 2 felony sexual offenses against minors. 7 years after the State discovers the offense for the remaining felonies. 1 year after the State discovers the offense for misdemeanors. [83]
2008	Eliminated the SOL for felony aggravated luring and sexual exploitation of minors under age 15.[84]
2011	Eliminated the SOL for felony unlawful sexual conduct by probation department or court employee against minors under age 15.[85]
2015	Eliminated the SOL for felony unlawful sexual conduct by peace officer against minors under age 15.[86]
2018	Eliminated the SOL for felony sexual extortion of minors under age 15.[87]
2021	Eliminated the SOL for felony child sex trafficking.[88]

ARKANSAS

Current Civil SOL	
Age Cap	Age 55
Revival Law	2-year window (closes 1/31/24)
Discovery Tolling	3 years

The SOL for civil claims for CSA is age fifty-five with a discovery rule of three years and a two-year revival window for claims against all defendants that is open until January 21, 2024.

Liability Limitations: The Arkansas State Claims Commission has jurisdiction over all claims barred by Arkansas's sovereign immunity, but a notice of claim must be filed with the Commission within the cause of action's typical SOL.[89] The State of Arkansas cannot be held liable for punitive damages.[90] Charitable immunity is recognized in Arkansas.[91]

Other Tolling Theories/Causes of Action: Fraudulent concealment can toll the SOL for claims arising from CSA generally, but the theory has not been successfully asserted in such cases.[92]

Civil SOL History

Age Cap	
By 2002	Age 21 (age of majority, 18, plus 3 years).[93]
2021	Extended its SOL to age 55.[94]

Revival Law	
2021	Passed the Justice for Vulnerable Victims of Sexual Abuse Act, which opened a 2-year revival window for previously expired CSA and sexual abuse of disabled adults claims against all types of defendants from February 1, 2022 until January 31, 2024.[95]

Discovery	
Common Law	Arkansas has a common law discovery rule but has not applied it to CSA claims.[96]
Statutory	In 1993, Arkansas enacted a 3-year statutory discovery rule for CSA claims.[97] Victims may file claims within 3 years after discovering their injury and "the effect of the injury or condition attributable to the childhood sexual abuse."[98] Arkansas courts have yet to interpret the discovery statute or determine its applicability. However, an Arkansas federal court did rule that the statute "cannot be used to revive" a time-barred claim,[99] while another determined that the statute is not limited to actions against perpetrators.[100]

ARKANSAS

Current Criminal SOL	
Rape	No SOL
Trafficking of persons	6 years from the offense

Summary: There is no SOL for some CSA crimes, including but not limited to felony rape, sex assault, incest, and exploitation, and other CSA felonies and misdemeanors have an SOL of age twenty-eight. Any remaining felonies, including trafficking, have an SOL of six years from the offense or one year for misdemeanors.

Tolling: The SOL may be extended by up to three years if the accused is continually absent from the State or there is pending prosecution for the same conduct within the State.[101]

Criminal SOL History

Age Cap	
2002	15 years from the offense for felony rape and for some CSA felonies it was age 24 (age of majority, 18, plus 6 years) if the crime was not previously reported to police. The remaining felonies, including trafficking, had an SOL of 6 years from the offense and 1 year for misdemeanors.[102]
2003	Added more sexual abuse crimes to the list of offenses for which the 6-year SOL could be tolled until age 18.[103]
2005	Extended the SOL with a DNA rule that stops the SOL from running until the perpetrator is identified by DNA evidence.[104]
2009	Eliminated the SOL if the perpetrator is identified by DNA evidence.[105]
2011	Extended the SOL for many sex abuse felonies and misdemeanors to age 28.[106]
2013	Eliminated the criminal SOL for felony rape, sex assault, incest, exploitation, transporting minors for sexual conduct, CSAM, and others.[107]
2021	Expanded DNA rule, eliminating the SOL for prosecuting perpetrators newly identified by DNA testing.[108]

CALIFORNIA

Current Civil SOL	
Age Cap	Age 40 for CSA Age 28 for Trafficking
Revival Law	3-year window (closes 12/31/22) Revival up to Age 40
Discovery Tolling	5 years

Summary: The SOL for civil CSA claims against all defendants is age forty, with a discovery rule of five years, revival up to age forty, and an open revival window until December 31, 2022.

Liability Limitations: The State of California is generally liable for child sexual assault when committed by a public employee in the scope of employment,[109] and is additionally liable for punitive damages.[110] There is no claim presentment requirement for CSA claims.[111] Charitable immunity was abolished in 1951.[112]

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment of a cause of action or duress can toll the SOL and though courts have considered these theories in the context of claims arising from CSA they have not been properly pled.[113]

Civil SOL History

Age Cap	
2002	Age 26 (age of majority plus 8 years) for CSA.[114]
2006	Adopted a human trafficking statute with an SOL of age 26 (age of majority plus 8 years).[115]
2008	Broadened liability for government entities for CSA by removing the claim presentment requirement for suing them.[116]
2015	Extended SOL for human trafficking to age 28 (age of majority plus 10 years).[117]
2019	Extended SOL for CSA to age 40 (age of majority, 18, plus 22 years).[118]

Revival Law	
2002	Enacted a 1-year window for previously expired CSA claims from January 1, 2003 until December 31, 2003, that was effectively only applicable to claims against non-perpetrator individuals and non-government entities.[119]
2019	Revived claims until a survivor reaches age 40 and opened a 3-year revival window for CSA survivors of any age starting January 1, 2020. Claims are revived against all types of defendants, including government entities, and victims can recover treble damages against any defendant who covered up the abuse.[120]

Discovery

Common Law	California recognized a 1-year common law discovery rule for CSA claims in the 1980's.[121]
Statutory	In 1991, it adopted a 3-year statutory discovery rule running from when an individual discovers or should have discovered that their injury was caused by abuse.[122] The applicability of the discovery rule statute was interpreted narrowly by several California Supreme Court decisions[123] and the legislature amended it several times for clarification.[124] By 2002, the 3-year discovery rule applied to claims against all types of defendants and did away with the prior age cutoff for claims against third parties.[125] Nevertheless, the discovery rule was ineffective for claims against government entities where a victim failed to satisfy the claim presentment requirement.[126] Finally, in 2019, the legislature again amended the discovery rule, extending it to 5 years and stipulating that it is retroactive and revives claims during the 3-year window[127] and afterwards. Additionally, the discovery rule applies to claims against any type of defendant—perpetrators, individuals, private entities, and the government.[128]

CALIFORNIA

Current Criminal SOL	
Rape	No SOL
Trafficking of a minor	6 years after commission
Trafficking of a minor using force	No SOL

Summary: There is no SOL for many felony sex offenses, including trafficking of a minor using force, age forty for other felonies, and one–three years for misdemeanors.

Tolling: The SOL may be extended for a maximum of three years if a suspect is out of the State when or after the crime is committed.[129]

Criminal SOL History

Age Cap	
1993	Enacted a law reviving expired criminal SOLs for CSA by allowing prosecution 1 year after reporting to law enforcement, but it was held unconstitutional in *Stogner v. California.*[130]
2002	The SOL for felony sex offenses was 3 or 6 years from the offense depending on the crime or age 19, whichever was later.[131] Misdemeanor annoying or molesting a child under 18 has an SOL of 3 years after the date of the offense where the victim is under 14 years of age.[132] All other misdemeanors had an SOL of 1 year after the date of the offense.[133]
2004	Extended the SOL for CSA felonies to 10 years after the offense.[134]
2005	Extended the SOL for CSA felonies to age 28.[135] It also added a DNA statute that permits prosecution of sex crimes within 1-year of DNA identification.[136] Added a trafficking statute with an SOL 6 years after commission of the offense.[137]
2006	Extended the SOL for felony pornography to 10 years after the offense.[138]
2014	Extended the SOL for CSA felonies from age 28 to age 40.[139]
2017	Eliminated the SOL for many felony sex offenses, including rape at any age, molestation, and sexual abuse.[140]
2018	Extended the SOL for more CSA felonies to age 40.[141]
2021	Extended the criminal SOL for misdemeanor distribution of private sexual imagery of minors and adults to 1 year from discovery that image was distributed, but not more than 4 years after distribution.[142]

COLORADO

Current Civil SOL	
Age Cap	None
Revival Law	3-year window (closes 12/31/24)
Discovery Tolling	Yes, no time limit

Summary: Colorado has no civil SOL for CSA claims against all defendants. It added a new cause of action which applies retroactively and opened a three-year window on January 1, 2022 for filing some claims for abuse that occurred years ago.

Liability Limitations: The State of Colorado has waived sovereign immunity for claims of child sexual assault,[143] but is not liable for punitive damages[144] and caps all other damages arising from a single occurrence at $350,000.[145] The 182-day notice period is tolled for minors.[146] Charitable immunity is limited by law in Colorado in that a charitable organization may be responsible for paying any judgment entered against it up to the amount of its insurance coverage.[147]

Other Tolling Theories/Causes of Action: An SOL may be tolled by a defendant's fraudulent concealment of a cause of action.[148] Colorado courts also recognize claims for breach of fiduciary duty in the context of CSA and have, for example, recognized the fiduciary nature of the clergy-parishioner and church-parishioner relationships.[149]

Civil SOL History

Age Cap	
1990	Set the SOL for claims against perpetrators of a sexual offense against a child at age 24 (age of majority, 18, plus 6 years).[150] The SOL for other claims were subject to Colorado's general 2-year SOL for negligence and expired at age 20 (age of majority, 18 plus 2 years).[151]
2021	Eliminated its SOL for sexual assault of minors and adults.[152] It also added a new civil cause of action for sexual misconduct against a minor with no SOL, but with damage caps of $350,000 for public entities/perpetrators and $500,000 for non-public entities/perpetrators, with exceptions for negligence or excessive injury which raise the cap to $1,000,000.[153]

Revival Law	
2021	Enacted the CSA Accountability Act which created a new cause of action and opened a 3-year window for any sexual misconduct against minors occurring from 1960 to 2021. The window is open from January 1, 2022 until December 31, 2024 for claims against perpetrators and public and private entities. Claims are subject to damage caps of $350,000 for public entities/perpetrators and $500,000 for non-public entities/perpetrators, with exceptions for negligence or excessive injury which raise the cap to $1,000,000. [154]

Discovery	
Common Law	No common law discovery rule for CSA.[155]
Statutory	In 1999, Colorado recognized a statutory discovery rule that pushed accrual of a cause of action for CSA to "the date, both the injury and its cause are known or should have been known by the exercise of reasonable diligence."[156] Colorado's accrual statute ensures that the SOL does not begin to run on claims based on CSA until reasonable discovery.[157] Claims against perpetrators can be filed up to 6 years after a victim discovers or should have discovered both their injury and that their injury was caused by sexual abuse. While claims against institutions for negligence can be filed 2 years from discovery of injury and the negligent conduct.[158] In 2021, Colorado eliminated the SOL for CSA claims against all defendants and the accrual statute was no longer relevant. There is no SOL for CSA claims that were not discovered before January 1, 2022, or that were discovered more recently and the applicable SOL was not yet expired before that date.[159]

COLORADO

Current Criminal SOL	
Sexual Assault	No SOL
Human Trafficking of a minor for sexual servitude	No SOL

Summary: There is no SOL for felony sex offenses against children, including trafficking, but the SOL is five years from the offense for misdemeanors.

Tolling: The SOL may be extended up to a maximum of five years if a suspect leaves the State or up to three years for certain offenses concealed by fraud.[160]

Criminal SOL History

Age Cap	
2002	Set the SOL for felony sex crimes against children at age 28 (age of majority, 18, plus 10 years) and misdemeanors at 5 years from the offense.[161]
2006	Eliminated the SOLs for all felony sex offenses against children, including attempt, conspiracy, or solicitation to commit an offense.[162]
2019	Added unlawful electronic sexual communication to its list of felony sex offenses against children for which there is no SOL.[163]

CONNECTICUT

Current Civil SOL	
Age Cap	Age 51 None if criminal conviction of 1st degree sex assault
Revival Law	Revival up to age 48
Discovery Tolling	None

Summary: The SOL for CSA claims is age fifty-one, with revival up to age forty-eight. A narrow exception eliminates the SOL for claims against any defendant, either individual perpetrator or other, if the perpetrator of the abuse has been convicted of first-degree sexual assault.

Liability Limitations: Claims for CSA against the State of Connecticut are submitted to the Office of the Claims Commissioner, who may waive sovereign immunity.[164] The notice of claim must be filed within one year after it accrues,[165] and damages are limited to $35,000.[166] Charitable immunity was abolished by law in Connecticut in 1967.[167]

Other Tolling Theories/Causes of Action: Defendant's fraudulent concealment of a cause of action will toll the SOL, and the theory has been asserted successfully in CSA cases.[168] Connecticut also recognizes a civil action for conspiracy that may toll the SOL on the underlying substantive tort to which the conspiracy must be joined, but in the CSA context, insufficient allegations have precluded its success.[169]

Civil SOL History

Age Cap	
Before 2002	Before 2002, the SOL was age 35.[170]
2002	Extended to age 48 and eliminated the SOL for any claim that led to a first degree aggravated or sexual assault conviction.[171]
2019	Extended to age 51 (age of majority, 21, plus 30 years). This extension is prospective, meaning it only applies to actions based on conduct occurring after October 1, 2019, but it applies to non-minors ages 18, 19 and 20 too.[172]

Revival Law	
2002	Revived all CSA claims until victims reach age 48 against all types of defendants.[173] Also, permanently revives claims when a perpetrator is convicted of first degree or aggravated sexual assault of minors or adults.[174]

Discovery	
N/A	No common law or statutory discovery rule for CSA claims.[175]

CONNECTICUT

Current Criminal SOL	
Offense involving sexual abuse	No SOL
Offense involving sexual exploitation	No SOL

Summary: There is no SOL for any felony or misdemeanor CSA offense, including sexual abuse and exploitation.

Tolling: The SOL may be extended up to five years if the suspect is absent from the State and up to three years for certain offenses that are either difficult to detect or concealed by fraud.[176]

Criminal SOL History

Age Cap	
2002	Had eliminated the criminal SOL for first degree sexual assault.[177] For all other sex abuse crimes, the SOL was age 48 (age of majority, 18, plus 30), or within 5 years of reporting to police, whichever was earlier.[178] There was also a DNA statute which extended the SOL for sexual assault to 20 years from the offense.[179]
2007	Eliminated the SOL for aggravated sexual assault of a minor.[180] Eliminated the SOL for sexual assault if there was a DNA match and the crime was reported within 5 years.[181]
2010	Eliminated the SOL for felony criminal assistance of a person who commits sexual assault.[182]
2007	Eliminated the SOL for any felony or misdemeanor offense against a minor involving sexual abuse, sexual exploitation, or sexual assault.[183]

DELAWARE

Current Civil SOL	
Age Cap	None for CSA Age 23 for Trafficking
Revival Law	2-year window (closed 7/9/09) 2-year window (closed 7/12/12)
Discovery Tolling	None

Summary: There is no SOL for civil claims against any defendants.

Liability Limitations: The State of Delaware may be liable for CSA if plaintiff can establish gross negligence.[184] Delaware does not impose notice of claim requirements or limit its liability for damages.[185] Charitable immunity is also not recognized.[186]

Other Tolling Theories/Causes of Action: Delaware recognizes that a defendant's fraudulent concealment of a cause of action will toll an SOL, but the theory does not appear to have been addressed in CSA cases.[187] Institutional defendants may also be held vicariously liable for the wrongful conduct of their employees under *respondeat superior*.[188]

Civil SOL History

Age Cap	
2002	Age 21 (age of majority, 18, plus 3 years).[189]
2007	Eliminated SOL for CSA claims.[190]
2010	Eliminated SOL for claims by a patient against a health care provider.[191]
2014	Extended SOL for trafficking, forced labor, and sexual servitude to age 23 (age 18 plus 5 years).[192]

Revival Law	
2007	Enacted the Child Victim's Act, opening a 2-year revival window for previously expired CSA claims against all defendants from July 10, 2007 to July 9, 2009.[193]
2010	Added a 2-year window which opened from July 13, 2010 until July 13, 2012 for CSA claims by a patient against a health care provider because the original window inadvertently did not apply to such claims.[194]

Discovery	
Common Law	In 2006, the judiciary recognized that repressed memories of CSA fall within the common law discovery rule exception for "inherently unknowable injuries."[195] The 2-year SOL would not begin to run until a victim with repressed memories became aware of the abuse.[196] Although Delaware eliminated its SOL for all claims of CSA in 2007, the common law discovery rule is still applicable to claims for abuse that occurred prior to July 9, 2005, including those involving repressed memories.[197]

Statutory	Delaware does not have a statutory discovery rule for CSA claims.

DELAWARE

Current Criminal SOL	
Rape	No SOL
Sex Trafficking	No SOL

Summary: There is no SOL for all felony and misdemeanor CSA crimes and felony trafficking.

Tolling: The SOL is tolled if the defendant flees the State, fails to receive proper notice of the charges from the prosecution, or for the period during which defendant faces pending charges for the same criminal conduct.[198]

Criminal SOL History

Age Cap	
2002	The criminal SOL was 2 years following the initial disclosure of the crime to child protection services or law enforcement, or 10 years from the offense with a DNA match.[199]
2003	Eliminated the SOL for all felony and misdemeanor CSA crimes.[200]
2014	Eliminated the SOL for felony sex trafficking.[201]

FLORIDA

Current Civil SOL	
Age Cap	None for sexual battery of child under age 16 Age 25 for other CSA
Revival Law	None
Discovery Tolling	4 years

Summary: There is no SOL against any defendants for civil claims involving sexual battery of children under age sixteen, and an SOL of age twenty-five, plus a four-year discovery rule for sexual battery claims involving sixteen- and seventeen-year-olds and any other claims relating to CSA.

Liability Limitations: The State of Florida is not protected by sovereign immunity in cases of CSA where a private individual would be liable under similar circumstances.[202] A plaintiff has three years to file a notice of claim against the State,[203] but cannot receive punitive damages, and other damages are capped at $200,000 for a single judgment, or $300,000 if multiple judgements arise from a single occurrence.[204] Charitable immunity was abolished in 1953 when the Florida Supreme Court deemed it unconstitutional under the State constitution.[205]

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment of a cause of action will toll the SOL, but insufficient pleadings have precluded courts from doing so for CSA based claims.[206] Florida courts also recognize a cause of action for breach of fiduciary and have found that such a relationship may exist between a church and a parishioner.[207] Institutional defendants may also be held vicariously liable for the sexual misconduct of their employee under *respondeat superior*.[208]

Civil SOL History

Age Cap	
1992	Age 25 (age of majority, 18, plus 7 years) or within 4 years after leaving the dependency of the abuser.[209]
2010	Eliminated SOL for sexual battery offenses against victims under age 16.[210]

Revival Law	
N/A	No window or other SOL revival law since 2002; previous window law was found unconstitutional in 1994.[211]

Discovery	
Common Law	In 2000, the Florida Supreme Court recognized a common law delayed discovery doctrine for CSA, holding that a cause of action would not accrue—i.e., the 4-year

	SOL would not begin to run—until a victim with repressed memories discovered the abuse.[212] Courts interpreting the discovery rule for repressed memories have limited its application to intentional tort actions against a perpetrator of abuse,[213] with the exception of a *respondeat superior* claim against an employer based on vicarious liability.[214]
Statutory	In 1992, Florida adopted a statutory discovery rule of 4 years after the individual reasonably discovers the causal connection between their injury and the sexual abuse.[215] Although the statutory discovery provision is not limited to claims against perpetrators, it has not been successfully applied to actions against non-perpetrator defendants.[216]

FLORIDA

Current Criminal SOL	
Sexual Battery	No SOL
Trafficking	No SOL

Summary: There is no SOL for some felony CSA offenses and sex trafficking, and the SOL for any remaining felonies is age twenty-one or two years from the offense for misdemeanors.

Tolling: The SOL may be tolled for a maximum of three years if a suspect leaves the State to avoid prosecution except for crimes involving video voyeurism which may only be tolled for one year.[217]

Criminal SOL History

Age Cap	
2002	No criminal SOL for capital or life felonies which included sexual battery of children younger than 12.[218] No SOL for first and second-degree sexual battery if it was reported to law enforcement within 72 hours of the crime.[219] The SOL for other first-degree CSA crimes was age 22 (age of majority, 18, plus 4 years) and age 21 (age of majority, 18, plus 3 years) for the remaining felonies[220] and 2 years from the offense for misdemeanors.[221]
2003	Eliminated the SOL for first-degree felony sexual battery.[222]
2004	Added a 1-year extension to the SOL after there is a DNA match.[223]
2006	Eliminated the SOL if there is a DNA match.[224]
2008	Extended the SOL for child pornography by adding it to the DNA statute and not running the SOL until the victim reaches age 18.[225]
2010	Eliminated the criminal SOL for second- and third-degree sexual battery of children under 16.[226]
2012	Eliminated the criminal SOL for sex trafficking of a child.[227]
2014	Eliminated the SOL for lewd and lascivious conduct of children under 16 and for all forms of trafficking.[228]
2015	Extended the SOL for second- and third-degree sexual battery of 16- and 17-year-old children to age 26 (age of majority, 18, plus 8 years).[229]
2020	Eliminated the SOL for second and third-degree sexual battery of 16- and 17-year-old children for offenses committed on or after July 1, 2020.[230]

GEORGIA

Current Civil SOL	
Age Cap	Age 23
Revival Law	2-year window (closed 6/30/17)
Discovery Tolling	2 years

Summary: The civil SOL is age twenty-three, with a two-year discovery rule against all defendants.

Liability Limitations: Georgia is generally immune from claims of CSA,[231] is not liable for punitive damages,[232] and limits all other damages arising from a single occurrence to $1 million.[233] Charitable immunity is recognized in Georgia.[234]

Other Tolling Theories/Causes of Action: The SOL is tolled by a defendant's fraudulent conduct that prevents a plaintiff from knowing of the cause of action, but the theory has not been applied in any reported CSA cases.[235]

Civil SOL History

Age Cap	
2002	Age 23 for claims against perpetrators and age 20 against other defendants.[236]
2015	Extended to age 23 for claims against other defendants.[237]

Revival Law	
2015	Enacted the Hidden Predator Act, which opened a 2-year revival window for previously expired CSA claims against perpetrators only from July 1, 2015 until June 30, 2017.[238] Georgia's was the first window that was limited to claims against perpetrators and did not include institutions. Very few cases were brought, and, therefore, it is not looked upon as a model. Georgia considered a window that would encompass institutions in the years that followed, but the bills all failed.[239]

Discovery	
Common Law	No common law discovery rule for CSA.[240]
Statutory	In 2015, Georgia added a 2-year statutory discovery rule for abuse committed on or after July 1, 2015.[241] Pursuant to the discovery rule, claims can be filed within 2 years from when a victim "knew or had reason to know of such abuse and that such abuse resulted in injury" that is "established by competent medical or psychological evidence."[242] While the discovery provision has yet to be interpreted by Georgia courts, the statute is clear that it does apply to actions against perpetrators, institutions, and the government.[243]

GEORGIA

Current Criminal SOL	
Rape of Victim	No SOL, for victim under age 16 15 years after offense, for victim age 16 or 17
Trafficking of Victim under Age 16	No SOL

Summary: There is no SOL in Georgia for many felony CSA crimes against children under age sixteen, including rape and trafficking. The SOL for forcible rape of a sixteen-year-old is age thirty-one and of a seventeen-year-old is age thirty-two. For the remaining felonies against minors, the SOL is seven years from the offense and for misdemeanors it is two years.

Tolling: The SOL is tolled while the suspect resides out of State or while the crime is unknown.[244]

Criminal SOL History

Age Cap	
2002	The SOL for some felony and misdemeanor sex abuse crimes of children under age 16 was age 23 (age 16, plus 7 years) or 7 years after reporting to law enforcement, whichever was earlier. The SOL for forcible rape was the earlier of 31 years-old (age 16, plus 15 years) or 15 years after reporting to law enforcement for victims under age 16, or 32 years-old (age 17, plus 15 years) for victims age 17.[245] Also, there has not been an SOL for certain sex offenses when DNA evidence is used to establish the perpetrator's identity.[246]
2012	Eliminated for some felony offenses against children under 16 years-old, including rape, sodomy, trafficking, molestation, and incest.[247]

HAWAII

Current Civil SOL	
Age Cap	Age 26 against perpetrator for CSA Age 20 against other defendants for CSA Age 24 for sex trafficking
Revival Law	2-year window (closed 4/23/14) 2-year window (closed 4/23/16) 2-year window (closed 4/23/20)
Discovery Tolling	3 years against perpetrator 2 years against other defendants

Summary: The civil SOL is age twenty-six or three years from discovery against perpetrators and age twenty or two years from discovery against other defendants.

Liability Limitations: The State of Hawaii is generally immune from claims of assault and battery, but may waive that immunity for CSA claims in certain circumstances.[248] Minors must file a notice of claim within 2 years of accrual, which is based on the discovery rule.[249] The State is not liable for punitive damages,[250] and caps damages for pain and suffering at $375,000.[251] Charitable immunity is not recognized.

Other Tolling Theories/Causes of Action: Hawaii law recognizes a theory of fraudulent concealment that will toll the SOL, however Hawaii courts have not expressly addressed the theory in the context of CSA.[252]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years) with a 2-year discovery rule.[253]
2012	Extended its SOL to age 26 (age of majority, 18, plus 8 years) for claims against perpetrators.[254]
2013	Extended its SOL to age 24 (age of majority, 18, plus 6 years) for sex trafficking claims.[255]

Revival Law	
2012	Enacted a 2-year window for previously expired CSA claims against a perpetrator or entity that employed the person accused and had a duty of care to the child from April 24, 2012 until April 23, 2014.[256]
2014	Added another 2 years to its window and broadened its revival to explicitly include claims against the government, leaving the window open until April 23, 2016.[257]

2018	Added another 2-year extension to its window, leaving it open for a total of 6 years until April 23, 2020.[258]

Discovery	
Common Law	In 1996, Hawaii recognized a common law discovery rule, which tolls the 2-year SOL from running until a victim is aware of her injuries and the "causal link" to the CSA.[259]
Statutory	In 2012, Hawaii added a statutory 3-year discovery rule for claims against perpetrators only, which is triggered by the victim's reasonable discovery that "psychological injury or illness occurring after the minor's eighteenth birthday was caused by the sexual abuse."[260]

HAWAII

Current Criminal SOL	
Sexual assault in the first and second degrees	No SOL
Sex trafficking	No SOL

Summary: There is no SOL for some sexual assault felonies, including sex trafficking, and an SOL of ages twenty-one and twenty-four for other felonies, and two years from the offense for misdemeanors.

Tolling: The SOL can be extended up to four years when a suspect leaves the State or is pending prosecution in the State for the same conduct.[261]

Criminal SOL History

Age Cap	
2002	The criminal SOL was age 24 (age of majority, 18, plus 6 years) for Class A felony sex offenses, and age 21 (age of majority, 18, plus 3 years) for all other felony sex offenses. The SOL for misdemeanors was 2 years from the offense.[262]
2005	Added a provision that if DNA evidence was collected, the SOL for felonies was extended to 10 years after the applicable SOL would have expired.[263]
2014	Eliminated the SOL for felony first and second-degree sexual assault, and continuous sexual assault of a minor under age 14.[264]
2021	Eliminated the SOL for felony sex trafficking of minors and adults.[265]

IDAHO

Current Civil SOL	
Age Cap	Age 23
Revival Law	None
Discovery Tolling	5 years

Summary: The civil SOL is age twenty-three, with a five-year discovery rule against all defendants.

Liability Limitations: The State of Idaho is liable for claims of CSA in certain circumstances.[266] Minors are required to present a notice of claim 180 days after reaching majority or six years from the date the claim arose or should have been discovered, whichever is earlier.[267] Idaho is not liable for punitive damages,[268] and caps all other damages arising out of a single occurrence at $500,000.[269] Charitable immunity was abolished in 1966.[270]

Other Tolling Theories/Causes of Action: While Idaho does have a fraudulent concealment statute, the Supreme Court of Idaho has held that it "applies to professional malpractice claims, not claims of [CSA]."[271] Under Idaho law, institutional defendants may be held vicariously liable for the wrongful conduct of their employees under *respondeat superior*.[272]

Civil SOL History

Age Cap	
2002	Age 23 (age of majority, 18, plus 5 years).[273]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule for CSA.[274]
Statutory	In 2007, Idaho added a statutory discovery provision, which gives the victim 5 years after reasonable discovery of the abuse and its "causal relationship to an injury or condition" to file a lawsuit.[275] The discovery rule is applicable to claims against all types of defendants,[276] but claims against government entities are still subject to the Idaho Tort Claims Act's notice of claim requirements, which mandates that plaintiffs file a notice of their tort claims either 180 days after reaching the age of majority or 6 years from the date the claim should reasonably have been discovered, whichever is earlier.[277] Also, the statutory discovery rule does not revive claims that expired prior to July 1, 2007.[278]

IDAHO

Current Criminal SOL	
Rape	No SOL
Trafficking	5 years after offense

Summary: There is no criminal SOL for rape, sexual abuse, or lewd conduct. For other felonies, like trafficking, the SOL expires 5 years after the offense, and for misdemeanors 1 year after the offense.

Tolling: None.

Criminal SOL History

Age Cap	
2002	No SOL for rape and an SOL of age 23 (age of majority, 18, plus 5 years) for felony sex abuse or lewd conduct with a child.[279] For other crimes against children, Idaho hearkens back to a bygone era when SOLs were measured from the date of the abuse and not from the age of majority. The SOL for the remaining felonies is 5 years from commission of the crime and for misdemeanors 1 year.[280]
2006	Eliminated the SOL for felony sex abuse or lewd conduct with a child.[281]

ILLINOIS

Current Civil SOL	
Age Cap	None
Revival Law	None
Discovery Tolling	None

Summary: There is no civil SOL for CSA claims against any defendants.

Liability Limitations: CSA claims against the State are heard by the Court of Claims,[282] and minors must file a notice of claim within two years of reaching majority.[283] Damages against the State sounding in tort may not exceed $2 million.[284] Charitable immunity was abolished in 1970.[285]

Other Tolling Theories/Causes of Action: Fraudulent concealment operates as an exception to the limitations period and the theory has been successfully applied to toll the SOL for claims arising from CSA against non-perpetrator defendants.[286] Defendants' civil conspiracy may also toll an SOL, but the theory has not been applied successfully to CSA claims.[287]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years).[288]
2003	Extended the SOL to age 28 (age of majority, 18, plus 10 years).[289]
2010	Extended the SOL to age 38 (age of majority, 18, plus 20 years).[290]
2014	Eliminated the civil SOL.[291]

Revival Law	
N/A	No window; previous SOL revival law was found unconstitutional in 2009.[292]

Discovery	
Common Law	Illinois has a common law discovery rule, and in 1988 recognized it could toll the 2-year SOL for a victim of CSA who repressed memories of the abuse and later remembered them.[293]
Statutory	In 1991, the Illinois legislature codified the 2-year common law discovery rule with a statute, but added an upper limit of age 30.[294] The statute provides that the SOL runs from "the date the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred and that the injury was caused by the childhood sexual abuse."[295] In 1994, the discovery statute's upper limit was removed, and the only discovery claims that were blocked were those by survivors who turned 30 before 1994.[296] In 2003, the State extended the statutory discovery rule to 5 years, and then extended it again in 2010 to 20 years. It also added that discovery of the abuse alone does not start the clock on the

	discovery SOL.[297] The discovery rule is applicable to claims against any type of defendant — including individuals, institutions,[298] and the government.[299] In 2014, Illinois eliminated its civil SOL for CSA claims, which also did away with its statutory discovery rule.[300]

ILLINOIS

Current Criminal SOL	
Any sexual offense against a child	No SOL
Trafficking of a minor	Age 43

Summary: There is no criminal SOL for felony and misdemeanor sex offenses committed against children and the SOL for trafficking is age forty-three.

Tolling: Illinois law tolls the SOL where the offender is continuously absent from the State, or is pending, currently involved in, or appealing prosecution for the same criminal offense.[301]

Criminal SOL History

Age Cap	
2002	Age 28 with an exception that felony and misdemeanor sexual offenses can be prosecuted at any time if there is DNA evidence and it was reported to law enforcement within 2 years.[302]
2003	Extended to age 38 for CSA felonies.[303]
2008	Extended the time for reporting to 3 years for the DNA statute.[304]
2009	Eliminated the SOL for child pornography and added an SOL of age 28 for CSA misdemeanor crimes.[305]
2014	Eliminated the SOL for felony sex offenses against children, but only if there was corroborating evidence or an individual with responsibility to report the abuse failed to do so.[306]
2017	Removed the evidentiary limitations for SOL elimination for felony sex offenses against children.[307] Extended the SOL for sex trafficking to age 43, but the SOL for soliciting a child for sex remains at age 19 or 3 years from the offense, whichever is later.[308]
2019	Eliminated the SOL for many sex abuse crimes that involve sexual conduct or sexual penetration, including misdemeanor criminal sexual abuse.[309]

INDIANA

Current Civil SOL	
Age Cap	Age 20
Revival Law	None
Discovery Tolling	7 years

Summary: The SOL for CSA civil claims is age twenty against all defendants, or a period of time from discovery/elimination of dependency status.

Liability Limitations: In general, the State of Indiana is immune from CSA claims based on negligence.[310] A notice of claim against the State must be filed within 270 days,[311] and damages for a single person arising from a single occurrence are limited to $700,000,[312] without possibility of punitive damages. Charitable immunity was abolished in 1968.[313]

Other Tolling Theories/Causes of Action: Indiana law recognizes a theory of fraudulent concealment that will toll an SOL and the theory has been successfully applied to claims arising from CSA.[314] Indiana also recognizes a doctrine of continuing wrong that will toll an SOL, but to the extent that courts have considered the doctrine in the context of CSA, they have refused to apply it to toll the SOL because plaintiffs knew of the facts underlying their claims.[315]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years).[316]
2013	Extended the SOL to 4 years after the victim ceases to be dependent on the abuser.[317]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	Indiana has recognized a common law discovery rule for CSA, but it is extremely narrow and has not been helpful to survivors.[318] In 2002, the SOL for CSA claims was 2 years from accrual, and in 2013 it was extended to 7 years from accrual.[319] Under Indiana's common law discovery rule, a cause of action would accrue—and the SOL would begin to run—"when the plaintiff knew or, in the exercise of ordinary diligence, could have discovered that an injury had been sustained as a result of the tortious act of another."[320]
Statutory	No statutory discovery rule.

INDIANA

Current Criminal SOL	
Class A Felony Rape	No SOL
Felony Child Sex Trafficking	No SOL

Summary: There is no SOL for Class A felony rape and felony child sex trafficking, and the SOL for other offenses varies from age 31 to 10 years after the offense or 4 years after the victim ceased to be a dependent on the perpetrator.

Tolling: The SOL is tolled while the defendant resides outside of the State, conceals themselves to avoid prosecution, or conceals evidence.[321]

Criminal SOL History

Age Cap	
2002	No SOL for Class A felony (L1 and L2) rape and the SOL was age 31 for certain sex offenses against children, including molesting, solicitation, and incest. There was also a DNA statute which extended the SOL for Class B and C felonies (L3, L4, L5) to 1 year after a DNA match. For the remaining crimes, the SOL was 5 years for felonies and 2 years for misdemeanors, running from the date of the crime.[322]
2013	Extended its SOL for all other sex offenses against children, including trafficking, prostitution and pornography to either 10 years after the crime or 4 years after the victim ceased to be a dependent of the perpetrator, whichever is later.[323]
2018	Eliminated the criminal SOL for felony child sex trafficking.[324]
2019	Extended the SOL for sexual misconduct with a minor and child molesting to age 31.[325]
2020	Extended the criminal SOL for certain sex offenses against children, including molestation, solicitation, and incest, by 5 years after the earliest date of discovery of DNA, recording, or confession evidence.[326]

IOWA

Current Civil SOL	
Age Cap	Age 19
Revival Law	None
Discovery Tolling	2-4 years

Summary: The civil SOL is age nineteen against all defendants, with some limited rules for abuse by a counselor, instructor, or school employee, and a discovery rule of two to four years.

Liability Limitations: The State of Iowa is not immune from CSA claims based on negligence.[327] A plaintiff must file a notice of claim within two years after the claim accrued in accordance with the discovery rule,[328] and the State cannot be held liable for punitive damages.[329] Charitable immunity was abolished in 1950.[330]

Other Tolling Theories/Causes of Action: Fraudulent concealment is a tolling mechanism for SOLs, and Iowa courts have recognized its potential application in CSA cases.[331]

Civil SOL History

Age Cap	
1990	Age 19 (age of majority, 18, plus 1 year). The later of 5 years from the last treatment or age 19 (age of majority, 18, plus 1 year) for sexual abuse/exploitation by a counselor or therapist.[332]
2003	Extended the SOL for sexual abuse/exploitation by a school employee to the later of 5 years from the last treatment or the last date victim attended school, or age 19 (age of majority, 18, plus 1 year).[333]
2021	Extended the SOL for sexual abuse/exploitation by an adult providing training or instruction to the later of 5 years from the last treatment or the last date victim attended school, or age 19 (age of majority, 18, plus 1 year).[334] Also added a civil remedy for disclosure of private, sexually explicit images without consent and set the SOL at age 19 against all defendants.[335]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	In 1990, Iowa recognized a common law discovery rule of 2 years for CSA.[336] This discovery rule delays accrual of a cause of action until a person discovers or reasonably should have discovered the "nexus" between "some specific act or acts of sexual abuse" and "the claimed injuries."[337] The common law discovery rule is applicable to claims against all defendants—including some government entities.[338]

Statutory	Iowa added a statutory discovery rule in 1990 for CSA victims abused while under age fourteen.[339] It gives these victims 4 years to file a claim "from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the sexual abuse."[340] The statutory discovery rule applies to claims against perpetrators, individuals, and institutions, but not against some government entities.[341] In 2021 Iowa added a statutory cause of action for disclosure of private, sexually explicit images without consent and set the SOL for claims at 4 years from discovery or reasonable discovery of the disclosure, or age nineteen, whichever is later – against all defendants.[342]

IOWA

Current Criminal SOL	
Sexual Abuse of a Minor	No SOL
Trafficking	No SOL

Summary: There is no criminal SOL for all CSA felonies and misdemeanors, including sex abuse, trafficking and exploitation.

Tolling: The SOL is tolled while the defendant resides outside the State, but it may only be tolled up to five years for offenses involving fraud.[343]

Criminal SOL History

Age Cap	
2002	Age 28 (age of majority, 18, plus 10 years) for first, second, and third-degree sexual abuse, incest, and sexual exploitation.[344]
2005	Enacted a DNA discovery rule, which extends the SOL for first, second, and third-degree sexual abuse to 3 years after the date the alleged perpetrator is identified via DNA.[345]
2014	Extended the SOL for other sexual offenses to age 28.[346]
2016	Extended the SOL for sex trafficking to age 28 with a 3-year DNA discovery rule.[347]
2019	Extended the SOL for sexual abuse of a minor, incest and sexual exploitation to age 33 (age of majority, 18, plus 15 years).[348]
2021	Eliminated the SOL for all CSA felonies and misdemeanors, including sexual abuse, incest, exploitation, trafficking and other sexual offenses.[349]

KANSAS

Current Civil SOL	
Age Cap	Age 21
Revival Law	None
Discovery Tolling	3 years

Summary: The civil SOL for CSA crimes is age twenty-one against all defendants with a limited discovery rule.

Liability Limitations: The State of Kansas is not immune from liability for CSA claims,[350] which must be filed within the typical SOL for CSA claims.[351] Kansas cannot be held liable for punitive damages[352] and limits its liability for any claims arising from a single occurrence to $500,000.[353] Charitable immunity was abolished in 1954.[354]

Other Tolling Theories/Causes of Action: Kansas courts recognize that defendant's fraudulent concealment will toll an SOL or SOR, however the theory has yet to be sufficiently pled in the context of CSA.[355] Kansas law also recognizes a theory of equitable estoppel to toll the SOL, but it is unclear whether the theory can be applied in the context of CSA.[356]

Civil SOL History

Age Cap	
1992	Age 21 (age of majority, 18, plus 3 years).[357]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule for CSA.[358]
Statutory	Kansas has had a discovery statute in effect for decades. An accrual statute provided that the 2-year personal injury SOL did not begin to run "until the fact of injury becomes reasonably ascertainable to the injured party" but no later than 10 years after the abuse.[359] In 1992, Kansas adopted a broader discovery rule statute for CSA claims, giving victims "three years from the date the person discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse" to file a claim.[360] Though this statutory discovery rule removes the upper 10-year limit, CSA claims that occurred before July 1, 1984 do not benefit.[361] The discovery rule is applicable to claims against all types of defendants.[362]

KANSAS

Current Criminal SOL	
Felony Rape	No SOL
Aggravated Human Trafficking	Age 28

Summary: There is no criminal SOL for felony rape and aggravated sodomy, an SOL of age twenty-eight for sexually violent felonies, including trafficking, and five years from commission for other felonies and misdemeanors, with a limited DNA rule.

Tolling: The SOL is tolled while the defendant is hidden or out of State, the crime is concealed by the active act or conduct of the accused, or the defendant is facing pending prosecution for the same type of crime.[363]

Criminal SOL History

Age Cap	
2002	The criminal SOL in Kansas for CSA crimes varied depending on the crime or was 1 year after the date the perpetrator was identified via DNA testing.[364] Any remaining felony or misdemeanor crimes had an SOL of 5 years after the offense.[365]
2012	Added a majority tolling provision for sexually violent crimes, so the applicable SOLs would not begin to run until victims turned 18.[366]
2013	Eliminated the SOL for felony rape and aggravated sodomy and extended the SOL for other sexually violent crimes to age 28 (age of majority, 18, plus 10 years) or 1 year after the perpetrator is identified via DNA testing, whichever is later.[367]

KENTUCKY

Current Civil SOL	
Age Cap	Age 28
Revival Law	Revival up to 5 years after SOL expired
Discovery Tolling	10 years

Summary: The civil SOL for CSA claims in Kentucky is age twenty-eight against all defendants, with ten-year discovery and criminal conviction rules. There is also a revival law in effect which revives claims barred as of March 23, 2021 if brought within five years of the date the SOL expired.

Liability Limitations: The State is immune from CSA claims based on negligence in certain instances.[368] A claim must be filed with the board within one year from its accrual,[369] and a claim arising from a single occurrence cannot exceed $250,000.[370] Charitable immunity was abolished in 1961.[371]

Other Tolling Theories/Causes of Action: Kentucky recognizes that a defendant's fraudulent concealment of a cause of action will toll an SOL, but the theory does not appear to have been successfully asserted in any reported CSA cases.[372] Kentucky courts also recognized claims of vicarious liability and have permitted such claims to proceed against institutional defendants in the context of CSA.[373] The SOL will also be tolled when a defendant absconds, conceals himself, or "by any other indirect means obstructs the prosecution of the action," including for CSA claims against non-perpetrator defendants.[374]

Civil SOL History

Age Cap	
2002	Age 23 (age of majority, 18, plus 5 years) for claims against perpetrators and age 19 against other defendants.[375]
2007	Added child trafficking claims involving commercial sexual exploitation to the list of CSA offenses with an SOL of age 28 against perpetrators.[376]
2017	Extended for CSA claims against perpetrators to the later of age 28 (age of majority, 18, plus 10 years) or 10 years after conviction of the perpetrator for CSA or assault.[377]
2021	Extended for CSA claims against all defendants to age 28 (age of majority, 18, plus 10 years) or 10 years after conviction of the perpetrator for CSA or assault.[378]

Revival Law	
2021	Revived CSA claims against all defendants that were time-barred as of March 23, 2021 only if they are brought within 5-year of when the prior SOL expired.[379]

Discovery

Common Law	In 1993, Kentucky recognized a common law discovery rule—tolling the 1-year SOL—though courts have been reluctant to apply it in CSA cases.[380]
Statutory	In 2002, Kentucky adopted a statutory discovery rule, which gave victims "five (5) years from the date the victim knew, or should have known, of the act" to file a lawsuit.[381] In 2017, the discovery rule was extended to 10 years.[382] While the discovery statute appears to help victims with repressed memories of abuse, it has not been interpreted by courts. Also, most courts interpreted the discovery statute as only applying to actions against perpetrators.[383] In 2021, Kentucky amended the discovery statute to explicitly apply to claims against all defendants. It also clarified that the 2017 extension to 10 years applies retroactively to claims accruing before June 29, 2017 that were not already expired.[384] Lastly, any recently discovered claims that were time-barred as of March 23, 2021, can be brought against any defendant within 5 years of when the applicable SOL expired.[385]

KENTUCKY

Current Criminal SOL	
Rape in the first degree	No SOL
Trafficking	Age 28

Summary: There is no criminal SOL for CSA felonies and an SOL of age twenty-eight for trafficking and misdemeanor sex offenses.

Tolling: None identified

Criminal SOL History

Age Cap	
1974	No criminal SOL for any felonies and the SOL for misdemeanors was 1 year from the offense.[386]
2008	Extended the SOL for misdemeanor sex offenses to age 23 (age of majority, 18, plus 5 years), including sodomy, sexual abuse, sexual misconduct, and indecent exposure.[387]
2021	Extended the SOL for misdemeanor sex offenses to age 28 (age of majority, 18, plus 5 years), and broadened the applicable offenses to include sex trafficking and child sexual abuse material (CSAM).[388]

LOUISIANA

Current Civil SOL	
Age Cap	None
Revival Law	3-Year Window (closes 6/13/24)
Discovery Tolling	Yes, no time limit

Summary: Louisiana has no civil SOL for CSA claims against all defendants. A three-year revival window is open until July 31, 2024 for all previously expired claims against any type of defendant.

Liability Limitations: In general, the State of Louisiana is not immune from CSA negligence claims,[389] and such claims must be filed within the typical SOL.[390] General damages in State claims for injury to one person are limited to $500,000.[391] Charitable immunity was abolished in 1974.[392]

Other Tolling Theories/Causes of Action: Louisiana recognizes the equity-based doctrine of "contra non valentem," coming from a Latin phrase meaning "a prescription does not run against one who is unable to act," as an exception to the statutory prescriptive period, which courts have generally found applicable to claims arising from CSA.[393] Institutional defendants may also be held vicariously liable for the sexual misconduct of their employees under *respondeat superior*.[394]

Civil SOL History

Age Cap	
1993	Age 28 (age of majority, 18, plus 10 years).[395]
2021	Eliminated the civil SOL.[396]

Revival Law	
2021	Enacted a 3-year revival window for previously expired CSA and child physical abuse claims against all types of defendants which opened on June 14, 2021, and closes on June 13, 2024.[397]

Discovery	
Common Law	In 1995, Louisiana recognized a common law discovery rule which tolls the SOL for CSA claims.[398] The discovery rule provides that the SOL "commences to run not necessarily on the date the injury occurs or the damage is sustained, but from the date the affected individual knows or should have known of the injury or damage sustained."[399] Louisiana's common law discovery rule is applicable to claims against all types of defendants, including institutions.[400] The applicable discovery rule tolling for a specific case is the length of the SOL at the time of abuse and any SOL extensions that went into effect before the original SOL expired.[401] The prior SOL in Louisiana was 1 year, but in 1988 it was extended to 3 years in actions against parents or caretakers.[402] In 1993, the SOL for CSA claims was extended to 10 years,

	and in 2021, it was eliminated completely.[403] There is no SOL for CSA injuries that were not discovered before June 14, 2021, or that were discovered more recently and the applicable SOL was not yet expired before that date.[404]
Statutory	No statutory discovery rule for CSA.

LOUISIANA

Current Criminal SOL	
Aggravated Rape	No SOL
Child Sex Trafficking	Age 48

Summary: There is no criminal SOL for aggravated and forcible rape, an SOL of age forty-eight for trafficking and other felonies, and an SOL of two years from commission for certain misdemeanors, with a limited DNA rule.

Tolling: The SOL is tolled for the period during which a defendant is hiding, out of State, flees the State to avoid prosecution, or is deemed mentally incompetent.[405]

Criminal SOL History

Revival Law	
2021	Enacted a 3-year revival window for previously expired CSA and child physical abuse claims against all types of defendants which opened on June 14, 2021, and closes on June 13, 2024.[406]

Discovery	
Common Law	In 1995, Louisiana recognized a common law discovery rule which tolls the SOL for CSA claims.[407] The discovery rule provides that the SOL "commences to run not necessarily on the date the injury occurs or the damage is sustained, but from the date the affected individual knows or should have known of the injury or damage sustained."[408] Louisiana's common law discovery rule is applicable to claims against all types of defendants, including institutions.[409] The applicable discovery rule tolling for a specific case is the length of the SOL at the time of abuse and any SOL extensions that went into effect before the original SOL expired.[410] The prior SOL in Louisiana was 1 year, but in 1988 it was extended to 3 years in actions against parents or caretakers.[411] In 1993, the SOL for CSA claims was extended to 10 years, and in 2021, it was eliminated completely.[412] There is no SOL for CSA injuries that were not discovered before June 14, 2021, or that were discovered more recently and the applicable SOL was not yet expired before that date.[413]
Statutory	No statutory discovery rule for CSA.

MAINE

Current Civil SOL	
Age Cap	None
Revival Law	Permanent window (never closes)
Discovery Tolling	None

Summary: There is no civil SOL and all claims against all defendants are permanently revived.

Liability Limitations: The State of Maine is immune from CSA claims.[414] Minors must file a notice of claim within 365 days of attaining majority. The State is not liable for punitive damages[415] or other damages arising from a single occurrence in excess of $400,000.[416] Charitable immunity is recognized in Maine,[417] though a charitable organization is deemed to have waived its tort immunity to the extent of any liability insurance coverage policy limits.[418]

Other Tolling Theories/Causes of Action: In Maine, courts have applied fiduciary fraud and fraudulent concealment theories to toll the SOL on claims arising from CSA.[419]

Civil SOL History

Age Cap	
2000	Eliminated the civil SOL for CSA.[420]

Revival Law	
2021	Opened a permanent revival window on October 18, 2021, reviving all previously expired CSA claims against all types of defendants.[421]

Discovery	
Common Law	No recognized common law discovery rule for CSA.[422]
Statutory	The original 1989 discovery statute set the SOL at 3 years from discovery, and in 1991, it was extended to 6 years from discovery.[423] The discovery rule ran from "the time the person discovers or reasonably should have discovered the harm."[424] Claims that were already expired as of 1989 were not revived by the discovery statute.[425] It was not settled whether the statute also applied to claims against non-perpetrators.[426] That rule was eliminated in 2000, when the SOL was eliminated but it was unsettled whether older claims that were not expired in 1989 could be tolled in reliance on the 1989-2000 discovery rule that was in effect.[427] In 2021, Maine revived all expired CSA claims no matter how long ago they were discovered, so the discovery statute is no longer relevant.[428]

MAINE

Current Criminal SOL	
Rape of victim under 16 years-old	No SOL
Sex Trafficking	6 years from the offense

Summary: There is no criminal SOL for certain CSA crimes, an SOL of six years from the offense for trafficking, either six or twenty years from the offense for remaining felonies, and three years for misdemeanors.

Tolling: The SOL will be tolled up to five years when the defendant leaves the State, and any time there is a prosecution pending against the defendant for the same conduct in the State.[429]

Criminal SOL History

Age Cap	
2002	No criminal SOL for these felonies and misdemeanors committed against victims under age 16: incest, unlawful sexual contact, sexual abuse of a minor, rape, and gross sexual assault. For felonies committed against victims age 16 and older, the SOL was 6 years from the offense, and for misdemeanors, 3 years from the offense.[430]
2013	Extended the SOL for victims ages 16 and older for felony unlawful sexual contact or gross sexual assault to 8 years from the offense.[431]
2019	Extended the SOL further for victims ages 16 and older for felony unlawful sexual contact or gross sexual assault to 20 years from the offense.[432]

MARYLAND

Current Civil SOL	
Age Cap	Age 38
Revival Law	None
Discovery Tolling	None

Summary: The civil SOL for CSA claims is age thirty-eight against all defendants, with additional evidentiary requirements for claims against non-perpetrator defendants when a victim is over age twenty-five.

Liability Limitations: The State of Maryland is immune from CSA claims in which it is not the alleged perpetrator.[433] The State cannot be held liable for punitive damages[434] or other damages arising from a single occurrence that exceed $400,000.[435] Charitable immunity is premised on the "trust fund theory," meaning immunity applies only when assets of the charitable organization are held in trust, either expressly or by implication, and when the corporation has no liability insurance covering act.[436] If an organization carries insurance, recovery is limited to the policy limits.[437]

Other Tolling Theories/Causes of Action: Maryland recognizes that a defendant's fraudulent concealment will toll an SOL, but the doctrine has not been sufficiently pled in CSA related cases.[438]

Civil SOL History

Age Cap	
2002	Age 21 (age of majority, 18, plus 3 years) for CSA.[439]
2003	Extended to age 25 (age of majority, 18, plus 7 years).[440]
2017	Extended to age 38 (age of majority, 18, plus 20 years). Extended the SOL for claims against perpetrators to 3 years after the perpetrator is convicted of a crime related to the victim's abuse under the law of the federal government or any state. For an action brought after a victim is age 25 against defendants other than the perpetrator, duty of care, control and gross negligence must be proven.[441]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule for CSA.[442]
Statutory	No statutory discovery rule for CSA.

MARYLAND

Current Criminal SOL	
Rape in the first degree	No SOL
Sex Trafficking	No SOL

Summary: There is no criminal SOL for any felonies or misdemeanors under common law, including all CSA and trafficking crimes.

Tolling: None.

Criminal SOL History

Age Cap	
N/A	No criminal SOL for CSA.[443]

MASSACHUSETTS

Current Civil SOL	
Age Cap	Age 53
Revival Law	Up to age 53
Discovery Tolling	7 years

Summary: The SOL for all civil CSA claims against any defendant is age fifty-three, with revival up to age fifty-three against perpetrators only, and a revival seven-year discovery rule against all defendants.

Liability Limitations: The State of Massachusetts is generally immune from CSA liability,[444] but actions relating to sexual abuse of a minor do not require a notice of claim.[445] Massachusetts cannot be held liable for punitive damages or other damages exceeding $100,000.[446] Where charitable immunity is available as a defense to claims alleging negligence against an institution in Massachusetts, a cap on tort damages of $20,000 applies if the tort was committed in the course of activity carried on to accomplish the purpose of the charitable organization.[447]

Other Tolling Theories/Causes of Action: The theory of fraudulent concealment will toll an SOL where a fiduciary relationship exists, but courts have not directly addressed the doctrine's application to claims arising from CSA.[448]

Civil SOL History

Age Cap	
2002	Age 21 (age of majority, 18, plus 3 years) for sexual abuse of a minor.[449]
2010	Expanded the list of sexual abuse crimes the age 21 SOL applied to.[450]
2011	Added a cause of action for sex trafficking with an SOL of age 21.[451]
2014	Extended the SOL for sexual abuse to age 53 (age of majority, 18, plus 35 years).[452]

Revival Law	
2014	Revived CSA claims by all survivors up until they reach age 53, for claims against perpetrators only.[453]

Discovery	
Common Law	Since at least 1995, Massachusetts has recognized a common law discovery rule for CSA claims that delays accrual, so the 3-year SOL does not begin to run until a victim discovers their injuries were caused by abuse.[454]
Statutory	In 1993, Massachusetts adopted a statutory 3-year discovery rule, which only applied to perpetrators and ran from when a "victim discovered or reasonably should have discovered that an emotional or psychological injury or condition was caused by" their abuse.[455] In 2014, the statutory discovery rule was extended to 7 years from discovery and was made applicable to claims against any type of defendant—

	including perpetrators, individuals, entities and the government.[456] The 2014 amendment was completely retroactive against perpetrators and non-perpetrators, reviving claims and giving a victim 7 years after discovering their injury was caused by the sex abuse to file suit.[457]

MASSACHUSETTS

Current Criminal SOL	
Rape of a child	No SOL
Trafficking of persons under 18 years for sexual servitude	No SOL

Summary: There is no criminal SOL for trafficking and many sex abuse felonies and an SOL of six years from the offense for all remaining felonies and misdemeanors.

Tolling: The SOL is tolled for any period during which the defendant is out-of-state.[458]

Criminal SOL History

Age Cap	
2002	The criminal SOL for felonies related to sex abuse was 15 years from the offense. Remaining felony and misdemeanor crimes had an SOL of 6 years after the offense.[459]
2006	Eliminated the criminal SOL for many sex abuse felonies with a limitation that, if prosecuting an offense more than 27 years after the crime, corroborating or DNA evidence is required.[460]
2011	Eliminated the SOL for sex trafficking, with the 2006 limitation.[461]

MICHIGAN

Current Civil SOL	
Age Cap	Age 28
Revival Law	90-day window (closed 9/10/18)
Discovery Tolling	3 years

Summary: The civil SOL for CSA claims is age twenty-eight with a three-year discovery rule.

Liability Limitations: Michigan is generally immune from CSA liability.[462] A notice of claim must be filed within six months after the injury occurs.[463] Charitable immunity was abolished in 1960.[464]

Other Tolling Theories/Causes of Action: The fraudulent concealment theory tolls the SOL, but it has not been successfully applied to claims arising from CSA.[465]

Civil SOL History

Age Cap	
1986	Age 19[466]
2018	Extended the SOL to age 28.[467]

Revival Law	
2018	Opened a 90-day revival window from June 12, 2018, until September 5, 2018 for post-1996 offenses that would only apply to cases where the perpetrator was a physician who had been convicted of sexual misconduct under the guise of a medical procedure—essentially limiting the revival window to victims of Larry Nassar.[468]

Discovery	
Common Law	Michigan only recognizes a common law discovery rule for CSA, as of 1997, if a defendant admitted to the abuse.[469]
Statutory	In 2018, Michigan adopted a 3-year statutory discovery rule, which runs from "the date the individual discovers, or through the exercise of reasonable diligence should have discovered, both the individual's injury and the causal relationship between the injury and the criminal sexual conduct."[470] This discovery rule appears to apply to claims against all types of defendants.[471]

MICHIGAN

Current Criminal SOL	
First Degree Criminal Sexual Conduct	No SOL
Sex Trafficking punishable by life in prison	No SOL

Summary: There is no criminal SOL for trafficking and first degree criminal sexual conduct, while the SOL is either age twenty-one, twenty-five, or twenty-eight for other crimes, with a DNA rule.

Tolling: The SOL is tolled for the period during which the defendant is out of State.[472]

Criminal SOL History

Age Cap	
2001	Eliminated the criminal SOL for first-degree criminal sexual conduct. All other felonies and misdemeanors had an SOL of 10 years from the offense or from DNA identification, or age 21, whichever is later.[473]
2014	Eliminated the SOL for trafficking offenses punishable by life imprisonment and extended the SOL 25 years from the offense for the remaining trafficking crimes.[474]
2018	Extended the SOL for second and third-degree criminal sexual conduct to 15 years from the offense or from DNA identification, or age 28, whichever is later.[475]

MINNESOTA

Current Civil SOL	
Age Cap	None
Revival Law	3-year window (closed 5/25/16)
Discovery Tolling	None

Summary: There is no civil SOL for CSA claims against any defendant.

Liability Limitations: The State of Minnesota is generally immune from CSA claims[476] and limits its liability for all claims arising out of a single occurrence to $1.5 million.[477] Plaintiffs must provide notice of their claim within 180 days after discovering their injury.[478] Charitable immunity was abolished in Minnesota in 1928.[479]

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment can toll the SOL for claims arising from CSA.[480] Institutional defendants may also be held vicariously liable for the sexual misconduct of its employees under *respondeat superior*.[481]

Civil SOL History

Age Cap	
2002	Age 24 (age of majority, 18, plus 6 years).[482]
2013	Eliminated the SOL for CSA claims except for those based on vicarious liability, which retain the age 24 SOL.[483]

Revival Law	
2013	Opened a 3-year revival window for previously expired CSA claims against all types of defendants from May 26, 2013 until May 25, 2016.[484]

Discovery	
Common Law	No common law discovery rule for CSA.[485]
Statutory	Minnesota had a statutory discovery rule in effect from 1990 until 2013 when the SOL was eliminated.[486] The retroactive 1990 statute gave victims 2 years from discovery to sue for intentional torts and 6 years from discovery to sue for claims of negligence, even if the SOL had expired prior to enactment.[487] In 1991, this distinction was amended out and a 6-year discovery rule became available for all claims of abuse.[488] The 6-year SOL ran from reasonable discovery of injury after reaching age eighteen.[489] The discovery date was "the time at which the complainant knew or should have known that he/she was sexually abused."[490] The discovery statute was applicable to claims against all types of defendants—including institutions.[491] In 2013, Minnesota eliminated the civil SOL for all claims that were not expired as of the effective date[492] and did away with its statutory discovery rule.[493]

MINNESOTA

Current Criminal SOL	
Criminal Sexual Conduct	No SOL
Trafficking	No SOL

Summary: In Minnesota, there is no criminal SOL for criminal sexual conduct, sex trafficking, and prostitution, and an SOL of three years from the crime for other felonies and misdemeanors.

Tolling: The SOL is tolled while the defendant resides outside the State, participates in a pre-trial diversion plan, and for the period during which defendant is imprisoned for another criminal offense.[494]

Criminal SOL History

Age Cap	
2000	As of 2000, the criminal SOL in Minnesota for criminal sexual conduct was 9 years after the offense or 3 years after it is reported to the authorities, and the SOL was 3 years from the crime for all other felonies and misdemeanors. There was also no SOL for criminal sexual conduct if DNA evidence was collected.[495]
2009	Clarified that its SOL for criminal sexual conduct was 9 years from the offense or 3 years after it was reported, whichever is later.
2015	Extended the SOL for sex trafficking, solicitation, inducement, and promotion of prostitution to the later of 9-years from the offense or 3 years after it was reported, or no SOL if DNA evidence was collected.[496]
2021	Eliminated the criminal SOL for the following felonies: sex trafficking, solicitation, inducement, and promotion of prostitution, and criminal sexual conduct in the 1st, 2nd, 3rd, and 4th degrees.[497]

MISSISSIPPI

Current Civil SOL	
Age Cap	Age 24
Revival Law	None
Discovery Tolling	3 Years

Summary: The civil SOL for CSA claims is age twenty-four against all defendants, with a discovery rule.

Liability Limitations: In general, the State of Mississippi is immune from liability for CSA claims.[498] A minor must file a notice of claim within ninety days of reaching majority.[499] The State is not liable for punitive damages[500] and limits other damages to $500,000.[501] Charitable immunity was abolished in 1951.[502]

Other Tolling Theories/Causes of Action: The fraudulent concealment theory in Mississippi may be applied to claims arising from CSA, but it has not been successfully asserted in this context.[503] Courts have tolled the SOL for CSA claims where plaintiff has adequately alleged a latent injury.[504]

Civil SOL History

Age Cap	
1990	Since 1990, the SOL for CSA has been age at 24 (age of majority, 21, plus 3 years).[505] This is one of the most restrictive civil SOLs in the country.

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule for CSA.
Statutory	Mississippi first applied its statutory discovery rule for latent injury or disease to claims for CSA in 2021 when the Supreme Court ruled in a narrow case where the victim failed to recall the abuse until three decades later.[506] The court ruled the discovery rule can apply where a victim did not know or should not have reasonably known about the injury.[507] The discovery rule for latent injuries is applicable to claims against all defendants.[508]

MISSISSIPPI

Current Criminal SOL	
Rape	No SOL
Human Trafficking of a child	No SOL

Summary: In Mississippi, there is no criminal SOL for trafficking and many CSA felonies and an SOL of five years for sexual battery or fondling of a vulnerable person. For the remaining felonies and misdemeanors, the SOL is two years after the offense.

Tolling: The SOL is tolled while the defendant lives out of State.[509]

Criminal SOL History

Age Cap	
2002	No criminal SOL for rape.[510] Many other CSA felonies had an SOL of age 21. The remaining felonies and misdemeanors were subject to an SOL of 2 years from the offense. [511]
2003	Eliminated SOL for many CSA felonies.[512]
2004	Eliminated SOL for sexual battery of 16- and 17-year-olds by a person in a position of trust.[513]
2012	Extended SOL for felony sexual battery or fondling of a vulnerable person to 5 years from the offense.[514]
2013	Eliminated SOL for promoting prostitution and sex trafficking of a child.[515]

MISSOURI

Current Civil SOL	
Age Cap	Age 31 against perpetrator Age 26 against other defendants
Revival Law	None
Discovery Tolling	3 years against perpetrator (statutory) 5 years against all defendants (common law)

Summary: The civil SOL for CSA claims is age thirty-one against perpetrators, and age twenty-six against other defendants, with a discovery rule.

Liability Limitations: Generally, the State of Missouri is immune from CSA claims,[516] which must be presented within two years after the claim accrues.[517] A plaintiff cannot recover punitive damages, and other damages are capped at $300,000 for any one person in a single occurrence.[518] Charitable immunity was abolished in 1969.[519]

Other Tolling Theories/Causes of Action: Fraudulent concealment will toll the SOL for claims arising from CSA generally, but it has not been properly alleged in this context.[520] A theory of fiduciary fraud will also toll an SOL and it has been successfully pled in CSA cases.[521]

Civil SOL History

Age Cap	
1990	Since 1990, Missouri had a general personal injury SOL of age 26 (age of majority, 21, plus 5 years)[522] and a specific CSA statute for claims against perpetrators with an SOL of age 23 (age 18, plus 5 years).[523]
2004	Extended the SOL against perpetrators to age 31 (age of majority, 21, plus 10 years).[524]
2007	Added a statute for victims of child pornography and set the SOL against perpetrators also at age 31.[525]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	Missouri has a common law discovery rule, and in 2006, recognized its applicability to a CSA case where a victim repressed memories of abuse and later recovered them.[526] The discovery rule runs from when "a reasonable person would have been put on notice that an injury and substantial damages may have occurred and would have undertaken to ascertain the extent of the damages."[527]

Statutory	In 1990, Missouri adopted a statutory discovery rule, which gives a victim 3 years from "the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by CSA" to file a lawsuit.[528] This statutory discovery rule only applies to claims against the perpetrator of the abuse.[529] In 2007, Missouri adopted a statute for victims of CSAM, which allows plaintiffs to bring their claims within 3 years of discovering their injury was caused by CSAM.[530] It is not yet well settled which types of defendants are subject to the discovery statute.[531]

MISSOURI

Current Criminal SOL	
Rape in the first degree	No SOL
Sex Trafficking	No SOL

Summary: There is no criminal SOL for felony and misdemeanor CSA offenses, including trafficking.

Tolling: SOLs are tolled during absence from the State, during any time when the accused is concealing himself from justice either within or without the State, or during any time when a prosecution against the accused is pending in the State.[532]

Criminal SOL History

Age Cap	
2002	No SOL for Class A felonies and forcible rape or sodomy, age 28 for unlawful sexual offenses, 3 years from the offense for felonies and 1 year for misdemeanors.[533]
2004	Eliminated SOL for forcible rape and sodomy and attempts[534] and extended to age 38 (age of majority, 18, plus 20 years) for all other unlawful sexual offenses.[535]
2011	Extended SOL for the remaining unlawful sexual offenses by another 10 years to age 48 (age of majority, 18, plus 30 years.)[536]
2014	Eliminated SOL for child molestation of a child under age 14, sexual exploitation, and pornography, by newly classifying these crimes in the first degree as class A felonies.[537]
2018	Eliminated SOL for all unlawful felony and misdemeanor sex offenses, including trafficking, against those who are 18-years-old and younger.[538]

MONTANA

Current Civil SOL	
Age Cap	Age 27
Revival Law	1-year window (closed 5/6/20) Revival up to age 27
Discovery Tolling	3 years

Summary: The civil SOL for CSA claims is age twenty-seven against all defendants, with a limited three-year discovery rule and revival up to age twenty-seven.

Liability Limitations: The State of Montana is generally immune from liability in CSA claims,[539] which must be presented to the Department of Administration prior to filing in district court.[540] The State is not liable for punitive damages[541] or other damages arising from a single occurrence that exceed $1.5 million.[542] Charitable immunity is not recognized in Montana.[543]

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment of a cause of action will toll an SOL, but the theory has not been applied in any reported CSA related cases.[544]

Civil SOL History

Age Cap	
1989	Age 24 (age of majority, 21, plus 3 years).[545]
2019	Extended to age 27.[546]

Revival Law	
1989	Revived time-barred CSA claims up until a victim reached age 24.[547]
2019	Opened a 1-year revival window for claims against institutions and perpetrators from May 7, 2019 until May 6, 2020. It contained a highly unusual limitation that actions against perpetrators could only be brought if the perpetrator is alive and has been convicted of or admitted to the abuse.[548]

Discovery	
Common Law	No common law discovery rule for CSA.[549]
Statutory	In 1989, Montana adopted a statutory discovery rule for all CSA claims, including for older claims of abuse that were time-barred before the law went into effect.[550] The discovery statute permits filing a lawsuit for abuse "[three] years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of childhood sexual abuse."[551] The discovery rule is applicable to claims against all types of defendants.[552]

MONTANA

Current Criminal SOL	
Felony sexual abuse of children	No SOL
Prostitution and Trafficking	No SOL

Summary: There is no criminal SOL for felony and misdemeanor CSA offenses and trafficking.

Tolling: The SOL is tolled when defendant is absent from the State.[553]

Criminal SOL History

Age Cap	
2002	The criminal SOL for felony sexual assault, intercourse without consent and incest was age 28 (age of majority, 18, plus 10 years), and for other sexual abuse felonies and misdemeanors, it was age 23 (age of majority, 18, plus 5 years).[554]
2007	Extended the SOL for more incest-related offenses to age 28. It also added a 1-year SOL if DNA established the identity of the perpetrator at any time.[555]
2017	Extended the age 28 SOL for felonies to age 38 (age of majority, 18, plus 20 years) and broadened it to include sexual abuse of children.[556]
2019	Eliminated its criminal SOL for felony and misdemeanor sexual abuse of children, including prostitution and trafficking.[557]

NEBRASKA

Current Civil SOL	
Age Cap	None against perpetrators of sex assault Age 33 against other defendants for sex assault Age 25 for other CSA claims
Revival Law	None
Discovery Tolling	None

Summary: There is no civil SOL for child sexual assault claims against perpetrators, an SOL of age thirty-three for child sexual assault claims against all other defendants, and age twenty-five for all other CSA claims.

Liability Limitations: The State of Nebraska is immune from CSA liability.[558] A notice of claim against the State must be filed within two years after the claim accrues, in accordance with the discovery rule.[559] Plaintiffs' damages are capped at $50,000, but a higher amount may be received if reviewed and approved by the legislature.[560] Charitable immunity was abolished in 1966.[561]

Other Tolling Theories/Causes of Action: The doctrine of fraudulent concealment will toll an SOL, but it has not yet been sufficiently pled in CSA cases.[562]

Civil SOL History

Age Cap	
2002	Age 25 (age of majority, 21, plus 4 years) for CSA claims.[563]
2012	Extended the SOL to age 33 (age of majority, 21, plus 12 years) for claims by victims of the crime of sexual assault of a child.[564]
2017	Eliminated the civil SOL for claims against individuals directly causing an injury suffered from the crime of sexual assault of a child.[565]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule applicable to CSA claims.[566]
Statutory	No statutory discovery rule for CSA claims.

NEBRASKA

Current Criminal SOL	
Sexual Assault of a Child	No SOL
Sex Trafficking	No SOL

Summary: There is no criminal SOL for many CSA crimes and trafficking, and the SOL for lesser degrees of those offenses is age twenty-five or age twenty-three, with an eighteen-month SOL for misdemeanors.

Tolling: The SOL is extended indefinitely if the defendant is fleeing from justice.[567]

Criminal SOL History

Age Cap	
2002	Age 23 (age 16, plus 7 years) or 7 years after the offense for many CSA felonies and misdemeanors, whichever is later. Any remaining felonies had an SOL of 3 years from the crime and misdemeanors had an SOL of 18 months from the crime, or only 1 year if the punishment was restricted to a $100 fine or a 3-month prison sentence.[568]
2004	Eliminated the SOL for felony first-degree sexual assault of a child and felony first, second and misdemeanor third-degree sexual assault if the victim is under age 16.[569]
2005	Eliminated the SOL for felony first and second-degree sexual assault without a limitation on the victim's age.
2006	Eliminated the SOL for felony sexual assault of a child in the second and third-degrees.
2009	Eliminated the SOL for felony incest.[570]
2019	Eliminated the SOL for felony sex trafficking of minors and felony child pornography and extended the SOL to 7 years after the victim reaches age 18 for lower levels of these offenses.[571]
2020	Added a new crime, sexual contact of a student age 16-18 by a school employee, with an SOL of 3 years from the offense.[572] Extended the SOL for failure to report child abuse or neglect to 18 months after the offense or age 19 and a half (age 18 plus 1 and a half years).[573]

NEVADA

Current Civil SOL	
Age Cap	None against perpetrators Age 38 against others
Revival Law	Permanent window against perpetrators (never closes) Revival up to age 38 against others
Discovery Tolling	20 Years

Summary: There is no SOL for CSA, sex trafficking, and CSAM claims against perpetrators going backwards and forwards. The SOL for claims against other defendants is age thirty-eight with revival up to age thirty-eight.

Liability Limitations: The State of Nevada is generally not immune from CSA claims,[574] which must be filed with the Attorney General within two years of accrual.[575] The State is not liable for punitive damages or other damages in excess of $150,000.[576] Charitable immunity was abolished by law.[577]

Other Tolling Theories/Causes of Action: Nevada common law recognizes a theory of fraudulent concealment that will toll an SOL, but it has not been successfully applied to toll the SOL on claims related to CSA.[578]

Civil SOL History

Age Cap	
2002	No civil SOL for claims against a perpetrator if there was clear and convincing evidence of the abuse.[579] Otherwise, the civil SOL was age 28 (age of majority, 18, plus 10 years against all defendants). [580]
2017	Extended SOL to age 38 (age of majority, 18, plus 20 years).[581]
2021	Eliminated SOL for claims against a perpetrator or someone criminally liable for sexual abuse or exploitation of a minor (including trafficking, prostitution, and pornography) and a promoter, possessor, or viewer of CSAM. It also broadened its age 38 SOL for individuals and entities to apply also to sexual exploitation of a minor, with treble damages recoverable for participating in or covering up abuse.[582]

Revival Law	
2021	Opened a permanent revival window on June 2, 2021 for expired claims against a perpetrator or someone criminally liable for sexual abuse or exploitation of a minor (including trafficking, prostitution, and pornography) and a promoter, possessor, or viewer of CSAM. It also revived claims up to age 38 against other types of defendants

	for sexual abuse or exploitation of a minor, with treble damages recoverable for participating in or covering up abuse.[583]

Discovery	
Common Law	Nevada has not recognized a common law discovery rule for CSA.[584]
Statutory	In 1991, Nevada adopted a 10-year statutory discovery rule that runs from when a victim "[d]iscovers or reasonably should have discovered that his injury was caused by the sexual abuse."[585] In 2017, Nevada extended its statutory discovery rule to 20 years.[586] The discovery statute applied to claims "arising from" the abuse. While it appears to be applicable to claims against all types of defendants, there are no reported cases in Nevada interpreting its statutory discovery rule. In 2021, when Nevada revived CSA claims and eliminated the SOL, it removed its discovery tolling provision.[587] The discovery provision may still be applicable to delayed discoveries of victims age 38 and older who were still within the discovery time allotted by the statute before June 2, 2021 when the discovery provision was removed from the statute.

NEVADA

Current Criminal SOL	
Sexual Abuse of a child	No SOL, if report filed by age 36; Age 36 if a person discovered or reasonably should have discovered the abuse by age 36, but did not make a report; Age 43 if a person did not discover and could not have reasonably discovered the abuse by age 36, and did not make a report
Sex Trafficking of a child	No SOL, if report filed by age 36; Age 36 if a person discovered or reasonably should have discovered the abuse by age 36, but did not make a report; Age 43 if a person did not discover and could not have reasonably discovered the abuse by age 36, and did not make a report

Summary: There is no criminal SOL for sex trafficking and sexual assault, with certain reporting requirements. The SOL for other CSA felonies is age thirty-six, with a discovery rule.

Tolling: No additional methods of tolling.

Criminal SOL History

Age Cap	
2002	Age 21, or age 28 if the victim did not and could not have reasonably discovered that they were a victim of sexual abuse by age 21. The law also has a provision which eliminates the SOL for sexual assault and trafficking if a written report is filed with law enforcement before the SOL expires.[588]The SOL for general felonies is 3 years after commission of the offense, and for misdemeanors is 1 year after commission of the offense.[589]
2013	Extended the SOL for sexual abuse and sex trafficking felonies and misdemeanors to age 36, or age 43 if the abuse was not reasonably discoverable by age 36.[590]
2019	Added a DNA discovery rule, eliminating the criminal SOL for felony sexual assault where the identity of an accused perpetrator is established by DNA evidence.[591] Added a very narrow criminal elimination statute for a sexual assault arising out of the same facts as murder.[592]

NEW HAMPSHIRE

Current Civil SOL	
Age Cap	No SOL for incest and sexual assault of minors
Revival Law	None
Discovery Tolling	None

Summary: There is no SOL for incest and sexual assault of minors against any defendants, and the remaining claims have an SOL of age thirty.

Liability Limitations: The State of New Hampshire has waived sovereign immunity for CSA claims.[593] Plaintiffs are barred from receiving punitive damages against the State, and all other damages to a single person arising from a single occurrence are limited to $475,000.[594] Charitable immunity was abolished in 1939.[595]

Other Tolling Theories/Causes of Action: New Hampshire recognizes that a defendant's fraudulent concealment of a cause of action will toll an SOL until discovery, but the New Hampshire Supreme Court has declined to decide whether the doctrine applies to CSA cases.[596]

Civil SOL History

Age Cap	
2002	Age 21 (age of majority, 18, plus 3 years).[597]
2005	Extended the SOL to age 25 (age of majority, 18, plus 7 years).[598]
2008	Extended the SOL again to age 30 (age of majority, 18, plus 12 years).[599]
2020	Eliminated the SOL for incest and sexual assault of minors and adults.[600] The new law also removes notification requirements for actions against the government. [601]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	In 1994, New Hampshire applied its common law discovery rule to claims of CSA[602] and the SOL is tolled until "the plaintiff discovers, or in the exercise of reasonable diligence, should have discovered both the fact of [her] injury and the cause thereof."[603] Claims arising prior to 1986 benefit from a 6-year common law discovery rule previously in effect.[604]
Statutory	New Hampshire codified its common law discovery rule in 1986 with a general 3-year discovery statute for personal injury actions[605] that applies to claims for abuse that occurred after the statute went into effect.[606] In 2005, New Hampshire recodified its 3-year discovery rule with a specialized CSA statute.[607] Pursuant to the statute, the discovery rule applies to a claim if "the injury and its causal relationship to the act or omission" were not reasonably discovered until later.[608]

	The common law and statutory discovery rules are applicable to claims against all types of defendants.[609] In 2020, New Hampshire did away with its statutory discovery rule when it removed its civil SOL.[610]

NEW HAMPSHIRE

Current Criminal SOL	
Felony Sexual Assault	Age 40
Trafficking	Age 38

Summary: The criminal SOL is age forty for sexual assault and incest, age thirty-eight for trafficking offenses, age twenty-four for other felonies, and age nineteen for misdemeanors.

Tolling: The SOL is tolled while the defendant is continuously absent from the State or is already facing prosecution for the same conduct.[611]

Criminal SOL History

Age Cap	
1990	Set the SOL for felony sex abuse at age 40 (age of majority, 18, plus 22 years). The SOL for all other felony crimes was age 24 and age 19 for all misdemeanors.[612]
2000	Incest was added to the list of felonies with an SOL of age 40.[613]
2014	Extended the SOL for trafficking to age 38 (age of majority, 18, plus 20 years).[614]

NEW JERSEY

Current Civil SOL	
Age Cap	Age 55
Revival Law	2-year window (closed 11/30/21) Revival up to age 55
Discovery Tolling	7 years

Summary: The civil SOL for CSA claims against all defendants is capped at age fifty-five or seven years after discovering an injury caused by the abuse, even for claims that were already expired.

Liability Limitations: The State of New Jersey is not immune from claims arising from CSA, a notice of claim is not required, and it can be held liable for punitive damages.[615] In 2019, New Jersey abolished its charitable immunity doctrine for past, present and future CSA claims.[616]

Other Tolling Theories/Causes of Action: Duress may toll an SOL in addition to a separate tort of fraudulent concealment of evidence that applies only to the "intentional spoliation of evidence," but it is unclear whether courts have applied either the tort of fraudulent concealment or a theory of duress to toll the SOL for claims arising from CSA.[617] Institutional defendants may also be vicariously liable for the sexual misconduct of their employees under *respondeat superior*.[618]

Civil SOL History

Age Cap	
1992	Age 20 (age of majority, 18, plus 2 years).[619]
2019	Extended to age 55.[620]

Revival Law	
2019	Revived expired CSA claims until a survivor reaches age 55 and opened a 2-year revival window for claims against all defendants from December 1, 2019 until closed November 30, 2021. The window also revived claims for those sexually abused as adults.[621]

Discovery	
Common Law	New Jersey recognizes a discovery rule that runs "when the injured party discovers, or by an exercise of reasonable diligence and intelligence should have discovered that he may have a basis for an actionable claim."[622]
Statutory	In 1992, New Jersey enacted a statutory discovery rule allowing a victim of CSA to bring a claim two years after "discovery of the injury and its causal relationship to the act of sexual abuse."[623] The discovery is to be made from the perspective of a CSA victim, not an ordinary observer.[624] The discovery rule did not apply in cases where the victims "were too traumatized, embarrassed, and ashamed of the sexual

	abuse directed at them to discuss the events with family or friends."[625] In 2019, New Jersey extended the rule to 7 years from discovery, even if a victim's claims have previously expired.[626] The statutory discovery rule applies to claims against all types of defendants.[627]

NEW JERSEY

Current Criminal SOL	
Sexual Assault	No SOL
Human Trafficking	5 years from the offense

Summary: There is no SOL for felony or aggravated sexual assault. The SOL for criminal sexual conduct and endangering the welfare of a child is age twenty-three; for trafficking and other felonies it is five years from the offense, and one year for misdemeanors, with discovery and DNA rules.

Tolling: The SOL is tolled while a defendant is fleeing from justice or facing prosecution for the same conduct.[628]

Criminal SOL History

Age Cap	
2001	No SOL for felonious sexual assault. The SOL for felony criminal sexual contact and endangering the welfare of a child is age 23 (age of majority, 18, plus 5 years) or 2 years following discovery of the abuse.[629] Remaining felonies have an SOL of 5 years and misdemeanors 1 year, and run from when the offense is committed.[630] However, if the identity of the perpetrator is supported by DNA or fingerprint testing, the SOL for prosecution of any crime does not begin to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence that identifies the perpetrator.[631]

NEW MEXICO

Current Civil SOL	
Age Cap	Age 24
Revival Law	None
Discovery Tolling	3 years

Summary: The civil SOL for CSA claims against all defendants is age twenty-four with a discovery rule.

Liability Limitations: In general, New Mexico is not immune from CSA claims.[632] Minors are not subject to the ninety-day notice requirement in filing claims against the State.[633] New Mexico cannot be held liable for punitive damages and is also not liable for other damages to a single person arising from a single occurrence that exceed $400,000, unless they are medically related expenses.[634] There is no clear authority that New Mexico recognizes charitable immunity.[635]

Other Tolling Theories/Causes of Action: The doctrine of fraudulent concealment tolls the SOL for claims arising from CSA, but to date, plaintiffs' allegations have been found insufficient.[636]

Civil SOL History

Age Cap	
2002	Age 24[637]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	New Mexico has a common law discovery rule that delays accrual of the cause of action until "the plaintiff knows or with reasonable diligence should have known of the injury and its cause."[638] New Mexico courts refused to apply the discovery rule to a CSA case where the victim contracted venereal diseases and became pregnant prior to claiming discovery.[639]
Statutory	In 1993, New Mexico enacted a statutory discovery rule giving the victim 3 years after they "knew or had reason to know, as established by competent medical or psychological testimony, that the injury was caused by childhood sexual abuse."[640] In 2017, the statutory discovery provision was revised to allow a case to be brought within 3 years from the date a person first disclosed the abuse to a licensed medical or mental health care provider when seeking or receiving health care from that provider.[641] However, the plaintiff does not need to understand every aspect of their injury before the SOL will begin to run.[642] The discovery rule applies to perpetrators and non-perpetrators, as well as public entities when the claims are negligence-based.[643]

NEW MEXICO

Current Criminal SOL	
Criminal sexual penetration of a victim under 13 years-old	No SOL
Sex Trafficking of a Victim under 13 years-old	No SOL

Summary: There is no criminal SOL for first-degree felonies, including CSA and trafficking, an age twenty-three SOL for non-first-degree abandonment or abuse, criminal sexual penetration, or criminal sexual contact. The SOL for other felonies is five to six years from commission, and two years for misdemeanors.

Tolling: The SOL is tolled for the period during which the defendant resides outside of the State.[644]

Criminal SOL History

Age Cap	
1997	Since 1997, there has been no criminal SOL for first-degree felonies.[645] The SOL for other felonies is between 5 and 6 years from when the crime is committed, and the SOL for misdemeanors is 2 years.[646] The SOL for felony and misdemeanor abandonment or abuse of a child, criminal sexual penetration, and criminal sexual contact with a minor does not run until either a victim reaches the age of 18 or until the violation is reported to a law enforcement agency, whichever comes first.[647]
2003	Added a DNA statute for the crime of sexual penetration, which provides that if DNA is collected the SOL only starts running after a match is found.[648]
2019	New Mexico was poised to pass a bill that would have extended the criminal SOL for additional felonies, but the Governor vetoed that bill because of a drafting error that would have shortened the SOL for some felonies.[649]

NEW YORK

Current Civil SOL	
Age Cap	Age 55 for CSA Age 33 for trafficking
Revival Law	2-year window in NYC (opens 3/1/23) 2-year window (closed 8/13/21)
Discovery Tolling	None for CSA 15 years for trafficking

Summary: The civil SOL for CSA is capped at age fifty-five. The SOL for sex trafficking is age thirty-three with a fifteen-year discovery rule. A two-year revival window for expired claims will open on March 1, 2023 for sexual abuse of children and adults that occurred in NYC.

Liability Limitations: The State of New York may be held liable for CSA claims,[650] which are not subject to any notice of claim requirement.[651] However, the State cannot be held liable for punitive damages.[652] Charitable immunity was abolished in 1957.[653]

Other Tolling Theories/Causes of Action: Several theories can toll an SOL, including fraudulent concealment, equitable estoppel, and duress, but none of these theories have been properly asserted in the context of CSA.[654] New York also recognizes a claim of breach of fiduciary duty but it does not appear to have been properly pled in the reported CSA cases.[655] Institutional defendants may also be held vicariously liable for the misconduct of their employees under a theory of *respondeat superior*.[656]

Civil SOL History

Age Cap	
2002	Age 19 (age of majority, 18, plus 1 year) for claims against perpetrators or up to 10 years from the date of conviction of any first-degree felony, and age 21 (age of majority, 18, plus 3 years) for claims against other defendants.[657]
2006	Extended for claims against perpetrators to age 23 (age of majority, 18, plus 5 years) or 5 years after a criminal action against the perpetrator is terminated.[658]
2015	Extended for claims of sex trafficking and compelling prostitution to age 28 (age of majority, 18, plus 10 years) or 10 years after the victim is freed.[659]
2019	Extended for CSA to age 55 for claims against all defendants.[660]
2021	Extended for claims of sex trafficking and compelling prostitution to age 33 (age of majority, 18, plus 15 years) or 15 years after the victim is freed.[661]
2022	New York City extended its local civil SOL for gender-motivated violence, which includes CSA, to age 27.[662]

Revival Law	
2019	Enacted the Child Victim's Act which opened a 1-year revival window for expired CSA claims against all types of defendants on August 14, 2019.[663]
2020	Due to Covid-19-related court closures, on May 8, 2020, Governor Cuomo signed an executive order extending the window to remain open until January 14, 2021.[664] On August 5, 2020, a new bill was signed into law extending the original 1-year window by an additional year so that it would remain open until August 13, 2021.[665] In total, 10,857 lawsuits were filed pursuant to New York's Child Victim's Act revival window.[666]
2022	New York City amended its gender-motivated violence law, opening a 2-year window on March 1, 2023 for CSA and adult sexual assault claims against all types of defendants for abuse that occurred in New York City—Manhattan, Queens, Staten Island, Brooklyn, and the Bronx.[667]

Discovery	
Common Law	No common law discovery rule applicable to CSA.[668]
Statutory	No statutory discovery rule for CSA. In 2021, though, New York added a statutory discovery rule to its cause of action for sex trafficking and compelling prostitution of a minor, permitting a victim to bring a cause of action fifteen years after discovery of the cause of action.[669] The discovery statute tolls the SOL for claims against a perpetrator or individual or entity who "knowingly advances or profits from, or whoever should have known he or she was advancing or profiting from" an offense.[670] A New York District Court has ruled the trafficking cause of action applies only to offenses occurring after the law went into effect on January 19, 2016.[671]

NEW YORK

Current Criminal SOL	
First-Degree Rape	No SOL
Sex Trafficking of a Child	5 years after commission

Summary: There is no criminal SOL for first-degree CSA offenses, an SOL of either age twenty-eight, thirty-three or forty-three, for felonies, age twenty-five for misdemeanors, and five years from the offense for trafficking.

Tolling: The SOL is tolled up to five years when a defendant is continuously absent from the State or their whereabouts are unknown.[672]

Criminal SOL History

Age Cap	
1996	SOL for CSA felonies was age 23 (age of majority, 18, plus 5 years) or 5 years after reporting to law enforcement, whichever is earlier, and for misdemeanors it was age 20 (age of majority, 18, plus 2 years) or 2 years after reporting to law enforcement, whichever is earlier.[673]
2006	Eliminated the SOL for the felonies of first-degree rape, first-degree aggravated sexual abuse, and first-degree course of sexual conduct against a child.[674] Case law interpreted the statute to toll the SOL for felonies and misdemeanors until the DNA identification of a perpetrator.[675]
2019	Eliminated the SOL for first-degree incest and extended the SOL for rape and criminal sexual act in the second degree to age 43, and in the third degree, to age 33. It also extended the SOL for any remaining CSA felonies to age 28 and misdemeanors to age 25.[676]

NORTH CAROLINA

Current Civil SOL	
Age Cap	Age 28
Revival Law	2-year window (closed 12/31/21)
Discovery Tolling	Very narrow, tolling SOL

Summary: The civil SOL is age twenty-eight against all defendants with a very narrow discovery rule.

Liability Limitations: North Carolina is not usually immune from CSA claims based on negligence,[677] which must be filed with the Industrial Commission within three years of the claim's accrual.[678] The maximum award to any one person arising from a single occurrence is $1 million.[679] Charitable immunity was abolished by statute in North Carolina in 1967.[680]

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment of a cause of action and/or equitable estoppel may toll an SOL, but neither doctrine has been successfully alleged in the context of CSA claims.[681]

Civil SOL History

Age Cap	
2002	Age 21 (age of majority, 18, plus 3 years).[682]
2019	Extended the SOL to age 28 and added a 2-year extension from criminal conviction of a perpetrator for a related felony sexual offense. Claims stemming from criminal convictions are excluded from the 10-year statute of repose.[683] Also extended the civil SOL for human trafficking, which includes sexual servitude of a minor, to age 28 (age of majority, 18, plus 10 years).[684]

Revival Law	
2019	Opened a 2-year window for previously expired CSA claims against all defendants from January 1, 2020 until December 31, 2021.[685]

Discovery	
Common Law	North Carolina has a common law discovery rule that could apply to cases of CSA, but it is construed narrowly and has not yet been successfully applied.[686]
Statutory	In 1971, North Carolina enacted a statutory discovery rule, setting accrual at the date "the injury was discovered, or ought reasonably to have been discovered" by the plaintiff.[687] In 1979, North Carolina rearticulated its statutory discovery rule which permitted a victim 3 years after the injury became apparent, "or ought reasonably to have become apparent to the claimant," to bring a claim.[688] North Carolina courts have reasoned that sexual abuse puts a victim on inquiry notice, and the discovery rule is therefore triggered.[689] The discovery rule was applicable to individual

	perpetrators and institutions.[690] However, North Carolina's statute of repose placed an upper limit on the discovery rule of 10 years after the last act by the defendant, for actions to recover for personal injury.[691]

NORTH CAROLINA

Current Criminal SOL	
First-degree Forcible Sexual Offense	No SOL
Human Trafficking	No SOL

Summary: There is no criminal SOL for felonies, including CSA and trafficking. Misdemeanors are capped at ten years from the offense for sexual battery, indecent liberties between children, and child abuse, and other misdemeanors have an SOL of two years after the offense.

Tolling: None.

Criminal SOL History

Age Cap	
2002	North Carolina has not had any criminal SOLs for felonies. The SOL for misdemeanors was 2 years from the offense.[692]
2019	North Carolina extended the SOL for misdemeanor sexual battery, indecent liberties between children, and child abuse to10 years from the offense.[693]

NORTH DAKOTA

Current Civil SOL	
Age Cap	Age 19 for CSA Age 28 for trafficking
Revival Law	None
Discovery Tolling	10 years

Summary: The civil SOL for CSA claims against all defendants in North Dakota is age twenty-eight for trafficking and age nineteen for other claims, with a discovery rule.

Liability Limitations: North Dakota is not always immune from CSA claims,[694] which must be brought within 180 days of when the injury was discovered or reasonably should have been discovered.[695] The State is not liable for punitive damages, and other damages to one person for a number of claims arising from a single occurrence is limited to $250,000.[696] Charitable immunity was abolished by statute; however, there is a cap on the amount of damages that can be recovered. The liability of a charitable organization is limited to a total of $250,000 per person and one million dollars for any number of claims arising from a single occurrence.[697] The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages.[698]

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment can toll an SOL, but courts have not expressly addressed the doctrine in the context of CSA.[699]

Civil SOL History

Age Cap	
2002	Age 19 (age of majority, 18, plus 1 year).[700]
2015	Added an SOL for trafficking of age 28 (age of majority, 18, plus 10 years) or 10 years from when trafficking ended, whichever is later.[701]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	North Dakota first recognized that its common law discovery rule was applicable to CSA cases in 1989.[702] The 2-year SOL began to run when the plaintiff "ha[d] been apprised of facts which would place a reasonable person on notice that a potential claim exists."[703] In essence, the discovery rule tolls the SOL until a victim is aware of their injury, but "it does not require the plaintiff to know the full extent of the injury."[704] Because the common law discovery rule is construed narrowly, it is difficult for victims to bring a claim years after the abuse occurred.

Statutory	In 2011, a 7-year discovery statute was added for gross sexual imposition and use of a minor in a sexual performance, which runs from the date the victim "knew or reasonably should have known that a *potential* claim exists."[705] In 2015, the discovery statute was extended to 10 years.[706] There are no decisions interpreting North Dakota's discovery statute, so it remains unclear whether it is helpful to victims and which types of defendants it holds liable.

NORTH DAKOTA

Current Criminal SOL	
Continuous sexual abuse of a child under age 15	Age 36 or 3 years after report
Human Trafficking	Age 22-24

Summary: The criminal SOL for CSA offenses is age thirty-six for CSA under age fifteen, age twenty-two for human trafficking of victims under age fifteen, seven years for trafficking of victims age fifteen and older, and two to three years for other felonies and misdemeanors, with a DNA rule.

Tolling: The SOL is tolled while the defendant resides outside of the State.[707]

Criminal SOL History

Age Cap	
2002	7 years from the offense or 3 years after reporting to law enforcement, whichever was later. A tolling rule for victims under age 15 stopped the 7-year SOL from running until they were 15 years-old, effectively extending the SOL to age 22.[708] Other felony sex offenses had an SOL of 3 years and misdemeanors had an SOL of 2 years from the offense. For victims under age 15, the SOL did not start running until they reached age 15.[709]
2015	Extended the criminal SOL for CSA to 10 years from the offense or 3 years after reporting. It also added a 3-year discovery rule, which extended the SOL for CSA to 3 years after the offense is reported or DNA identifies the perpetrator. Like the previous SOL, the 10-year SOL was tolled for victims under age 15 so that prosecution was permitted until a victim reaches age 25 (age of tolling, 15, plus 10 years).[710] It also extended the SOL for prosecution of felony human trafficking to 7 years from the offense if a victim is age 15, 16 or 17 and age 22 (age of tolling, 15, plus 7 years) if victim is under age 15.[711]
2017	Added identification via fingerprinting too.
2019	Extended the SOL for CSA under age 15 to 21 years from the offense or 3 years after it is reported to law enforcement or DNA or fingerprint evidence establishes the identity of the perpetrator, even if the prior SOLs expired, whichever is later. Under the tolling rule for CSA under age 15, prosecution is permitted until a victim reaches age 36 (age of tolling, 15, plus 21 years).[712]

OHIO

Current Civil SOL	
Age Cap	Age 30
Revival Law	None
Discovery Tolling	Limited to fraudulent concealment

Summary: The civil SOL is age thirty against all defendants with a fraudulent concealment rule.

Liability Limitations: Ohio is generally not immune from CSA claims,[713] which must be filed within two years after the cause of action accrues or after the minor reaches the age of majority.[714] Punitive damages are not available against the State.[715] Charitable immunity was abolished in 1984.[716]

Other Tolling Theories/Causes of Action: In 2006, Ohio added a statutory provision for claims of fraudulent concealment that will toll an SOL, but the provision has not been successfully applied to CSA related claims nor is it clear whether the provision applies to institutional and government defendants.[717] Ohio also recognizes a theory of equitable estoppel that will toll an SOL, but the theory has not been successfully applied in the context of CSA.[718] Institutional defendants may also be held vicariously liable for the wrongful conduct of their employees under *respondeat superior*.[719]

Civil SOL History

Age Cap	
2002	Age 19 (age of majority, 18, plus 1 year).[720]
2006	Extended to age 30 (age of majority, 18, plus 12 years).[721]

Revival Law	
N/A	No window or other SOL revival law since 2002.

Discovery	
Common Law	Ohio recognized in 1994 that its common law discovery rule applies to cases involving repressed memories of CSA.[722] Ohio courts have declined to extend its discovery rule any further.[723] The Ohio Supreme Court later ruled the common law discovery rule no longer applies to any CSA claims filed after 2006, [724] as it was superseded by the newly enacted retroactive SOLs that applies the discovery rule only in narrow cases of fraudulent concealment.[725] Currently, there is no common law discovery rule for CSA claims in Ohio.
Statutory	No statutory discovery rule for CSA.

OHIO

Current Criminal SOL	
Rape	Age 43
Trafficking in persons	Age 38

Summary: The criminal SOL is age forty-three for rape and sexual battery, age thirty-eight for other felonies, and age twenty for misdemeanors, with a DNA rule.

Tolling: The SOL may be extended indefinitely if the defendant is fleeing from justice or facing prosecution for the same conduct.[726]

Criminal SOL History

Age Cap	
2002	Age 24 for felony offenses and age 20 for misdemeanor offenses.[727]
2015	Extended the SOL to age 43 for rape and sexual battery, 38 for other felonies, including trafficking, and age 20 for misdemeanors. Added a DNA provision for rape and sexual battery which eliminated the SOL if there was a DNA match within 25 years of the offense or if after 25 years, it extended the SOL by 5 years.[728]

OKLAHOMA

Current Civil SOL	
Age Cap	Age 45 against perpetrators Age 20 against other defendants
Revival Law	None
Discovery Tolling	None

Summary: The civil SOL is age forty-five against perpetrators and age twenty against all other defendants.

Liability Limitations: The State of Oklahoma is generally not immune from CSA claims,[729] which must be filed 1 year after the injury.[730] Charitable immunity was abolished in 1940.[731]

Other Tolling Theories/Causes of Action: Oklahoma recognizes fraudulent concealment as an exception to the SOL, but Oklahoma courts have not expressly addressed the theory in the context of CSA.[732] The State is not liable for punitive damages, and other damages to a single person arising from a single occurrence are capped at $125,000.[733]

Civil SOL History

Age Cap	
2002	Age 20 against all defendants.[734]
2004	Added a provision extending the SOL against an imprisoned perpetrator to 5 years after the perpetrator's release.[735]
2017	Extended the SOL to age 45 for actions against perpetrators. However, the State left the SOL for claims against other defendants at age 20.[736]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	Oklahoma has a common law discovery rule that tolls the applicable SOL "until an injured party knows of, or *in the exercise of reasonable diligence*, should have known of or discovered the injury," but that rule was never applied to most tort actions, including CSA.[737]
Statutory	In 1992, Oklahoma enacted a statutory 2-year discovery rule for victims with an upper limit of age 38 that accrued when they discovered their injury.[738] Claims under the discovery rule required both objective, verifiable evidence of psychological repression of the victim's memory and corroborating evidence that the sexual abuse occurred.[739] It is unclear whether the statutory discovery rule applied to all defendants, including non-perpetrator defendants. In 2017, when Oklahoma extended its civil SOL, it removed its discovery rule.[740]

OKLAHOMA

Current Criminal SOL	
Rape	Age 45
Child Trafficking	Age 45

Summary: The criminal SOL for CSA and trafficking is age forty-five with a DNA rule, and three years after the offense for other felonies and misdemeanors.

Tolling: The SOL is tolled while the defendant resides out of State or is absent from the State.[741]

Criminal SOL History

Age Cap	
2002	The SOL for CSA, including rape, sodomy, lewd acts and pornography, was 7 years after the crime was reported to law enforcement with a requirement that the crime must be reported before age 20, so the latest crimes could be prosecuted was age 26. It also had a DNA statute that extended the SOL to 3 years after a DNA match if it was reported before age 20.[742] The SOL for remaining felonies and misdemeanors, including trafficking, was 3 years after the offense.[743]
2005	Extended the SOL for CSA that was reported to law enforcement before age 20 to 12 years after reporting, so the latest crimes could be prosecuted was age 31.[744]
2008	Extended the CSA SOL to include child trafficking.[745]
2015	Extended the CSA SOL to include aggravated possession of child pornography.[746]
2017	Extended the CSA SOL to age 45, and removed the prior reporting requirements by age 20 for the SOL and DNA rules to apply.[747]

OREGON

Current Civil SOL	
Age Cap	Age 40
Revival Law	Revival up to age 40
Discovery Tolling	5 years

Summary: The civil SOL against all defendants is age forty with a five-year discovery rule and revival up to age forty.

Liability Limitations: In general, the State of Oregon is not immune from CSA claims.[748] Minors must provide a notice of claim within 180 days of discovering their injury. The State is not liable for punitive damages,[749] and all other damages are capped pursuant to the applicable year in the Consumer Price Index.[750] Charitable immunity was abolished in 1963.[751]

Other Tolling Theories/Causes of Action: Oregon recognizes that a defendant's fraudulent concealment of a cause of action may toll an SOL, but the theory has not been asserted in reported CSA cases.[752] Institutional defendants can be held vicariously liable for the wrongful conduct of their employees under *respondeat superior*.[753]

Civil SOL History

Age Cap	
2002	Age 24 (age of majority, 18, plus 6 years).[754]
2010	Extended the SOL to age 40.[755]

Revival Law	
2010	Revived CSA claims by all survivors up until they reach age 40, for claims against all types of defendants.[756]

Discovery	
Common Law	Although there is a common law discovery rule in Oregon,[757] it has not been applied in cases of CSA.
Statutory	In 1991, Oregon created a 3-year discovery rule with an upper limit of age 40, running from when the injured person, in the exercise of reasonable diligence, either discovered their injury or the connection between the child abuse and their injury, whichever is later.[758] In 1993, Oregon removed the upper age cap.[759] In 2010, it expanded the discovery rule to 5 years, running from when a victim discovers that their injury was caused by abuse.[760] The discovery rule applies retroactively to revive time-barred actions[761] and it applies to claims against perpetrators, institutions, and the government.[762]

OREGON

Current Criminal SOL	
Rape	Age 30
Trafficking in persons	3 years from the offense

Summary: The criminal SOL is age thirty for many CSA felonies and age twenty-two for third-degree sexual abuse, with a DNA elimination rule. The SOL for trafficking and any remaining felonies is three years from the offense and two years for misdemeanors.

Tolling: The SOL is tolled for up to three years while the defendant is absent from the State, concealed within the State, or is not a resident of the State.[763]

Criminal SOL History

Age Cap	
2002	CSA SOL was the earlier of age 24 or 6 years after reporting for felonies and for misdemeanors, age 22 or 4 years after reporting. SOL for any remaining felonies is 3 years from the offense and 2 years for misdemeanors. [764]
2005	Extended the SOL for CSA felonies to age 30 or 12 years after reporting to law enforcement, whichever occurs first.
2007	Extended the SOL for first-degree CSA crimes where DNA identifies a perpetrator from 12 to 25 years from the crime. Also set its SOL for human trafficking to 3 years after the offense.[765]
2009	Eliminated the SOL for first-degree CSA crimes where DNA identifies a perpetrator.[766]
2015	Set the SOL at age 30 for several first-degree CSA crimes regardless of when it was reported.[767]

PENNSYLVANIA

Current Civil SOL	
Age Cap	Age 55
Revival Law	None
Discovery Tolling	None

Summary: The civil SOL against all defendants is age fifty-five.

Liability Limitations: Pennsylvania is liable for CSA claims based in negligence,[768] which are not subject to any time limit.[769] Additionally, Pennsylvania does not impose any damage caps on CSA claims against the State.[770] Charitable immunity was abolished in 1965.[771]

Other Tolling Theories/Causes of Action: Pennsylvania courts recognize the doctrines of fraudulent concealment and civil conspiracy that can toll an SOL, but neither doctrine has been successfully alleged in the context of CSA.[772]

Civil SOL History

Age Cap	
Before 2002	Age 20[773]
2002	Extended to age 30.[774]
2019	Extended to age 55 and expanded liability for government institutions by providing exceptions to the laws of government immunity and limitations on damages.[775]

Revival Law	
2019	Passed a resolution proposing an amendment to the Pennsylvania Constitution to open a 2-year revival window for victims of CSA. The resolution was set to be passed again by the legislature in 2021 and then presented to voters for approval by referendum for the window to become law.[776] Unfortunately, the amendment was defeated by the State Department's failure to meet the advertising requirements for the referendum.[777] Pennsylvania has generated the most grand jury reports on CSA, but still has not opened a window for survivors.[778]
2021	Passed another resolution proposing an amendment to the Pennsylvania Constitution to add a 2-year revival window for victims of CSA and explicitly lift sovereign immunity for actions against the government.[779]

Discovery	
Common Law	The common law discovery rule does not toll the SOL for CSA claims.[780]
Statutory	No statutory discovery rule for CSA.[781]

PENNSYLVANIA

Current Criminal SOL	
Rape	No SOL
Trafficking	No SOL

Summary: There is no criminal SOL for many CSA and trafficking offenses and the SOL is age fifty-five for all other CSA felonies and misdemeanors.

Tolling: The SOL may be tolled indefinitely if the defendant is fleeing from justice, is not a resident of the State or is absent from the State, or if the defendant is facing prosecution for the same conduct.[782]

Criminal SOL History

Age Cap	
2002	Extended in 2002 from age 23 to 30 (age of majority, 18, plus 12 years).[783]
2004	Added a 1-year SOL extension if DNA identified the perpetrator.
2005	Extended to age 50 following the 2005 Philadelphia District Attorney's Grand Jury Report on sex abuse in the Philadelphia Archdiocese.[784]
2014	Extended for trafficking and sexual servitude to age 50.[785]
2019	Eliminated the SOLs for certain felonies (trafficking, sexual servitude, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, and incest), and it extended the SOL for other felony and misdemeanor sexual offenses to age 55.[786]

RHODE ISLAND

Current Civil SOL	
Age Cap	Age 53
Revival Law	Revival up to age 53
Discovery Tolling	7 years

Summary: The civil SOL for all CSA claims against all defendants is age fifty-three with a seven-year discovery rule and revival up to age fifty-three against perpetrators only.

Liability Limitations: Rhode Island is usually not immune from CSA claims,[787] which must be brought against the State within Rhode Island's SOL for CSA claims.[788] The State's liability for damages is generally capped at $100,000.[789] Charitable immunity is not recognized in Rhode Island.[790]

Other Tolling Theories/Causes of Action: Rhode Island recognizes that a defendant's fraudulent concealment of a CSA cause of action can toll the SOL, but it has not been successfully asserted.[791] It also recognizes that equitable estoppel can bar the offending party from asserting an SOL defense when it affirmatively deceived the plaintiff to their detriment.[792]

Civil SOL History

Age Cap	
1993	Age 25 (age of majority, 18, plus 7), and age 21 (age of majority, 18, plus 3 years) against other defendants.[793]
2019	Extended to age 53 (age of majority, 18, plus 35 years) against all defendants.[794]

Revival Law	
2019	Revived claims until a survivor reaches age 53 against perpetrators only.[795]

Discovery	
Common Law	In 1991, Rhode Island courts considered applying its common law discovery rule to CSA for the first time.[796]
Statutory	In 1991, Rhode Island enacted a statutory discovery rule for CSA claims of 3 years.[797] In 1993, this was extended to 7 years but applied only to claims against perpetrators and "did not alter" the 3-year rule for claims against non-perpetrators.[798] The discovery rule is measured by a reasonable diligence standard, meaning courts assess whether a reasonable person in a similar situation to the plaintiff would discover the connection between their injury and their abuse.[799] In 2019, Rhode Island expanded its statutory 7-year discovery rule to apply against all types of defendants.[800]

RHODE ISLAND

Current Criminal SOL	
Rape	No SOL
Trafficking	10 years after offense

Summary: There is no criminal SOL for certain CSA felonies and the SOL for trafficking is ten years from the offense. For any remaining felonies and misdemeanors, it is three years from the offense.

Tolling: If an indictment has been stolen or destroyed a new indictment may be filed within one year regardless of the SOL.[801]

Criminal SOL History

Age Cap	
1985	Eliminated for some CSA felonies in 1985.[802] The SOL for all other felonies and misdemeanors was 3 years from the offense.[803]
2017	Extended for human trafficking to 10 years after the offense.[804]

SOUTH CAROLINA

Current Civil SOL	
Age Cap	Age 27
Revival Law	None
Discovery Tolling	3 years

Summary: The civil SOL against all defendants is age twenty-seven with a discovery rule.

Liability Limitations: South Carolina is generally not liable for CSA claims unless gross negligence can be established.[805] The two-year time limit for bringing claims against the State does not begin to run until a minor reaches the age of majority.[806] The State is not liable for punitive damages, and other damages arising from a single occurrence cannot exceed $600,000.[807] Charitable immunity was abolished in South Carolina 1986.[808] However, awards against charitable organizations are restricted to the limitations imposed in the South Carolina Tort Claims Act in Chapter 78 of Title 15 of the South Carolina Code,[809] which states that a person's recovery cannot exceed $300,000 arising from a single occurrence and the total sum arising from a single occurrence cannot exceed $600,000.[810]

Other Tolling Theories/Causes of Action: The SOL is tolled when the defendant engages in deliberate acts of deception, calculated to conceal from the plaintiff that he has a cause of action.[811] South Carolina courts have tolled the SOL on claims against non-perpetrator defendants who concealed knowledge of CSA by their employees.[812]

Civil SOL History

Age Cap	
2001	Age 27[813]
2012	Passed human trafficking legislation with an SOL of age 21 (age of majority plus 3 years),[814] unless the offense includes sexual abuse, in which case the SOL is age 27.[815]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	South Carolina has a common law discovery rule that tolls the SOL by giving a victim 3 years to bring a claim after "the person knew or by the exercise of reasonable diligence should have known that he had a cause of action."[816]
Statutory	South Carolina codified the 3-year discovery rule in 2001, which runs when a victim discovers the connection between their injury and their abuse.[817] However, the victim need not "comprehend the full extent of the damage" for the discovery rule to begin running.[818] The discovery rule is applicable to perpetrators and non-perpetrators,[819] but not to government entities,[820] and it does not revive previously

	expired claims.[821] In 2012, South Carolina codified a discovery rule for human trafficking, tolling the SOL if the victim could not have reasonably discovered their cause of action due to psychological trauma, linguistic isolation, or inability to access services.[822] This rule appears to be applicable to individuals, corporations, and other legal entities.[823]

SOUTH CAROLINA

Current Criminal SOL	
Criminal Sexual Conduct	No SOL
Trafficking	No SOL

Summary: There is no criminal SOL for any felonies or misdemeanors, including CSA and trafficking.

Tolling: None.

Criminal SOL History

Age Cap	
2002	No SOL for any felonies or misdemeanors, including CSA and trafficking.[824] South Carolina's criminal code has never included an SOL provision limiting the time for prosecuting criminal cases.

SOUTH DAKOTA

Current Civil SOL	
Age Cap	Age 21
Revival Law	None
Discovery Tolling	3 years against perpetrator 3 years up to age 40 against other defendants

Summary: The civil SOL against all defendants is age twenty-one with a three-year discovery rule that has an upper age limit of forty years for claims against non-perpetrator defendants.

Liability Limitations: If State entity has purchased liability insurance, the State may be liable for CSA claims.[825] Minors must apply for an extended notice of claim period within two years of their injury.[826] There are no applicable damage caps. Further, there is no clear authority that South Dakota recognizes charitable immunity.

Other Tolling Theories/Causes of Action: South Dakota law recognizes fraudulent concealment as an implied exception to the SOL, and the exception has been successfully applied to toll the SOL in CSA cases.[827] South Dakota also recognizes the doctrine of estoppel by duress that can toll an SOL, but the doctrine has not been successfully applied in the context of CSA.[828]

Civil SOL History

Age Cap	
1991	Age 21[829]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule.[830]
Statutory	Since 1991, South Dakota has had a narrow statutory discovery rule running from 3 years after the victim discovers the connection between the injury and the abuse.[831] The discovery statute revives expired claims against individual perpetrators, but does not revive claims against others.[832] In 2010, the State put an upper limit on the discovery rule of age 40 for claims against all but the perpetrators, which immunized institutions.[833] There is also disagreement among courts about whether the discovery rule applies to both perpetrators and institutional defendants.[834] South Dakota is the only state to backtrack on CSA SOLs since 2002.

SOUTH DAKOTA

Current Criminal SOL	
Rape of victim under age 13	No SOL
Human Trafficking	7 years after commission

Summary: There is no criminal SOL first- and second-degree rape, an SOL of age twenty-five for some CSA felonies and an SOL of seven years from the offense for other felonies and misdemeanors, including trafficking.

Tolling: The SOL is tolled while the defendant is absent from the State.[835]

Criminal SOL History

Age Cap	
2002	Eliminated the SOL for Class A, B, and 1 felonies, which included first-degree rape of a child under age 10.[836] The SOL for other degrees of rape, sexual contact with a minor and incest was age 25 (age of majority, 18, plus 7 years).[837] Other felonies and misdemeanors, including trafficking, had an SOL of 7 years from the offense.[838]
2005	Eliminated the SOL for Class C felonies instead of Class 1 felonies, which included first-degree rape of a child under age 13.[839]
2012	Eliminated the SOL for second-degree rape.[840]
2021	Extended the SOL for sexual contact with a minor by person in position of authority to age 25.[841]

TENNESSEE

Current Civil SOL	
Age Cap	Age 33
Revival Law	None
Discovery Tolling	3 years

Summary: The civil SOL against all defendants is age thirty-three with a three-year discovery rule.

Liability Limitations: In general, Tennessee may be held liable for CSA claims based in negligence.[842] Charitable immunity in Tennessee is limited to charity-owned property, in that property used solely for charitable purposes and not "derived from the operation of a business or concession incidental to [the organization's] main object" is exempt from execution under a tort judgment.[843]

Other Tolling Theories/Causes of Action: Tennessee recognizes the doctrines of fraudulent concealment and equitable estoppel that may toll the SOL on claims arising from CSA.[844]

Civil SOL History

Age Cap	
2002	Age 19[845]
2019	Extended to age 33 (age of majority, 18 plus 15 years).[846]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	There is a common law discovery rule in Tennessee that runs from when the victim discovers the injury "or when in the exercise of reasonable care and diligence" should have discovered the injury.[847] However, that rule has not been successfully applied in cases of CSA.[848]
Statutory	In 2016, Tennessee created a statutory discovery rule of 3 years, triggered by the victim's connection of the injury to their abuse.[849] In the statute, Tennessee clarified that mere knowledge of abuse is not enough to trigger the SOL; instead, discovery requires that "an injured person becomes aware that the injury or illness was caused by CSA."[850] The discovery rule applies to perpetrators and institutions, but it is unsettled whether it applies to the government.[851]

TENNESSEE

Current Criminal SOL	
Rape	No SOL
Trafficking for a commercial sex act	No SOL

Summary: There is no criminal SOL for sex trafficking of minors. There is also no SOL for all other CSA felonies and many misdemeanors, but admissible and credible evidence corroborating the charges is required where a victim is now over age forty-three, was abused between ages thirteen and seventeen, and did not report the abuse.

Tolling: The SOL is tolled while the defendant resides outside the State or while the crime is being concealed.[852]

Criminal SOL History

Age Cap	
2002	No SOL for offenses punishable by death or life imprisonment, and for other felonies it was age 21 or 4 years from the offense, whichever is later.[853]
2006	Extended the SOL for rape, sexual battery, and incest to age 43.[854]
2007	Extended the SOL for more CSA crimes to age 43.[855]
2012	Extended the SOL for child pornography and sexual exploitation to age 43.[856]
2013	Extended the SOL for crimes of child sex trafficking and sexual exploitation to age 33, and patronizing and promoting prostitution to age 28.[857]
2014	Eliminated the SOL for rape if it was reported within 3 years of the crime.[858]
2015	Extended the SOL for promoting prostitution to age 43.[859]
2016	Extended the criminal SOL for aggravated statutory rape to age 33.[860]
2019	Eliminated the criminal SOL for all CSA felonies and many misdemeanors, including trafficking, pornography, with an evidentiary limitation that admissible and credible evidence corroborating the charges is required where a victim is now over age 43, was abused between ages 13-17, and did not report the abuse.[861]
2021	Broadened its criminal SOL elimination for felony sex trafficking of minors by removing the applicable evidentiary limitations for prosecution.[862]

TEXAS

Current Civil SOL	
Age Cap	Age 48
Revival Law	None
Discovery Tolling	30 days

Summary: The civil SOL against all defendants is age forty-eight with a very narrow discovery rule.

Liability Limitations: Generally, the State of Texas may be liable for CSA claims based in negligence.[863] The State must be given notice or receive actual notice of the claim within six months after the injury occurs.[864] Texas cannot be held liable for punitive damages, and damages to a single person arising from a single occurrence cannot exceed $250,000.[865] Charitable immunity was abolished by common law in 1971.[866] However, the State legislature enacted the Charitable Immunity and Liability Act in 1987, reducing the liability exposure and insurance costs of charitable organizations and their employees and volunteers in order to encourage volunteer services and maximize the resources devoted to delivering these services.[867]

Other Tolling Theories/Causes of Action: Fraudulent concealment, equitable estoppel, and conspiracy can toll an SOL, but none have successfully tolled the SOL for CSA cases.[868] The Court of Appeals recently reversed a lower court ruling dismissing a CSA case on SOL grounds, recognizing PTSD and repressed memories could result in plaintiff being of unsound mind, which would toll the SOL.[869]

Civil SOL History

Age Cap	
2002	Age 23 (age of majority, 18, plus 5 years).[870]
2007	Added to its age 23 SOL the offense of continuous sexual abuse of a child.[871]
2011	Added to its age 23 SOL the offense of trafficking and prostitution.[872]
2015	Extended to age 33 (age of majority, 18, plus 15 years).[873]
2019	Extended to age 48 (age of majority, 18, plus 30 years).[874]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	Although there is a common law discovery rule in Texas running from a victim's discovery of abuse, it has not yet successfully tolled the SOL for sexual abuse claims.[875] To apply the discovery rule, a court must find that "the alleged wrongful act and the resulting injury are inherently undiscoverable at the time they occurred but may be objectively verified."[876] Additionally, the plaintiff need only know of

	the abuse and the injury, not their causal connection, before the discovery rule is triggered.[877]
Statutory	In 1995, Texas added a very narrow statutory discovery rule that gives a plaintiff thirty days after "discover[ing] the identity of the defendant" to amend a previously filed petition with the court.[878] The discovery rule applies to individual perpetrators and to institutional defendants, but not to the government.[879]

TEXAS

Current Criminal SOL	
Felony Sexual Assault	No SOL
Sex trafficking	No SOL

Summary: There is no SOL for trafficking and some CSA offenses. The SOL for sexual performance is age thirty-eight and any remaining felonies have an SOL of three years from the offense and two years for misdemeanors.

Tolling: The SOL is tolled while the defendant is out of State or pending charges for the same conduct in the State.[880]

Criminal SOL History

Age Cap	
2002	Age 28 for sexual assault and indecency with a child unless there was DNA evidence, which eliminated the SOL.[881] The SOL for remaining felonies was 3 years from the offense or 2 years for misdemeanors, and are not subject to the DNA evidence rule.[882]
2007	Eliminated the SOLs for felony sexual assault, continuous sexual abuse of a child, and indecency with a child, and extended the SOL to age 38 for sexual performance.[883]
2011	Eliminated the SOL for sex trafficking and added the crime of compelling prostitution to its age 38 SOL.[884]
2015	Eliminated the SOL for compelling prostitution.[885]

UTAH

Current Civil SOL	
Age Cap	None against perpetrator Age 22 against other defendants 2 years against government
Revival Law	3-year Window (closed 5/9/19)
Discovery Tolling	4 years against other defendants 2 years against government

Summary: There is no civil SOL for claims against perpetrators in Utah and an SOL of age twenty-two against other defendants, with a four-year discovery rule, as well as an SOL of two years from abuse or discovery for claims against the government.

Liability Limitations: The State of Utah is not immune from CSA liability, pursuant to the exceptions specifically set out in Utah Code Annotated section 63G-7-301. A notice of claim must be filed within two years after the claim arises, but the claim does not arise until the claimant discovers their claim against the governmental entity/employee as well as the identity of the government entity/employee.[886] Utah is not liable for punitive damages, and other damages to a single person arising from a single occurrence are limited to $583,900.[887] Charitable immunity is recognized by statute in Utah. A nonprofit organization is not liable for damage or injury that was caused by an intentional or knowing act of a volunteer which constituted illegal, or wanton misconduct, unless the organization should have had reasonable notice of the volunteer's unfitness to provide services under circumstances that make the organization's use of the volunteer reckless or wanton.[888]

Other Tolling Theories/Causes of Action: Utah recognizes that defendant's fraudulent concealment of a cause of action may toll an SOL, but the theory has not been applied to toll the SOL on claims arising from CSA.[889] Utah law also recognizes that an SOL may be tolled under "exceptional circumstances" where application of the general rule would be irrational or unjust, but the doctrine has not been applied in the context of CSA.[890]

Civil SOL History

Age Cap	
2002	Age 22 (age of majority, 18, plus 4 years).[891]
2015	Eliminated its SOL for actions against the perpetrator.[892]
2019	Removed governmental immunity for claims of CSA and implemented an SOL for claims against government entities or employees of 2 years from the abuse or discovery of the claim.[893]

Revival Law

2016	Enacted a revival law, which opened a 3-year window for victims of any age and revived claims up to age 53 (age of majority, 18, plus 35) for previously expired claims against a perpetrator or a living individual who would be criminally liable,[894] but the Utah Supreme Court held the window unconstitutional.[895]

Discovery	
Common Law	Utah's common law discovery rules applies to accrue claims when "the plaintiff learns of, or in the exercise of reasonable diligence should have learned of, the facts that give rise to the cause of action."[896] The discovery rule would apply in CSA cases with "exceptional circumstances," which are identified through a balancing of the hardship of the limitations on plaintiffs and the prejudice to defendants.[897]
Statutory	Beginning in 1992, Utah instituted a statutory 4-year discovery rule for CSA claims against all defendants, running from "when a victim knows or reasonably should know that the injury or illness was caused by the intentional or negligent sexual abuse."[898] Since it eliminated the SOL against perpetrators in 2016, the discovery rule no longer applies to those claims, but still remains in effect for claims against non-perpetrator defendants.[899] In 2019, Utah also added a statutory discovery provision for claims against government entities or employees, tolling the 2-year SOL until the victim discovers their claim and the identity of the government entity/employee.[900]

UTAH

Current Criminal SOL	
Rape	No SOL
Human trafficking	No SOL

Summary: There is no SOL for trafficking and many CSA felonies, an age twenty-eight SOL for claims involving unlawful sexual activity, an SOL of four to eight years after a crime is reported for other felonies, and two years for misdemeanors.

Tolling: The SOL is tolled while the defendant is out of State.[901]

Criminal SOL History

Tolling: The SOL is tolled while the defendant is out of State.[902]

Criminal SOL History

Age Cap	
2002	4 years after the crime,[903] with a provision that rape, sodomy and sexual abuse of a child can be prosecuted within 4 years after reporting to law enforcement.[904] Misdemeanors had an SOL of 2 years after the offense is committed.[905]
2003	Enacted a DNA statute, which extended the SOL if DNA evidence was collected, to 1 year after the perpetrator is identified by DNA.
2005	Extended the SOL for many felony sex offenses to 8 years after the offense if it is reported within 4 years. The DNA statute was also broadened to apply to more CSA crimes.[906]
2008	Eliminated for many felony sex offenses.
2009	Extended for incest to 8 years after the offense if it is reported within 4 years.
2013	Eliminated for trafficking and prostitution.[907]
2019	Broadened its elimination for trafficking offenses and expanded its DNA statute to allow prosecution 4 years after a perpetrator is identified by DNA.[908]
2020	Extended for felony unlawful sexual activity with a minor and unlawful sexual conduct with a 16- or 17-year-old to age 28 (age of majority, 18, plus 10 years).[909]

VERMONT

Current Civil SOL	
Age Cap	None
Revival Law	Permanent Window (never closes)
Discovery Tolling	None

Summary: There is no civil SOL and all claims against all defendants are permanently revived.

Liability Limitations: In general, Vermont is not immune from CSA claims based in negligence, unless the discretionary function exception applies.[910] A cause of action against the State must be filed within the typical SOL for child abuse claims,[911] and a single plaintiff may only recover a maximum of $500,000 in damages.[912] Charitable immunity was abolished in 1950.[913]

Other Tolling Theories/Causes of Action: A defendant's fraudulent concealment of a cause of action may toll an SOL, but it does not appear that Vermont courts have considered its application in the context of CSA cases.[914] Vermont also recognizes a breach of fiduciary duty claim, but it has not yet been sufficiently pled in reported CSA cases.[915]

Civil SOL History

Age Cap	
1989	Age 24 (age of majority, 18, plus 6 years).[916]
2019	Eliminated the SOL.[917]

Revival Law	
2019	Opened a permanent revival window on May 28, 2019, reviving all previously expired CSA claims against all types of defendants.[918]

Discovery	
Common Law	Prior to 1989, the discovery rule had not been expressly applied to CSA, but it allowed personal injury claims to accrue "when an injury reasonably should have been discovered."[919]
Statutory	In 1989, Vermont created a statutory discovery rule of 6 years.[920] The discovery rule was liberal in that the victim did not make the discovery unless he discovered that the injury was caused by the sex abuse, and the statute applied to both individuals and entities.[921] The discovery rule was eliminated along with the SOL in 2019, and is no longer in effect.[922] All claims for CSA are revived in Vermont regardless of how long ago the abuse happened or when a victim discovered his/her injuries.[923] Therefore, a discovery rule is unnecessary in Vermont.

VERMONT

Current Criminal SOL	
Aggravated Sexual Assault	No SOL
Human trafficking	No SOL

Summary: There is no criminal SOL for aggravated sexual assault, exploitation, and trafficking, an SOL of forty years from the offense for some CSA crimes, and three years from the offense for all other felonies and misdemeanors.

Tolling: None.

Criminal SOL History

Age Cap	
1994	No criminal SOL for aggravated sexual assault. The SOL for sexual assault, lewd and lascivious conduct, and lewd or lascivious conduct with a child, committed against a child 16 or younger was age 24 or 6 years after reporting, whichever is earlier.[924] The SOL for remaining felonies and misdemeanors was 3 years from an offense, with no tolling for victims until they reach age 18.[925]
2009	Eliminated the SOL for aggravated sexual assault of a child. Extended the SOL for sexual assault, lewd and lascivious conduct, lewd or lascivious conduct with a child, and sexual exploitation of a minor to age 24 or 10 years after reporting, and made the SOL applicable to minors under age 18.[926]
2011	Eliminated the SOL for trafficking.[927]
2013	Extended the SOL for sexual assault, lewd and lascivious conduct, lewd and lascivious conduct with a child, and sexual exploitation of a minor to 40 years from the offense.[928]
2017	Eliminated the SOL for sexual assault and extended the SOL for sexual exploitation of children to 40 years from the offense.[929]
2019	Eliminated the SOL for sexual exploitation of a minor.[930]

VIRGINIA

Current Civil SOL	
Age Cap	Age 38 against persons Age 20 against institutional defendants
Revival Law	None
Discovery Tolling	20 years against persons

Summary: The civil SOL is age thirty-eight with a twenty-year discovery rule against a person, and it is age twenty against institutions.

Liability Limitations: Virginia can be held liable for CSA claims if the act was grossly negligent or intentional,[931] and minors have until one year after reaching the age of majority to file a notice of claim.[932] Damages are limited to $100,000 or the limits of any applicable liability policy.[933] Charitable immunity is recognized in Virginia. A charitable organization is immune from liability for negligence arising out of acts of its employees or agents.[934] However, immunity does not apply if due care has not been exercised in the selection and retention of the responsible employee,[935] and only extends to claims by beneficiaries,[936] as well as simple negligence claims, not acts of gross negligence.[937]

Other Tolling Theories/Causes of Action: Fraudulent concealment has been considered, but not yet adopted as a theory in Virginia.[938] Under Virginia law institutional defendants may be held vicariously liable for the wrongful conduct of their employees under *respondeat superior*.[939]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years).[940]
2011	Extended for claims against individuals to age 38 (age of majority, 18, plus 20).[941]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No common law discovery rule for CSA.[942]
Statutory	In 1991, Virginia added a statutory 2-year discovery rule that applied only to individual persons, which accrued when "the fact of the injury and its causal connection to the sexual abuse is first communicated to the person by a licensed physician, psychologist, or clinical psychologist."[943] Originally, the discovery tolling was capped at age 28 or 10 years after the last act of abuse, until 1995 when this limitation was removed from the discovery statute.[944] In 2011, the State extended the discovery rule to 20 years from discovery for claims against persons,

	but not against institutions.[945] In 2013, it clarified its discovery rule, making clear that the 20-year discovery period runs from when the fact of the injury and its causal connection to the abuse is first communicated to the victim by a physician or psychologist.[946]

VIRGINIA

Current Criminal SOL	
Rape	No SOL
Child Sex Trafficking	No SOL

Summary: There is no criminal SOL for any felonies, including CSA and trafficking, and the SOL for misdemeanors is age twenty-three or age nineteen, depending on the age difference between the victim and the offender.

Tolling: The SOL is tolled for the period that a defendant is fleeing State justice or concealing himself in the State to avoid prosecution.[947]

Criminal SOL History

Age Cap	
2002	No criminal SOL for any felonies and for misdemeanors the SOL was 1 year from the offense.[948]
2016	Extended the SOL for misdemeanors to age 19 (age of majority, 18, plus 1 year).[949]
2020	Extended the SOL for misdemeanor CSA by adults more than 3 years older than the victim from age 19 to age 23 (age of majority, 18, plus 5 years).[950]

WASHINGTON

Current Civil SOL	
Age Cap	Age 21
Revival Law	None
Discovery Tolling	3 years

Summary: The civil SOL against all defendants is age twenty-one with a three-year discovery rule.

Liability Limitations: In general, Washington is liable for CSA claims,[951] and such claims must be presented within the same time frame as the typical SOL for CSA causes of action.[952] Washington does not impose damage caps on claims against the State.[953] Charitable immunity was abolished in 1964.[954]

Other Tolling Theories/Causes of Action: Washington law recognizes that an SOL will be tolled if a "defendant has fraudulently or inequitably invited a plaintiff to forebear from commencing suit until the applicable SOL has run," and Washington courts have permitted plaintiffs to proceed on their claims arising from CSA under this theory.[955]

Civil SOL History

Age Cap	
1991	Age 21 (age of majority, 18, plus 3 years).[956]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	From 1969, Washington had a narrow common law discovery rule that was not successfully applied to CSA cases until 1998.[957]
Statutory	In 1991, Washington enacted a statutory 3-year discovery rule that runs when the victim "discovered or reasonably should have discovered that the injury or condition was caused by said act" or "discovered that the act caused the injury for which the claim is brought."[958] Instead of running from the date a victim becomes aware of an initial injury "[t]he legislature intends that the earlier discovery of less serious injuries should not affect the SOLs for injuries that are discovered later."[959] The discovery rule applies to claims against all types of defendants.[960]

WASHINGTON

Current Criminal SOL	
Rape of a child	No SOL
Trafficking	10 years

Summary: There is no criminal SOL for many CSA crimes, an SOL of age thirty for other felonies, age twenty for misdemeanors, and the SOL for trafficking is ten years from the offense.

Tolling: The SOL is tolled while the defendant resides outside the State or is not usually in the State.[961]

Criminal SOL History

Age Cap	
2002	In 2002, the criminal SOL for first and second-degree rape was the later of age 21 (age of majority, 18, plus 3 years) or, if reported within a year, 10 years after the crime. For other felony sex offenses, the SOL was age 21 or 7 years after the crime, whichever is later, and for misdemeanors it was age 19 or 20.[962]
2006	Added a DNA statute extending the SOL to 1 year after a perpetrator is identified by DNA.
2009	Extended the SOL for all sex offenses to age 28.[963]
2013	Extended the SOL for all sex offenses to age 30.[964]
2017	Expanded its age 30 SOL to include commercial sex abuse and extended the SOL for trafficking to 10 years from the crime.[965]
2019	Eliminated the SOL for rape, sexual misconduct, child molestation, and sexual exploitation. Also, extended the SOL for incest to age 30 and the DNA statute to 2 years, from 1 year.[966]

WEST VIRGINIA

Current Civil SOL	
Age Cap	Age 36
Revival Law	Revival up to Age 36
Discovery Tolling	4 years

Summary: The civil SOL for claims against all defendants is age thirty-six with a four-year discovery rule and a revival law, reviving claims up to age thirty-six.

Liability Limitations: In general, West Virginia may be held liable for CSA claims based on negligence.[967] A minor under the age of ten may bring a notice of claim within two years after the injury occurred, was discovered, or prior to their twelfth birthday.[968] West Virginia cannot be held liable for punitive damages, and all noneconomic damages to a single person may not exceed $500,000.[969] Charitable immunity was abolished in 1965.[970]

Other Tolling Theories/Causes of Action: West Virginia recognizes an SOL may be tolled by a defendant's fraudulent concealment of a cause of action, but such tolling does not appear to have been asserted in reported CSA cases.[971] West Virginia also recognizes a conspiracy doctrine that has been applied by courts to impose institutional liability for plaintiffs' claims arising from CSA.[972]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years).[973]
2016	Extended against perpetrators of the abuse to age 22 (age of majority, 18, plus 4).[974]
2020	Extended against all types of defendants to age 36 (age of majority, 18, plus 18 years).[975]

Revival Law	
2020	Revived claims up to age 36 against all types of defendants.[976]

Discovery	
Common Law	West Virginia has a judicially crafted discovery rule of 2 years, tolling accrual until "the plaintiff knows, or by the exercise of reasonable diligence, should know (1) that the plaintiff has been injured, (2) the identity of the entity who owed the plaintiff a duty to act with due care, and who may have engaged in conduct that breached that duty, and (3) that the conduct of that entity has a causal relation to the injury."[977] The common law discovery rule applies to perpetrators, non-perpetrators, and the government, and it is triggered when the victim discovers their abuse.[978] Some courts have applied a 20-year from injury statutory cap to limit the common law discovery rule, while others have not.[979]

Statutory	In 2016, the State added a statutory discovery rule that applied only to claims against perpetrators, which accrued 4 years from discovery of the claim and removed the upper limit.[980] In 2020, West Virginia added a revival law and made its statutory 4-year discovery rule fully retroactive for claims against perpetrators.[981]

WEST VIRGINIA

Current Criminal SOL	
Sexual Abuse in the first degree	No SOL
Child Sex Trafficking	No SOL

Summary: There is no criminal SOL for any felonies, including CSA and trafficking, and the SOL for misdemeanors is one year from the offense.

Tolling: If an indictment is lost, stolen, or destroyed, the SOL is tolled until the processing of a second indictment.[982]

Criminal SOL History

Age Cap	
1954	No SOL for any felonies, including CSA and trafficking and the SOL for misdemeanors is 1 year from the offense.[983]

WISCONSIN

Current Civil SOL	
Age Cap	Age 35
Revival Law	None
Discovery Tolling	Narrow common-law discovery rule for incest

Summary: The civil SOL for claims against all defendants is age thirty-five.

Liability Limitations: In Wisconsin, a State entity or employee may be held liable for CSA if the known danger and/or ministerial duty exceptions apply,[984] or if the act was malicious, willful, wanton, and intentional.[985] A notice of claim must be filed against the State within 120 days of the event causing the injury.[986] The State cannot be held liable for punitive damages, and all other damages are limited to $250,000.[987] Charitable immunity was abolished in 1963.[988]

Other Tolling Theories/Causes of Action: Under Wisconsin law, the discovery rule is applied more broadly to fraud-based claims based on abuse occurring in the 1970's and forward, permitting them to be brought within three years of a party's discovery of "the facts constituting the fraud."[989] Wisconsin also recognizes the doctrine of equitable tolling, but it does not appear to have been considered in the context of CSA.[990] Civil conspiracy has also been considered, but not yet applied as a theory in the context of CSA.[991]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years).[992]
2004	Extended the SOL to age 35.[993]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	In 1987, Wisconsin recognized a narrow common law discovery rule that allowed claims for incest to accrue when "the victim discovers, or in the exercise of reasonable diligence should have discovered, the fact and cause of the injury."[994] Wisconsin courts have treated the common law discovery provision as a "specialized discovery rule applicable only to cases of incest" and it has not been helpful in other CSA cases.[995]
Statutory	In 1987, Wisconsin codified its 2-year discovery rule enacting a discovery statute for incest only.[996] In 2001, Wisconsin extended its statutory discovery rule to 5 years and broadened it beyond incest to include sexual assault of a child.[997] Based on the statutory text, the discovery rule appeared applicable to claims against non-

	perpetrator defendants, but it was never interpreted by Wisconsin courts. Wisconsin removed its statutory discovery rule in 2004.[998]

WISCONSIN

Current Criminal SOL	
First-Degree Sexual Assault	No SOL
Trafficking	Age 45

Summary: There is no SOL for some first-degree CSA felonies, an SOL of age forty-five for other CSA felonies and trafficking, and three years from the offense for misdemeanors.

Tolling: The SOL is tolled while the defendant remains hidden or resides outside the State.[999] The SOL is also tolled for the period during which a victim is unable to seek the issuance of a complaint due to the effects of the sexual contact or due to any threats, instructions, or statements from the therapist.[1000]

Criminal SOL History

Age Cap	
2002	Age 31 for felonies. 3 years from the crime with no tolling until age of majority for the victim for misdemeanors. A DNA statute extended the SOL for 1 year if there was a match for sexual assault of a child and repeated sexual assault of the same child.[1001]
2003	Extended the SOL for many CSA felonies, including sexual assault of a child, to age 45.[1002]
2006	Eliminated the SOL for first-degree sexual assault of a child and repeated sexual assault of the same child.[1003] Extended the SOL for sexual exploitation of a child to age 45.[1004]
2007	Extended the SOL for sex trafficking to age 24.[1005]
2010	Broadened its 1-year DNA rule SOL extension to apply to all CSA crimes.[1006]
2011	Extended the SOL for sex trafficking to age 45.[1007]
2017	Added soliciting a child for prostitution to the crimes for which the SOL is age 45.[1008]

WYOMING

Current Civil SOL	
Age Cap	Age 26
Revival Law	None
Discovery Tolling	3 years

Summary: The civil SOL for claims against all defendants is age twenty-six with a three-year discovery rule.

Liability Limitations: In general, Wyoming may be held liable for CSA if committed outside the scope of duty.[1009] Adults must file a notice of claim within two years of their injury or discovery of their injury,[1010] while minors are given two years from the time their parent or guardian has a reasonable opportunity to know of the injury.[1011] Wyoming cannot be held liable for punitive damages, and all other damages awarded to a single claimant may not exceed $250,000.[1012] Charitable immunity was previously identified by the Wyoming Supreme Court in 1916,[1013] but it is no longer recognized.[1014] However, immunity does apply to nonprofit health care facilities for the negligent acts of a volunteer.[1015]

Other Tolling Theories/Causes of Action: None identified.

Civil SOL History

Age Cap	
1993	Since at least 1993, the SOL has been age 26 (age of majority, 18, plus 8 years).[1016]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	Wyoming did not originally recognize a common law discovery rule for CSA claims, but it did have a general discovery rule that extended the accrual of a claim in cases in which "damage [was] not immediately apparent."[1017]
Statutory	Wyoming codified a statutory discovery rule in 1993 that gives a victim of child sexual assault 3 years after discovery to bring a claim.[1018] Case law explains that the discovery rule only applies when the plaintiff "discovered or in the exercise of reasonable diligence should have discovered" a secondary injury resulting from the abuse.[1019] It is not settled whether the statutory discovery rule applies to any defendants other than a perpetrator.

WYOMING

Current Criminal SOL	
Sexual Assault in the first degree	No SOL
Sexual Servitude of a Minor	No SOL

Summary: There is no SOL for any felonies or misdemeanors, including CSA and trafficking.

Tolling: None.

Criminal SOL History

Age Cap	
2002	No SOL for any felonies or misdemeanors, including CSA and trafficking.[1020]

AMERICAN SAMOA

Current Civil SOL	
Age Cap	Age 22
Revival Law	None
Discovery Tolling	None

Summary: The SOL for CSA claims against all defendants is age twenty-two.

Liability Limitations: Generally, American Samoa may be held liable for CSA claims based in negligence,[1021] and minors have until one year after reaching the age of majority to commence their action.[1022] Personal injury actions against American Samoa are limited to $25,000 in damages, unless a higher award is appropriated through legislation.[1023] There is no clear authority recognizing charitable immunity in American Samoa.

Other Tolling Theories/Causes of Action: Under American Samoa law, fraud or mistake will toll an SOL until discovery, but relief has not been sought on such grounds in the context of CSA.[1024]

Civil SOL History

Age Cap	
2002	2 years from the time a cause accrues, or age 22 (age of majority, 21, plus 1 year) against all defendants.[1025]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
N/A	No identified discovery rule for CSA claims.

AMERICAN SAMOA

Current Criminal SOL	
Felony Child Molesting	No SOL
Sexual servitude of a minor	No SOL

Summary: There is no SOL for Class A felonies, including CSA and trafficking, and an SOL of three years from the offense for other felonies and one year for misdemeanors.

Tolling: The SOL may be tolled up to three years for any period during which the defendant is absent from the territory, and for any period of time when the defendant is concealing himself from justice either within or outside the territory, or when prosecution is pending against the defendant for the same conduct.[1026]

Criminal SOL History

Age Cap	
2004	As of 2004,[1027] American Samoa had no criminal SOL for all class A felonies, which included rape, sodomy, child molesting.[1028] Any remaining felonies were subject to an SOL of 3 years from the offense and 1 year for misdemeanors.[1029]
2014	Enacted a human trafficking statute which eliminated the SOL for trafficking of a minor, a Class A felony.[1030]

GUAM

Current Civil SOL	
Age Cap	None
Revival Law	Permanent Window (never closes)
Discovery Tolling	None

Summary: There is no civil SOL and all claims against all defendants are permanently revived.

Liability Limitations: Guam may be held liable for CSA claims based in negligence,[1031] and all such claims must be filed within eighteen months of when the injury occurred.[1032] The damages in tort actions against Guam are capped at $500,000.[1033] There is no clear authority recognizing charitable immunity in Guam.

Other Tolling Theories/Causes of Action: Guam recognizes tolling for fraudulent concealment/equitable estoppel and defendant's absence from Guam, but these doctrines are irrelevant since Guam eliminated the SOL and revived all expired claims.[1034]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years).[1035]
2016	Eliminated the SOL for claims against all defendants.[1036]

Revival Law	
2011	Opened a 2-year revival window for expired CSA claims against abusers only.[1037]
2016	Opened a permanent revival window on September 23, 2016, reviving all previously expired CSA claims against all types of defendants.[1038]

Discovery	
N/A	There is no identified discovery rule in Guam for CSA claims. However, there is no need for a discovery rule in Guam because of the permanent revival window for all expired claims arising from CSA that it instituted in 2016.[1039]

GUAM

Current Criminal SOL	
1st - 4th Degrees Criminal Sexual Conduct	No SOL
Human Trafficking	Age 21

Summary: There is no SOL for criminal sexual conduct, an SOL of age twenty-one for trafficking and other CSA crimes, and 3 years from the offense for any remaining felonies and one year for misdemeanors.

Tolling: A defective indictment will toll the SOL until the indictment is refiled.[1040] The SOL is also tolled when charges are pending against the defendant for the same conduct.[1041]

Criminal SOL History

Age Cap	
1992	In 1992, the SOL for felony criminal sexual conduct against children under age 16 was age 19 (age of consent, 16, plus 3 years).[1042] The SOL for any remaining CSA crimes committed against minors was 3 years from the offense for felonies and 1 year for misdemeanors.[1043]
2009	Guam extended the SOL for felony and misdemeanor sexual offense crimes, kidnapping, child pornography and family violence against minors to age 21 (age of majority, 18, plus 3 years).[1044] It also added a specific SOL for sex trafficking of age 21 (age of majority, 18, plus 3 years) or 3 years from discovery where the victim was prevented from discovering "the cause of action due to circumstances resulting from the trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services".[1045]
2011	Guam eliminated the SOL for felony and misdemeanor sexual offense crimes committed against minors, including criminal sexual conduct in the 1st, 2nd, 3rd, and 4th degree.[1046]

NORTHERN MARIANA ISLANDS

Current Civil SOL	
Age Cap	None
Revival Law	Permanent Window (never closes)
Discovery Tolling	None

Summary: There is no civil SOL and all claims against all defendants are permanently revived.

Liability Limitations: All personal injury actions are subject to damage caps of $300,000 for non-economic losses.[1047] The Commonwealth of the Northern Mariana Islands may be sued for CSA claims based in negligence,[1048] and the claim presentation deadline is the same as the SOL for a typical civil CSA claim.[1049] The Commonwealth cannot be held liable for punitive damages, and all other damages are limited to $100,000 per person or $200,000 per occurrence.[1050] There is no clear authority recognizing charitable immunity in the Northern Mariana Islands.

Other Tolling Theories/Causes of Action: The Commonwealth recognizes a theory of fraudulent concealment, that may be based on an unintentional deception, that will toll an SOL, but the Islands opened a permanent civil revival window in 2021.[1051]

Civil SOL History

Age Cap	
2002	Age 20 (age of majority, 18, plus 2 years) against all defendants.[1052]
2021	Eliminated the SOL for claims against all defendants.[1053]

Revival Law	
2021	Opened a permanent revival window for all claims of CSA that were barred under the previous law against all defendants. The window opened on November 10, 2021 and never closes.

Discovery	
N/A	No identified discovery rule in the Commonwealth of NMI for CSA claims. However, in 2021, the Commonwealth opened a permanent revival window for all expired claims arising from CSA, so there is no need for a discovery rule.[1054]

NORTHERN MARIANA ISLANDS

Current Criminal SOL	
Sexual abuse of a minor	No SOL
Sexual servitude of a minor	No SOL

Summary: There is no SOL for felony and misdemeanor CSA and trafficking crimes.

Tolling: The SOL is tolled indefinitely against any person fleeing from justice and thus deemed a fugitive of the Commonwealth.[1055]

Criminal SOL History

Age Cap	
2002	CSA felonies punishable by imprisonment of 5 or more years, like 1st and 2nd degree sexual assault and sexual abuse of a minor and exploitation of a minor, had an SOL of age 22 (age of majority, 18, plus 4 years).[1056] CSA felonies punishable by imprisonment of less than 5 years, like 3rd and 4th degree sexual assault and sexual abuse of a minor, had an SOL of age 20 (age of majority, 18, plus 2 years) and misdemeanors punishable by less than 6 months had an SOL of age 18 and a half (age of majority, 18, plus 6 months).[1057]
2016	Eliminated the SOL for all felony and misdemeanor CSA involving "sexual contact, physical or sexual abuse, exhibitionism or sexual exploitation".[1058]

PUERTO RICO

Current Civil SOL	
Age Cap	Age 22
Revival Law	None
Discovery Tolling	1 year

Summary: The SOL for claims against all defendants is age twenty-two, with a one-year discovery rule.

Liability Limitations: In general, Puerto Rico may be liable for CSA claims based in negligence, unless such negligence is "inexcusable" or constitutes a crime.[1059] A minor has ninety days after reaching minority to file a notice of claim.[1060] A single claimant with damages arising from a single cause of action is limited to $75,000 in recovery.[1061] Puerto Rico rejected the doctrine of charitable immunity in 1948.[1062]

Other Tolling Theories/Causes of Action: Puerto Rico common law recognizes that a defendant's fraudulent concealment of a cause of action will toll an SOL, but it does not appear to have been applied in the context of CSA.[1063]

Civil SOL History

Age Cap	
2002	Age 22 (age of majority, 21, plus 1 year).[1064]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	No identified common law discovery rule in Puerto Rico.
Statutory	In 1930, Puerto Rico enacted a general statutory discovery rule that tolls the running of the SOL for negligence claims until "the time the aggrieved person had knowledge thereof."[1065] Subsequent case law clarified that "[t]he true starting point of the period of limitations of an action for damages is the date on which the aggrieved party learned of the damage *and could institute his/her action*."[1066]

PUERTO RICO

Current Criminal SOL	
Sexual Assault	No SOL
Human Trafficking	No SOL

Summary: There is no criminal SOL for many CSA and trafficking crimes, and an SOL of age twenty-three for any remaining felonies and age nineteen for misdemeanors.

Tolling: None applicable.

Criminal SOL History

Age Cap	
2002	As of 2002, the criminal SOL for felony sexual assault committed against minors under age 16 was age 28 (age of majority, 18, plus 10 years) and against minors ages 16 and 17, it was age 23 (age of majority, 18, plus 5 years).[1067] The SOL for any remaining felonies, including trafficking, was 5 years from the offense for felonies and 1 year from the offense for misdemeanors.[1068]
2018	Eliminated the SOL for incest, sexual assault, lewd acts, human trafficking, aggravated kidnapping, the use of a minor for child pornography, and aggravated pimping, ruffianism and trade in persons.[1069] Extended the SOL for remaining felonies to age 23 (age of majority, 18, plus 5 years) and age 19 (age of majority, 18, plus 1 year) for misdemeanors.[1070]

U.S. VIRGIN ISLANDS

Current Civil SOL	
Age Cap	Age 23
Revival Law	None
Discovery Tolling	2 years

Summary: The SOL for claims against all defendants is age twenty-three with a two-year discovery rule.

Liability Limitations: In general, the U.S. Virgin Islands may be held liable for CSA claims, unless the CSA is a result of gross negligence.[1071] Minors must present their claims within two years after reaching the age of majority,[1072] and all damages are capped at $25,000.[1073] Charitable immunity is not recognized in the USVI.[1074]

Other Tolling Theories/Causes of Action: USVI law has a fraudulent concealment statute that applies to healthcare providers, but the law has not been applied to toll an SOL in a CSA case.[1075]

Civil SOL History

Age Cap	
2002	Age 23 (age of majority 21, plus 2 years) against all defendants.[1076]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	The discovery rule was recognized by courts before 2002 and it tolls personal injury claims "when, despite the exercise of due diligence, the injury or its cause is not immediately evidence to the victim."[1077]
Statutory	No identified statutory discovery rule in the USVI.

U.S. VIRGIN ISLANDS

Current Criminal SOL	
Felony child abuse	No SOL
Human trafficking	No SOL
Remaining felonies	3 years from offense
Misdemeanors	1 year from offense

Summary: There is no SOL for felony sexual offenses and sex trafficking, and an SOL of three years from the offense for any remaining felonies and one year for misdemeanors.

Tolling: The SOL is tolled for the period during which the defendant is not an inhabitant of or usually a resident within the Virgin Islands, or while the defendant is fleeing from justice.[1078]

Criminal SOL History

Age Cap	
2002	No SOL for prosecution of felony sexual offenses and sex trafficking.[1079] The SOL for any remaining CSA crimes is 3 years after the offense for felonies and 1 year after the offense for misdemeanors.[1080]

WASHINGTON, D.C.

Current Civil SOL	
Age Cap	Age 40
Revival Law	2-year window (closed 5/2/21)
Discovery Tolling	5 years

Summary: The civil SOL for claims against all defendants is age forty, with a five-year discovery rule.

Liability Limitations: Generally, Washington, D.C. may be held liable for CSA if committed in the scope of employment,[1081] and notice of claim must be filed within six months of the injury.[1082] Washington, D.C. cannot be held liable for punitive damages.[1083] Charitable immunity was abolished in 1942.[1084]

Other Tolling Theories/Causes of Action: D.C. law recognizes fraudulent concealment and the lulling doctrine as exceptions to the limitations period, but neither has been successfully asserted in the context of CSA.[1085]

Civil SOL History

Age Cap	
2002	Age 24 (age of majority, 21, plus 3 years).[1086]
2009	Extended to age 25 (age of majority, 18, plus 7 years).[1087]
2019	Extended to age 40.[1088]

Revival Law	
2019	Opened a 2-year revival window for victims currently under age 40, older victims who discovered their abuse within the last 5 years, and, in some circumstances, those sexually assaulted as adults from May 3, 2019 until May 2, 2021.[1089]

Discovery	
Common Law	Washington, D.C. recognized a narrow common law discovery rule for CSA in 1994.[1090] The discovery rule applies if "as a result of the defendant's wrongful conduct, either plaintiff's recollection of the relevant facts has been repressed, and if she has thus been effectively precluded during the period of repression from seeking legal redress."[1091] This discovery rule is triggered as soon as the plaintiff has "knowledge of a cause of action."[1092]
Statutory	In 2009, Washington, D.C. adopted a 3-year statutory discovery rule, meant to codify the common-law discovery rule, that tolled the SOL until "the victim knew, or reasonably should have known, of any act constituting sexual abuse, whichever is later."[1093] In 2019, it lengthened the discovery rule to 5 years after the victim discovers the act constituting their abuse.[1094] It is unsettled whether the statutory

	discovery rule applies to defendants other than a perpetrator, but the statutory language and the caselaw make no mention of such a limitation.[1095]

WASHINGTON, D.C.

Current Criminal SOL	
First and Second Degree CSA	No SOL
Trafficking	Age 31

Summary: There is no SOL for many CSA and incest offenses, an SOL of age thirty-one for trafficking-related felonies, an SOL of age twenty-seven for other felonies, and three years from the offense for misdemeanors.

Tolling: The SOL is tolled for the period during which a defendant has fled the district to avoid prosecution or has pending charges in the district for the same offense.[1096]

Criminal SOL History

Age Cap	
2002	6 years from an offense for felonies and 3 years for misdemeanors.[1097]
2004	Extended to age 36 (age of majority, 21, plus 15 years) for CSA felonies in the first and second degree, and age 31 (age of majority, 21, plus 10 years) for third and fourth-degree sexual abuse, incest, and pornography.
2010	Added the crime of sex trafficking of children with an SOL of age 31 (age of majority, 21, plus 10 years).
2019	Eliminated the SOL for many CSA felonies. However, the SOL for trafficking, pornography, and prostitution remain at age 31.[1098]

FEDERAL GOVERNMENT

Current Civil SOL	
Age Cap	Age 28
Revival Law	None
Discovery Tolling	10 years

Summary: The SOL for civil claims for Federal CSA, CSAM and trafficking offenses is age twenty-eight or ten years from discovery. The SOL for other Federal laws that create civil liability for CSA, like Title IX, typically borrow the SOL from the state where the abuse occurred.[1099]

Liability Limitations: In general, the federal government may be liable for CSA claims based in negligence if the alleged CSA breaches an analogous state-law duty of care.[1100] A claimant must present their claim against the federal government within two years after the claim accrues.[1101]

Other Tolling Theories/Causes of Action: Federal SOLs are generally subject to equitable principles of tolling including under the doctrines of fraudulent concealment, equitable estoppel, which have been successfully applied in CSA cases.[1102]

Civil SOL History

Age Cap	
1986	The Child Abuse Victims' Rights Act was enacted which added 18 U.S.C. § 2255, a civil remedy for personal injuries for sexual exploitation of minors, and set the SOL for claims against all defendants at 6 years from the date the cause of action accrued or age 21 (age of majority, 18, plus 3 years), with liquidated damages of $50,000 as an alternative to actual damages.[1103]
1998	The Protection of Children from Sexual Predators Act was enacted which broadened the actionable offenses in § 2255 to include sexual abuse, trafficking, and CSAM.[1104]
2006	Masha's Law was enacted which increased the liquidated damages for § 2255's civil remedy to $150,000.00 for each violation.[1105]
2013	The Violence Against Women Reauthorization Act was enacted which extended the SOL for § 2255 claims to 10 years from the date the cause of action accrued, in addition to the age 21 limit, and broadened the actionable offenses to include more trafficking crimes.[1106]
2018	The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act was enacted which extended the SOL for § 2255 claims to age 28 (age of majority, 18, plus 10 years).[1107]

Revival Law

N/A	No window or other SOL revival law.

Discovery	
Common Law	In 2015, the Third Circuit applied the federal discovery rule to CSA cases brought under the Child Abuse Victims' Rights Act.[1108]
Statutory	In 2018, as part of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, a 10-year discovery rule was added to the Child Abuse Victims' Rights Act wherein a victim has 10 years from the date on which the victim understands that her injuries were caused by the abuse to bring a claim.[1109]

FEDERAL GOVERNMENT

Current Criminal SOL	
Sexual abuse	No SOL
Sex trafficking of children	No SOL

Summary: There is no SOL for many Federal felony CSA and trafficking crimes and any remaining crimes can be prosecuted anytime while the child victim is alive or ten years after the offense, whichever is later.

Tolling: The SOL does not apply to any person fleeing justice.[1110]

Criminal SOL History

Age Cap	
2002	Age 25.[1111]
2003	Eliminated the SOL for all sex crimes against children while the child victim was alive.[1112]
2006	Eliminated the SOL for many felony CSA crimes, including sexual abuse, trafficking, and CSAM.[1113] It extended the SOL for any remaining crimes to permit prosecution while the child victim is alive or 10 years after the offense, whichever is later.[1114]

Revival Law	
N/A	No window or other SOL revival law.

Discovery	
Common Law	In 2015, the Third Circuit applied the federal discovery rule to CSA cases brought under the Child Abuse Victims' Rights Act.[1115]
Statutory	In 2018, as part of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, a 10-year discovery rule was added to the Child Abuse Victims' Rights Act wherein a victim has 10 years from the date on which the victim understands that her injuries were caused by the abuse to bring a claim.[1116]

III. The Pace of Child Abuse SOL Reform Since 2002

Child sex abuse SOL reform has been a very active area of the law, with 2021 adding to the unprecedented success of 2019. 2019 was a banner year for SOL reform with 23 states and Washington, D.C. improving their SOLs. The momentum continued into 2021, and despite the Covid-19 pandemic, 14 states and 1 territory were successful in changing their SOLs for the better.

No two states are identical, which means that child sex abuse SOL reform is a prime example of Justice Louis Brandeis' concept of the states operating as policy "laboratories."[1117] This is truly a 50-state experiment. Overall, there have been more amendments to criminal SOLs than civil SOLs since 2002, but both have experienced transformative reform. This study actually underemphasizes legislative activity in that it only tracks the bills that became law; there were many more bills introduced year after year.[1118] Moreover, for some states, bills were introduced repeatedly, e.g., New York Assembly members repeatedly introduced the Child Victims Act for over a decade until it finally became law in 2019. The pace of change continued to grow in 2021 with 37 U.S. States and Territories introducing legislation to reform SOLs and 15 passing new laws.[1119]

A. For Criminal SOLs: The Move of Choice Has Been to Eliminate and/or Extend SOLs

Since 2002, 31 U.S. States, five Territories and the Federal Government eliminated SOLs for at least some child sex abuse crimes, felonies and/or misdemeanors.[1120]

- 32 States, 2 Territories and the Federal Government extended at least some SOLs for child sex abuse crimes.[1121]
- 22 States, 2 Territories and the Federal Government both extended and eliminated criminal SOLs.[1122]

The current net result (including states that previously eliminated the criminal SOL) is that forty-four States, all six Territories, and the Federal Government have *eliminated* at least some criminal SOLs.[1123]

B. For Civil SOLs: Three Paths Were Taken: Extension, Elimination, and/or Revival

Since 2002,

- 15 States and 2 Territories eliminated some civil SOLs.[1124]
- 38 States, 1 Territory, and the Federal Government extended the civil SOLs.[1125]
- 9 States extended and eliminated at least some civil SOLs.[1126]
- 24 States and 3 Territories passed laws that revived expired civil SOLs.[1127]

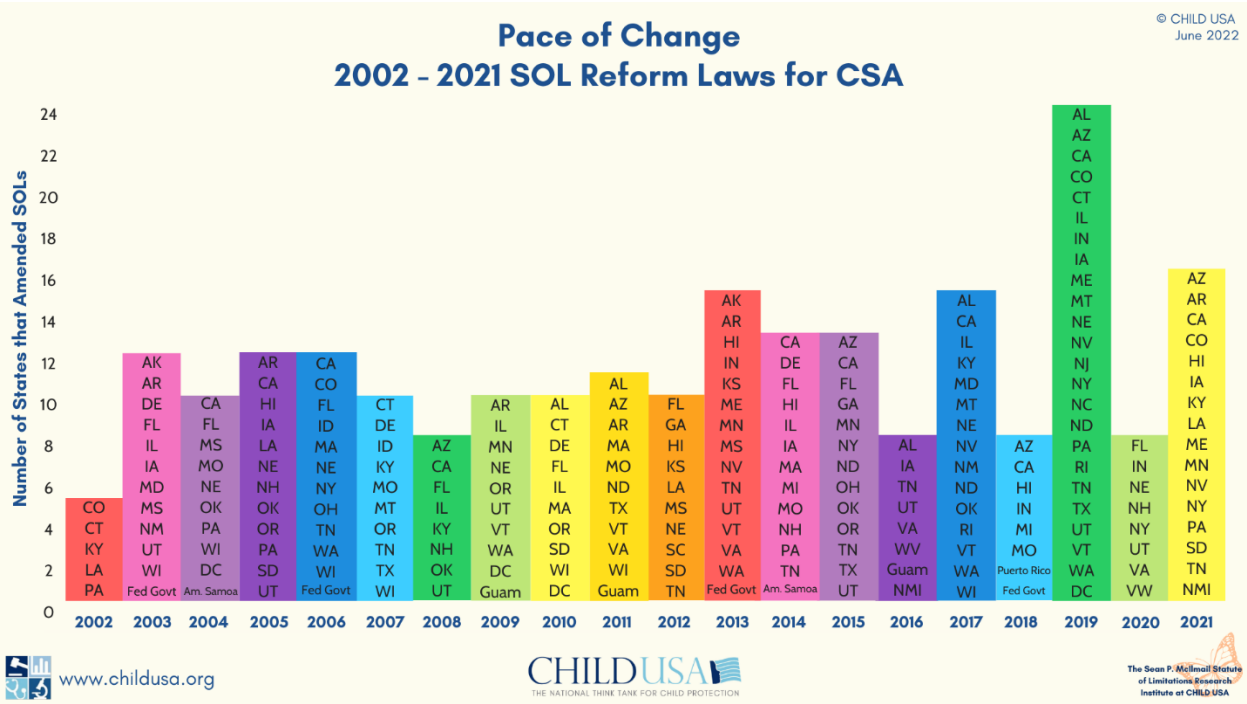
Only one state, South Dakota, backtracked on an earlier extension.

C. Most States Took Action After January 2002

Most States instituted amendments to the child sex abuse criminal or civil SOLs following January 2002.

- 45, or 90%, of States made changes to the criminal SOLs following 2002; 5, or 10% of states, did not.[1128]
- 46, or 92%, of States amended the civil SOLs; 4, or 8% of states, made no changes to the civil SOLs following 2002.[1129]
- Only 1 State took no action since January 2002, Wyoming. However, in Wyoming there are no criminal SOLs for any crimes.

The following graph illustrates the pace of SOL change since 2002 and the number of states to engage in such change each year:[1130]



IV. A Focus on SOL Revival Laws, Including Windows, Since January 2002

There is only one way to restore justice to adult victims of child sex abuse whose civil and criminal SOL has expired, and that is to revive their civil claims. Revival laws honor and empower the victims of child sex abuse who faced locked courthouse doors due to unfairly short SOLs.

Revival laws are not solely about justice for victims; there are also important public safety reasons for allowing older claims of abuse to proceed. When victims are empowered to disclose their abuse and sue for their injuries, the public benefits from finding out who the perpetrators are, the cost of abuse is shifted to those who created it, and the truth comes out.

The CSA revival law movement had its first success in 1990 with Minnesota's two-year window.[1131] Following Minnesota's lead, in the 1990's state legislatures in Florida, Missouri, and Virginia also amended their SOLs to allow for revival of CSA claims, but these laws were invalidated.[1132] The movement gained momentum in 2002, and since then, twenty-seven jurisdictions enacted revival laws for victims of child sex abuse whose SOL was already expired. The sections that follow analyze the revival laws in these twenty-seven jurisdictions.

Revival laws establish a specific period of time during which survivors can bring previously-expired civil claims to court. There are two types of revival laws: (1) revival windows and (2) revival age limits. When the revival period is a set amount of time after the law is passed, it is called a revival window, and claims can be filed while the window is open. States have opened windows for a few years or permanently. When the revival period is set at a survivor's age, it is called a revival age limit, and claims can be filed until a survivor reaches that specific age. The age states choose ranges from twenty-seven to fifty-five.

So far, the most popular means of reviving for states has been with a revival "window." Some state revival laws include both windows and age limits, while some states have chosen to revive via one or the other. Both types of laws enable adult victims of child sex abuse to sue their abusers and/or the institutions responsible years after they were abused. These revival laws have been instrumental in giving thousands of victims across America a long overdue opportunity for justice. They also make states a safer place for children by educating the public about hidden predators and institutions that endanger children in their communities.

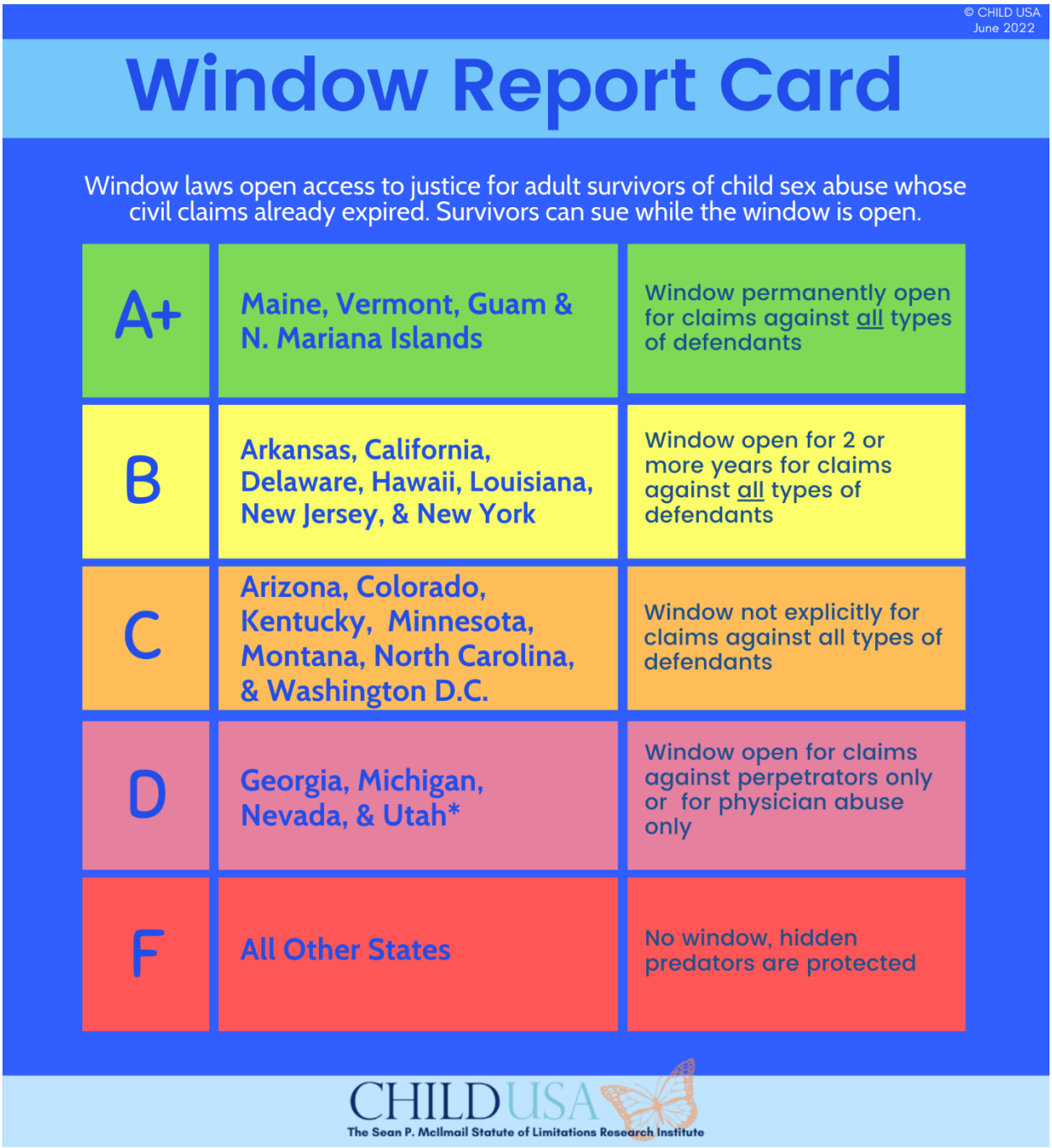
A. Explanation of Revival Window Laws

California was the first state to enact a revival window after 2002 to help past victims of abuse. Since then, eighteen more states—Delaware, Hawaii, Minnesota, Georgia, Utah, Michigan, New York, Montana, New Jersey, Arizona, Vermont, North Carolina, Kentucky, Arkansas, Nevada, Louisiana, Maine, Colorado*— and three territories—Guam, Washington D.C., and Northern Mariana Islands—have opened windows. These windows have varied in length and by the types of defendants that are permitted to be sued.

The most effective way to remedy the wrong of having unreasonably short SOLs for so long is to completely revive all expired claims with a permanently open revival "window." This is exactly what Guam did in 2016. Vermont did the same in 2019 and Maine and Northern Mariana Islands too in 2021. Now any person that was sexually abused as a child in Maine, Vermont, NMI, or Guam may sue their abuser or any responsible person or institution when they are ready. In effect, the law was shifted to accommodate the inherent barriers to disclosure.

The next best windows are those in Arkansas, California, Delaware, Hawaii, Louisiana, New Jersey, and New York because the windows are or were open for two or more years and clearly apply to claims against any type of defendant: perpetrators, individuals, institutions, and the government. The less effective windows are those that only revive claims against perpetrators, like in Georgia, Nevada, and Utah. The least generous window is Michigan's, which only helped

victims of Dr. Larry Nassar and left a gaping hole of injustice for all other Michigan victims of child sex abuse.



B. Explanation of Revival Laws with Age Limits

The revival age limit laws have opened the courthouse doors to adult victims by allowing them to bring suits for previously expired claims up until they reach a certain age. The cutoff age varies from West Virginia's age thirty-six to Connecticut's age forty-eight and age fifty-three in

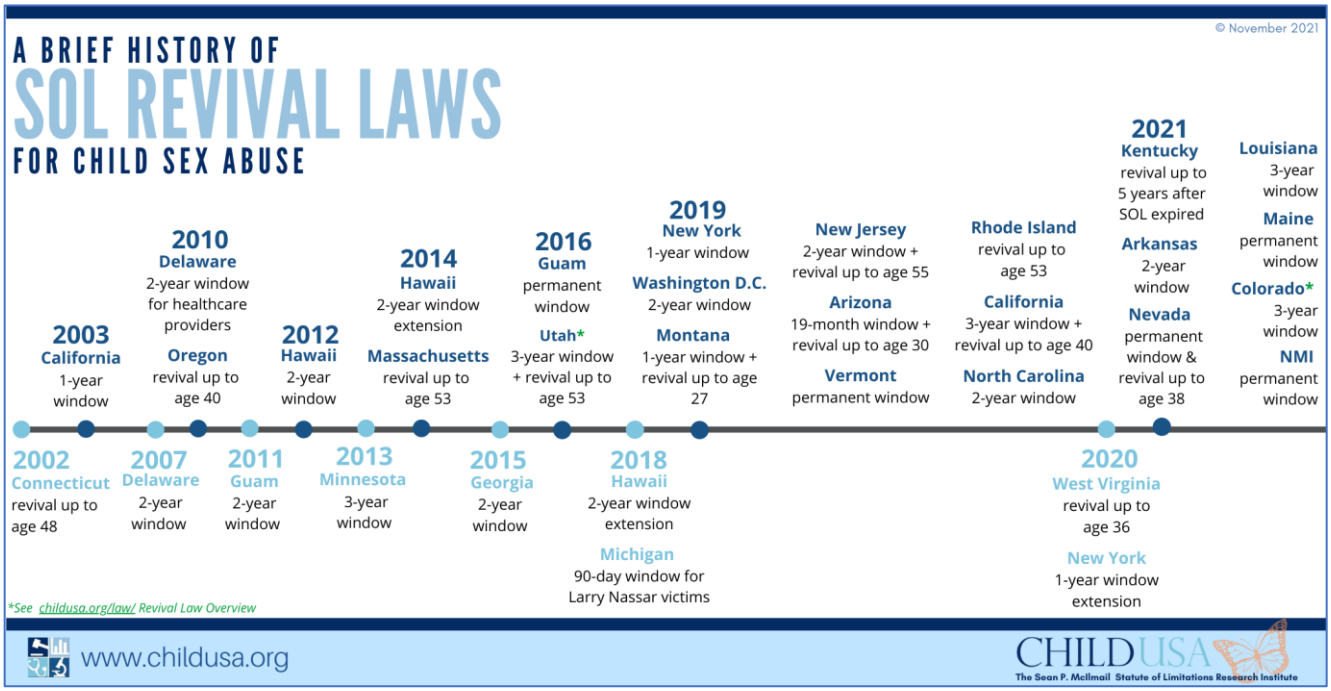
Massachusetts and Rhode Island. The upside of these laws is that victims younger than the age limit are less pressured to bring claims within a set few years whether or not they are ready to come forward, which is the case with temporary windows. The downside is that older victims that are above the cutoff age are still shut out of court. These laws also vary by which defendants are open to suit, with Connecticut as the best one, reviving suits against any type of defendant, and Massachusetts and Rhode Island with worse versions that only revive claims against the perpetrator.

C. Explanation of Laws with Both Revival Windows & Age Limits

There is a growing trend to revive expired claims of abuse via laws that open temporary windows for victims of all ages and allow victims to file claims until they reach a certain age, even after the window closes. The benefit of this hybrid approach is that it gives victims of all ages an opportunity to file claims and allows more victims into court on a schedule that fits their needs. This approach is particularly helpful for younger victims who are not fully aware of the abuse or its effects and have not disclosed it yet. It also benefits all victims younger than the age limit who, for whatever reason, are not yet ready to file a lawsuit against their abuser or those responsible for their abuse before the window closes. Revival via both a window and an age limit is a promising new trend in those states that set the age cap at or above the average age of disclosure, which is fifty-two.

Utah was the first state to pass this type of revival law in 2016 when it attempted to open a three-year window and enact revival until a victim reaches age fifty-three for claims against perpetrators only. However, Utah's revival law was held unconstitutional.[1133] In 2019, Arizona, California, Montana and New Jersey improved on Utah's approach and all passed revival laws that included a window and an age limit for claims against perpetrators and other types of defendants. In 2021, Nevada opened a permanent revival window for claims against perpetrators only, and revived claims against other defendants up to age thirty-eight. New Jersey's law is the strongest and empowers the most victims with its two-year window and revival up to age fifty-five. Arizona and Montana's revival laws are less effective with shorter windows and younger revival age limits, age thirty and twenty-seven, respectively.

D. State-by-State Overview of All Revivals Laws Since 2002



A full list of the revival laws in 27 U.S. States and Territories is provided in the following chart.[1134]

State	Revival Law Type	Window Dates	Age Limit	Revival Law Description
Arizona	1.5-Year Window & Age 30 Limit (2019)	*Closed 5/27/19-12/30/20*	**Age 30**	Permanently revives claims up to age 30 and 1.5-year window for expired claims against all types of defendants; closed on December 30, 2020.[1135]
Arkansas	2-Year Window (2021)	**Open 2/1/22-1/31/24**		2-year window for expired claims against all types of defendants; opens on February 1, 2022.[1136]
California	3-Year Window & Age 40 Limit (2019)	**Open 1/1/20-12/31/22**	**Age 40**	Permanently revives claims up to age 40 and 3-year window for expired claims against all types of defendants; opened on January 1, 2020.[1137]
	1-Year Window (2003)	*Closed 1/1/03-12/31/03*		1-year window for expired claims against private organizations and non-perpetrator individuals only; closed on December 31, 2003.[1138]

Colorado*	3-Year Window (2021)	**Open 1/1/22-12/31/24**		3-year window for claims against perpetrators, private organizations, and government for abuse from 1960-2021 opened on January 1, 2022. The law is not a revival law—it is a new cause of action—but it is included because it opens a window to justice for many survivors whose common law claims have expired.[1139]
Connecticut	Age 48 Limit (2002)		**Age 48**	Permanently revives claims up to age 48 against all types of defendants.[1140]
Delaware	2-Year Window (2010)	*Closed 7/13/10-7/12/12*		2-year window for expired claims against healthcare providers was added in 2010 because original window did not apply to them.[1141]
	2-Year Window (2007)	*Closed 7/10/07-7/9/09*		2-year window for expired claims against all types of defendants; closed on July 9, 2009.[1142]
Georgia	2-Year Window (2015)	*Closed 7/1/15-6/30/17*		2-year window for expired claims against perpetrators only; closed on June 30, 2017.[1143]
Guam	Permanent Window (2016)	**Open 9/23/16-never closes**	**No age limit**	Permanently open revival window for all previously expired claims against all types of defendants; opened on September 23, 2016.[1144]
	2-Year Window (2011)	*Closed 3/9/11-3/8/13*		2-year window for expired claims against abusers only; closed on March 8, 2013.[1145]
Hawaii	2-Year Window (2018)	*Closed 4/24/18-4/23/20*		2-year window for expired claims against all types of defendants; closed on April 23, 2020.[1146]
	2-Year Window (2014)	*Closed 4/24/14-4/23/16*		In 2014, original window was extended for another 2 years and expanded to include claims against the government.[1147]
	2-Year Window (2012)	*Closed 4/24/12-4/23/14*		2-year window for expired claims against perpetrators, other individuals, and private organizations; closed on April 24, 2014.[1148]
Kentucky	Limited Window (2021)	**Open 5 years after SOL expired**		Limited window reviving expired claims for up to 5 years after the date the SOL previously expired; opened on March 23, 2021.[1149]

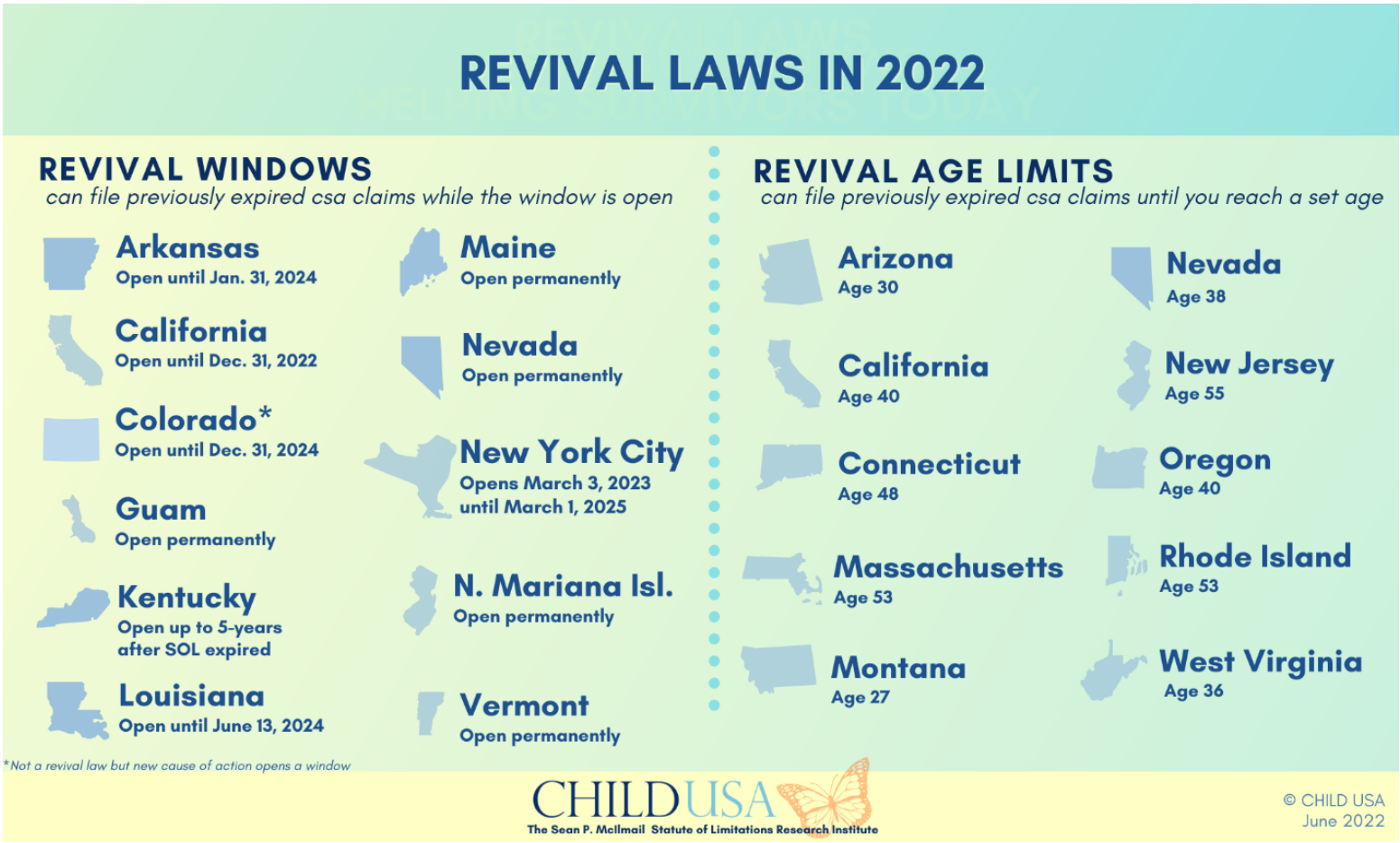
Louisiana	3-Year Window (2021)	**Open 6/14/21-6/13/24**		3-year window for expired claims against all types of defendants; opened on June 14, 2021.[1150]
Maine	Permanent Window (2021)	**Open 10/28/21-never closes**	**No age limit**	Permanently open revival window for all expired claims against all types of defendants; opened on October 18, 2021.[1151]
Massachusetts	Age 53 Limit (2014)		**Age 53**	Permanently revives claims up to age 53 against perpetrators only.[1152]
Michigan	90-Day Window (2018)	*Closed 6/12/18-9/10/18*		90-day window reviving claims for victims of Larry Nassar only; closed on September 10, 2018.[1153]
Minnesota	3-Year Window (2013)	*Closed 5/26/13-5/25/16*		3-year window for expired claims against all types of defendants; closed on May 25, 2016.[1154]
Montana	1-Year Window & Age 27 Limit (2019)	*Closed 5/7/19-5/6/20*	**Age 27**	Permanently revives claims up to age 27 and 1-year window for expired claims against perpetrators and entities; closed on May 6, 2020.[1155]
Nevada	Permanent Window & Age 38 Limit (2021)	**Open 6/2/21-never closes**	**Age 38**	Permanently open revival window for all expired claims against perpetrators or persons criminally liable for sexual abuse or exploitation of a minor (including trafficking, prostitution, and pornography) and promoters, possessors, or viewers of CSAM (child sexual abuse material); opened on June 2, 2021. Also, permanently revives claims up to age 38 for CSA and sexual exploitation of a minor against other defendants.[1156]

New Jersey	2-Year Window & Age 55 Limit (2019)	*Closed 12/1/19-11/30/21*	**Age 55**	Permanently revives claims up to age 55 and 2-year window for expired claims against all types of defendants; closed on November 30, 2021. Window applies to child sex abuse victims and those sexually assaulted as adults.[1157]
New York	2-Year Window (2022)	**Opening 3/1/23-3/1/25**		2-Year window for expired gender-motivated violence, including CSA and sexual assault claims, will open on March 1, 2023 against all types of defendants for abuse that occurred in New York City—Manhattan, Queens, Staten Island, Brooklyn, and the Bronx.[1158]
	1-Year Window (2020)	*Closed 8/14/20-8/13/21*		In 2020 extended original window by one year which closed on August 13, 2021.[1159]
	1-Year Window (2019)	*Closed 8/14/19-8/13/20*		1-year window for expired clams against all types of defendants; opened on August 14, 2019.[1160]
North Carolina	2-Year Window (2019)	*Closed 1/1/20-12/31/21*		2-year window for expired civil claims against all types of defendants; closed on December 31, 2021.[1161]
Northern Mariana Islands	Permanent Window (2021)	**Open 11/10/21-never closes**	**No age limit**	Permanently open revival window for all expired claims against all types of defendants; opened on November 10, 2021.[1162]
Oregon	Age 40 Limit (2010)		**Age 40**	Permanently revives claims up to age 40 against all types of defendants.[1163]
Rhode Island	Age 53 Limit (2019)		**Age 53**	Permanently revives claims up to age 53 against perpetrators only.[1164]

Utah*	3-Year Window & Age 53 Limit (2016)	*Closed 5/10/16-5/9/19*	**Age 53**	Permanently revives claims up to age 53 and opened a 3-year window, both for claims against perpetrators or persons criminally liable.[1165] The revivals were held unconstitutional.
Vermont	Permanent Window (2019)	**Open 5/28/19-never closes**	**No age limit**	Permanently open revival window for all expired claims against all types of defendants; opened on May 28, 2019.[1166]
West Virginia	Age 36 Limit (2020)		**Age 36**	Permanently revives claims up to age 36 against all types of defendants.[1167]
Washington D.C.	2-Year Window (2019)	*Closed 5/3/19-5/2/21*		2-year window for expired claims against all types of defendants; closed on May 2, 2021. Window applied to all child sex abuse victims up to age 40 and, in some circumstances, older victims and those sexually assaulted as adults. (*2019-21 window closed*).[1168]

E. Revival Laws Extending into 2022

There are multiple revival laws in effect that can help survivors of child sex abuse gain access to justice. The states with age limit revivals in place in 2021 include Arizona (30), California (40), Connecticut (48), Massachusetts (53), Montana (27), Nevada (38), New Jersey (55), Oregon (40), Rhode Island (53), and West Virginia (36). The states with open revival windows in 2022 include Arkansas, California, Colorado, Guam, Kentucky, Louisiana, Maine, Nevada, New York, NMI, and Vermont. The revival windows in Guam, Maine, NMI, and Vermont are permanently open, and the end dates for the other revival windows are in the graphic below.



V. Grading the States on Their Child Sex Abuse SOLs

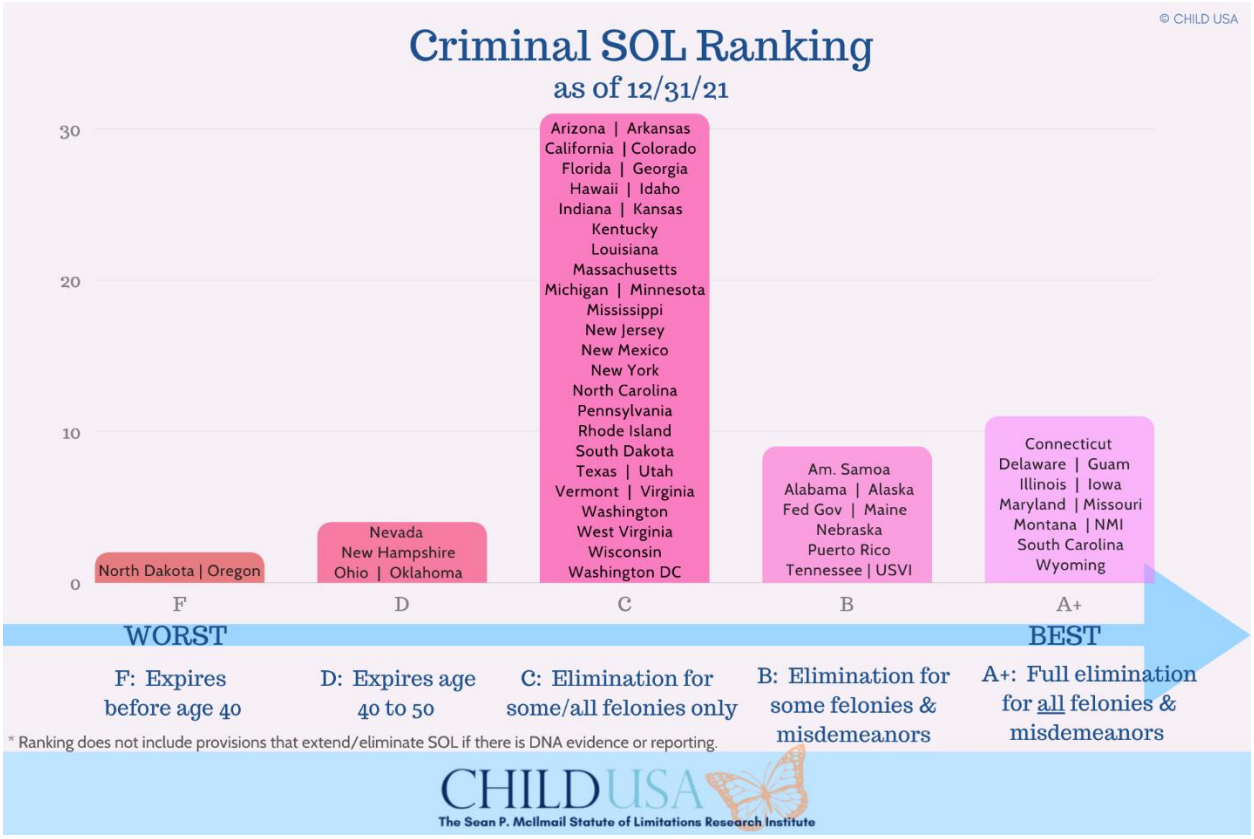
This section takes a snapshot of the states and territories in 2021 and grades them according to how far they advanced toward the three goals of CSA SOL reform: (1) elimination of criminal SOLs, (2) elimination of civil SOLs, and (3) revival of all expired claims.

A. Criminal SOL Ranking

This section snapshots each state's criminal SOLs in effect in 2021 and grades them accordingly. Criminal SOLs put a time limit on how long after the crime the government can prosecute child sex crimes and put the perpetrator behind bars, impose restitution, and/or place them on a state sex offender registry. Unfortunately, criminal prosecution of perpetrators is uncommon, and can be difficult to prove because child sex abuse is rarely reported to the authorities. In the rare instance that a victim pursues criminal charges, they are often too late and the SOL for prosecuting the crime has expired.

CSA often violates various criminal codes with different SOLs for each crime (i.e., rape, assault, sex trafficking, exploitation). The ranking does not consider provisions that extend or eliminate the SOL based on DNA evidence, because it is so rare. In general, the time limit for prosecuting a particular crime is the SOL that was in effect at the time of the offense. Eliminating the criminal SOL allows prosecutors time to prosecute a defendant for child sexual abuse crimes. With criminal SOL reform it is important to understand, that for the states that only recently eliminated or extended the criminal SOL, there are still many victims who do not have access to justice. For those victims whose SOLs expired before the recent extension or elimination, there is nothing that can be done for them on the criminal side. It is unconstitutional to revive the expired criminal SOLs.[1169] When it is too late to prosecute perpetrators, the only hope for victims to pursue justice is to revive expired civil SOLs.

The criminal rankings are based on the age limit for victims to prosecute child sex abuse crimes and whether the state has eliminated the SOL for some or all felony and misdemeanor crimes. The states whose criminal SOLs rank the highest are those that have eliminated the SOL for all felony and misdemeanor child sex abuse crimes—Connecticut, Delaware, Illinois, Iowa, Maryland, Missouri, Montana, South Carolina, and Wyoming and 2 territories, Guam, and NMI. There are only 6 states that have not yet eliminated the SOL for any child sex abuse crimes. They are the worst states for criminal SOLs—Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, and Oregon. The graphic below illustrates the rankings of each state's criminal SOL for child sexual abuse crimes.



B. Civil SOL Ranking

This section snapshots each state's civil SOLs in effect in 2021 and grades them accordingly. The goal of civil SOL reform is to allow survivors of child sex abuse to file claims against those that abused them and enabled their abuse when they are ready. The civil SOL rankings consider whether a state has helped both past and future victims (with revival legislation and forward elimination or extension, respectively) or only those going forward (through forward elimination or extension).

Civil claims serve a distinct purpose of redressing the impact of abuse on society and the victims—past, present, and future. They shift the costs of the abuse from the victim to the person and/or institution that caused the abuse. Like the criminal justice system which prevents more victims through incarceration and sex offender registration of the perpetrator, the civil system exposes hidden predators and shines light on the truth which helps prevent future abuse. It also creates a deterrent against institutions that have engaged in negligent oversight of employees and volunteers endangering children. The worst civil SOL states provide the least deterrence for organizations by cutting off claims when the victim is in their early twenties.

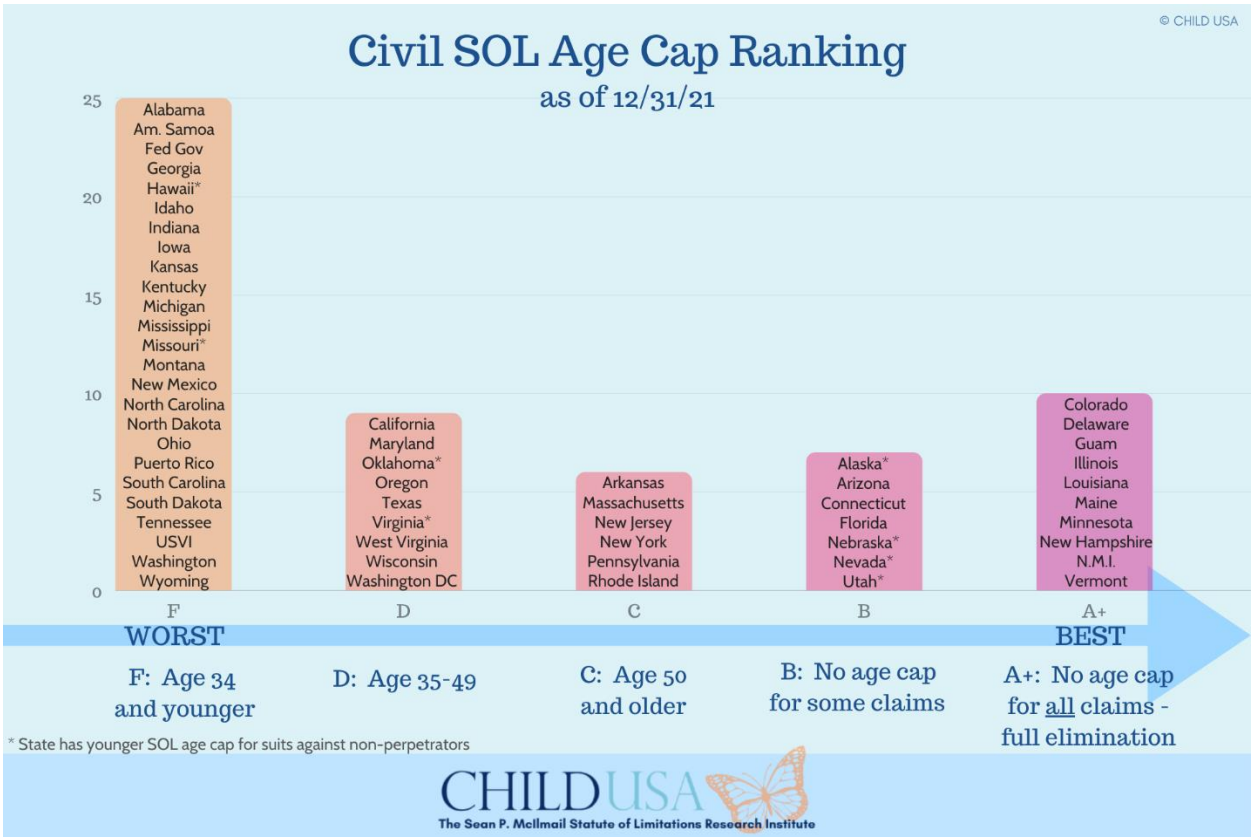
For civil claims, there are two categories of victims: those from the past and those being abused now and into the future. For future victims, the strongest states have eliminated their civil SOLs so future victims can bring claims at any point during their lifetime. Historically, victims from the past have been excluded from justice from unfairly short SOLs in many states. In an effort to give these victims access to justice, 24 states and 3 territories have revived expired SOLs. Those jurisdictions that only extend or eliminate the civil SOLs going forward sometimes leave earlier victims without recourse, which in turn means that there is a strong risk that their perpetrators may never be named publicly. There is also a subset of past victims that have not come to terms with their abuse and have not discovered that their injuries are caused by the sex abuse they endured as a child. For these victims, broad discovery rules are helpful, particularly those that apply retroactively and run from when a victim makes the connection between their injuries and the abuse.

1. Civil SOL Age Cap Ranking

This subsection takes a snapshot of each state's SOL age cap in effect in 2021 and grades them accordingly. Survivors often delay disclosure of their abuse until their 50's, and many take even longer than that to come forward. The states that rank the highest on the age cap ranking are the states that have eliminated their SOL, abolishing the age cap and allowing victims to bring their claims at any time. This is the only way to ensure that each victim will have the time they need to come forward. Some of the states are given credit for their elimination, even though it is only applicable to claims against perpetrators, and they still have a shorter SOL in place for claims against other types of defendants.

The ten most noteworthy states and territories that have abolished their age cap for all claims against perpetrators and other defendants are Colorado, Delaware, Guam, Illinois, Louisiana, Maine, Minnesota, New Hampshire, NMI, and Vermont. The worst states and territories with age limits that block claims when victims are in their 20's are out of touch with science and the realities

of child sex abuse trauma. The states and territories with the youngest age caps of age 25 or younger are Alabama, American Samoa, Arkansas, Georgia, Idaho, Indiana, Kansas, Mississippi, New Mexico, North Dakota, Puerto Rico, South Dakota, USVI, and Washington. This year, Colorado, Iowa, Louisiana, and NMI, which used to cut off claims while survivors were in their 20's, all eliminated their SOLs and now rank amongst the best. The graphic below illustrates the rankings of each state and territories' civil age cap for child sexual abuse claims.



2. Civil SOL Revival Law Ranking

This subsection takes a snapshot of all the jurisdictions that have revived claims for victims whose SOL had already expired. It analyzes all three types of revival laws with a focus on who they help and for how long. The states are ranked in the chart below based on what age or type of victims the revival law covers, the length of time the revival window is open, and which individuals and entities can be sued. Guam, Maine, NMI, and Vermont have the best revival laws, because their windows are permanently open for claims against all defendants and Michigan has the worst because it was limited to claims of abuse by Larry Nassar. The graphic below illustrates the rankings of each state's civil SOL revival law for child sexual abuse claims.

VI. Conclusion

Child sex abuse SOL reform has been very active across the United States since January 2002 when the *Boston Globe*'s *Spotlight* team first disclosed institution-based sex abuse in a trusted institution, the Boston Archdiocese. The movement has been mobilized by the appearance in the public square of victims of child sex abuse who were previously invisible to the public. With one in five girls and one in thirteen boys sexually abused, there are millions of victims in the United States and most even today have not disclosed their abuse to the public. While the opposition to victims' greater access to justice persists from certain corners, it is apparent that with the #MeToo movement and a new wave of child sex abuse victims coming forward and revival windows now open in many states, the movement remains strong. The rapid pace of change is unlikely to slow down anytime soon.

*Thank you to current and former University of Pennsylvania law students Lei Brutus, Matthew Caulfield, Rachel Chiger, Margaret Gallagher, Katrina Kaczynski, and Matthew Park, who provided excellent research assistance for this report, and to the Penn Law Toll Public Interest Center. This report contains original research and is updated regularly by CHILD USA. Please direct any questions about this report to info@childusa.org.

Appendix A:

Timeline of some widely publicized CSA cases identified by perpetrator or defendant institution

1977. Roman Polanski (CA).
1985. Fr. Gilbert Gauthe, Louisiana dioceses (LA).
1987. Bob Villard (CA).
1986. Thayer Academy (MA).
1991. Washington Times investigative report on pervasive sex abuse in Boy Scouts.
1992. Woody Allen (NY).
1993. Mount Alvernia High School (MA).
1995. Notre Dame Academy (MA); Phillips Academy (MA).
1996. USA Volleyball (IL).
1997. Washington Academy (ME).
1998. Cheverus High School (ME). Solomon Schechter Day School (MA).
2000. Austin Preparatory School (MA); Kent Hills School (ME); St. Paul's School (NH).
2002. Boston Globe discloses Boston Archdiocese (MA); Boston College High School (MA); Catholic Memorial School (MA); Manchester Diocese (NH); Cincinnati Diocese (OH); Cardinal Spellman High School (MA); Spokane Diocese (WA); Bridgeport Diocese (CT); Tucson Diocese (AZ); Davenport Diocese (IA); Toledo Diocese (OH).
2003. Linden Hill School (MA); Riverview School (MA); Saint Thomas More School (CT); Philadelphia Archdiocese (PA); Los Angeles Diocese (CA); San Diego Diocese (CA); Orange Diocese (CA).
2004. John Dewey Academy (MA); Jason Michael Handy (CA); Portland Archdiocese (OR).
2005. Bill Cosby – first rape allegation made public; The Loomis Chaffee School (CT); Chicago Archdiocese (IL); Burlington Diocese (VT); Hartford Archdiocese (CT).
2006. Berkshire School (MA); Eagle Hill School (CT); Lyndon Institute (VT); Maine Central Institute (ME); Milton Academy (MA); St. Dominic Savio Preparatory High School (MA). Charles Bennison – Episcopal Church (PA); Wilmington Diocese (DE).
2007. Baptist Church (TX); USA Judo (OH); Miami Archdiocese (FL).
2008. Buckingham Browne & Nichols School (MA); Cardigan Mountain School (NH); Tony Alamo Christian Ministries (AR, IN).
2009. Cathedral High School (MA); Yona Weinberg, ultra-Orthodox Jew (NY); The Cambridge School of Weston (MA); Williston Northampton School (MA).
2010. U.S. Women's Swimming; Assumption Catholic School (CT); Brewster Academy (NH); Notre Dame Academy (MA); St. Stanislaus School (CT); Vermont Academy (VT); St. John's School for the Deaf (WI).
2011. Jerry Sandusky – Penn State (PA); Syracuse Basketball (NY); Fundamentalist Church of Jesus Christ of Latter-Day Saints (TX); Fessenden School (MA); LA United School District (CA); Christ the King Regional H.S. (NY); Riverside Church basketball program (NY).
2012. Jehovah's Witnesses (CA). Horace Mann (NY); James Madison High (NY); Monsignor Lynn (PA); Phillips Andover Academy (MA); Carrabassett Valley Academy (ME). Landmark School (MA); Maimonides School (MA); Westover School (CT); Orthodox Jewish Camp Shalva (NY); Yeshiva University (NY); Santa Fe Archdiocese (NM).
2013. Ariel Castro (OH); USA Speed Skating; Father Gerald "Jerry" Funcheon (MN); Nicole Dufault (NJ); Brooks School (MA); Brunswick School (CT); Choate Rosemary Hall (CT);

Deerfield Academy (MA); Notre Dame Catholic High School (CT); The Park School (MA); The Pike School (MA); The Taft School (CT).

2014. Patrick Henry College (VA); Paks Karate (FL); Fr. James Thoennes (MN). Fruits of the Minnesota Window (MN). Solebury School (PA); Doctor Franklin Perkins School (MA); Miss Porter's School (CT); Quincy Catholic Academy (MA). Sacred Heart School (MA); Shaker Road School (NH); St. Mary of the Hills (MA). The Academy at Mount Saint John (CT). The Glenholme School (CT).

2015. AAU Volleyball; Wrestling program, Yorkville High School (Dennis Hastert) (IL); Glade Run Lutheran Services (PA); James Madison High School (NY); Jared Fogle (Subway); Northeast Portland Boys & Girls Club (OR); Sequoia Charter School (AZ); Sunrise Mountain High School (AZ); U.S. Marines & Afghanistan; Plum School District (PA); Pomfret School (CT); Shaloh House Jewish Day School (MA); St. Joseph School (CT); The Hotchkiss School (CT).

2016. St. George's (RI); Emma Willard School (NY); Berwick Academy (ME); Little League (WV); ABC Child Care (OH); Phillips Exeter Academy (NH); Michigan State University (MI); USA Gymnastics (IN); U.S. Olympic Committee (CO); Metropolitan Opera (NY); Bethlehem Baptist Church (AL); First Baptist Church (GA); Northeast Georgia Council Boy Scouts of America (GA); Minuteman Border Patrol Group (AZ); Arkansas Department of Human Services (AR); "Mr. Wonder" Show on KNOE-TV (LA); Rawlins Middle School (WY).

2017. Beth Tfiloh Dahan Community School (MD); Camp Shoresh (MD); Pacific Southwest Region of United Synagogue Youth (MN); Louisville Metro Police Department's Youth Explorer Program (KY); Camp Lejeune (NC); Hollywood Film Industry (CA); Orange County High School (VA); Amateur Athletic Union (IL); Sports Performance Volleyball Club (IL); Daphne Elementary School (AL); Apostolic Church of Jesus Christ (AL); University of Alabama in Huntsville (AL); The Darlington School in Rome (GA); Palo Alto Medical Foundation (CA); Dominican Hospital (CA); Roman Catholic Church in Phoenix (AZ); Mesa Police Department (AZ); St. Francis Xavier Church (NY); Stoddert Middle School (MD); Fusion Health Care and Silhouette Medspa (CA); Vungle (CA); Aggressive Christianity Missions Training Corps (NM); Satellite Hotel Churches (CO); Partners Program (CO); Dolores County Sheriff's Office (CO); Kent School (CT); The Brearley School (NY); Kidz Ink 2 Day Care (DE); Kamehameha School (HI); Midwest Academy (IA); Sioux Center Christian School (IA); Parkview Church (IA); The Learning Tree Child Care Center (WI); St. Pius X Catholic School (WI).

2018. Larry Nassar (MI); Pennsylvania Grand Jury Report (PA); (Jehovah's Witnesses Church (NV); U.S. Military (VA); Nichols School (NY); St. Mary's Academy (OR); Randolph Union High School (VT); The Awakening Church (TN); Mount Gilead Baptist Church (AL); City of Highfill Mayor's Office (AR); Highfill United Methodist Church (AR); Palestine-Wheatley High School (AR); The International Water Polo Club (CA); USA Water Polo (CA); Iglesia La Familia De Dios (CA); Fort Carson (CO); New Smyrna Beach Middle School (FL); Roman Catholic Diocese of Boise (ID); Wrestling program, Bergen Catholic H.S. (NJ); Jeffrey Epstein (FL).

2019. Michael Jackson (CA); R. Kelly (IL); Southern Baptist Convention (TX); Roman Catholic Dioceses (NJ, TX, MO, NY); John Coughlin (KS); Theodore McCarrick (DC); James "Doc" Jensen (MT); Roman Catholic Archdiocese of New York (NY); Boy Scouts of America (NY); Dr. Michael Dick (AL); Dr. George M. Tyndall (CA); Dr. Richard Strauss (OH); Dr.

Reginald Archibald (NY); Dr. Stanley Weber (MT); Sterling Van Wagenen (UT); George Pell (Australia); Dr. Johnnie Barto (PA); Richard Callaghan (CA).

2020. Joseph Ruffalo (CA); Patricia Gucci (CA); Jerry Harris (TX); Christophe Girard (France); Ghislaine Maxwell (NH); Martin Weiss (CA); Keith Raniere (NY); Catholic Boy Scouts of Ireland (Ireland); Devereux Behavioral Health (PA, DE); Catholic Diocese of Buffalo (NY); Portsmouth Abbey School (RI); Archdiocese of Chicago (IL); The Children's Village (NY); Archdiocese of Denver (CO); St. Francis High of Athol Springs (NY); Cardinal O'Hara High School (NY); Bishop Fallon High School (NY); Newark Archdiocese (NJ); St. Joseph's Orphanage (VT); De La Salle High (LA); USA Cheer (TX); U.S. All Star Federation (TN); Church of Jesus Christ of Latter-day Saints (AZ).

2021. Ghislaine Maxwell (NY); Danny Masterson; Ex-Cardinal Theodore McCarrick; Prince Andrew (NY); Bob Dylan (NY); Newark School District (NJ); USA Cheer (TX); Jerry Harris; Church of Scientology; Federal Bureau of Investigation; Dr. George M. Tyndall (CA); France's Catholic Church (France); Abington School District (PA); Josh Duggar; Peter Nygard (Canada); Rabbi Baruch Lanner (NY); Orthodox Union (NY); Catholic Church (NJ); Terence Lynch (NJ); Chartwell Manor School (NJ); Fr. Robert Brennan (PA); Bill Cosby (PA); UNC School of Arts (NC); R. Kelly; U.S. All Star Federation (TN); Alen Hadzic; Dr. Richard Strauss (OH); State Senator Anthony Bouchard (WY).

Appendix B:

Glossary

Age Cap: Revival laws establish a specific period of time during which survivors can bring previously-expired civil claims to court, and when the revival period is set at a survivor's age, it is called an **age cap** or a **revival age limit.** Claims can only be filed until a survivor reaches that specific age. The age states choose ranges from 27-55.

Charitable Immunity: A legal doctrine stating that charitable organizations cannot be held liable for negligence under tort law. It originated in the 1800s and is based on the principle that nonprofit assets that are held in trust for the public good should not be used to pay off personal injury claims brought against a charitable organization.

CSA (CSA): Any sexual activity with a minor (like fondling, intercourse, exposing oneself, masturbating, obscene calls, messages, or digital contact, vaginal, anal, or oral sex, sex trafficking, producing or possessing CSA material (CSAM), or any other harmful sexual conduct).

Delayed Disclosure of Abuse: The common phenomenon where survivors of CSA wait for years, often well into adulthood, before telling anyone they were abused. The average age of disclosure is 52 years old.

Civil Lawsuit: A survivor of CSA may file a claim against an abuser, other individual, entity or the government to recover money damages or seek other remedies for abuse-related injuries.

Criminal Prosecution: The state or federal government may prosecute by filing criminal charges against a person or entity for their crimes relating to CSA. Punishment for criminals could involve jail time, fines, or restorative justice.

Civil Lawsuit: A survivor of CSA may file a claim against an abuser, other individual, entity or the government to recover money damages or seek other remedies for abuse-related injuries.

Defendant: A person or institution that is sued for CSA. A defendant can be an **abuser**, a person who sexually abused a child, or other individuals or institutions that knew about or enabled the abuse. **Institutions** can be a private organization (like a business, non-profit company, or religious institution) or a public organization (like a government agency or public school).

Delayed Disclosure of Abuse: the common phenomenon where survivors of CSA wait for years, often well into adulthood, before telling anyone they were abused. The average age of disclosure is 52 years old.

Discovery Rule: A law that says the SOL time countdown does not begin until a person is aware of their injuries relating to CSA or makes the connection that their injuries were caused by abuse.

Injuries Caused by CSA: Injuries can include physical and mental health issues like STDs, depression, anxiety, PTSD, addiction, and difficulty participating in relationships, work, or community.

Revival Laws: Laws that establish a specific period of time during which survivors can bring previously-expired civil claims to court. When the revival period is a set amount of time after the law is passed, it is called a **revival window**, and claims can be filed while the window is open. States have opened windows for a few years or permanently. When the revival period is set at a survivor's age, it is called a **revival age limit**, and claims can be filed until a survivor reaches that specific age. The age states choose ranges from 27-55.

SOL (SOL): A law that sets the amount of time after a person is abused that: (1) the person can file a civil lawsuit for their injury, or (2) the government can criminally prosecute an abuser and others for their crimes.

SOL Extension or Elimination Laws: Laws that change the SOL to give survivors more time to file claims for abuse-related injuries. **Extension** laws lengthen the SOL so that it expires later, while **elimination** laws completely remove the SOL so that there is no limit for when claims can be filed.

Defendant: A person or institution that is sued for CSA. A defendant can be an **abuser**, a person who sexually abused a child, or other individuals or institutions that knew about or enabled the abuse. **Institutions** can be a private organization (like a business, non-profit company, or religious institution) or a public organization (like a government agency or public school).

Appendix C:

Overview of State SOLs and Rankings as of 12/31/21

U.S. State or Territory	Civil SOL		Civil Revival Law		Criminal SOL	
Alabama	**F**	Age 25		No revival	**B**	No SOL: Some felonies and misdemeanors
Alaska	**B**	No SOL against perpetrator for some CSA crimes Age 20-21 against perpetrators for remaining CSA crimes Age 20 against other defendants		No revival	**B**	No SOL: Some felonies and misdemeanors
Arizona	**B**	Age 30 for CSA No SOL for sex trafficking	**C**	19-month window (closed 12/30/20) Revival up to age 30	**C**	No SOL: Some felonies
Arkansas	**C**	Age 55	**B**	2-year window (closes 1/31/24)	**C**	No SOL: Some felonies
California	**D**	Age 40 for CSA Age 28 for trafficking	**B**	3-year window (closed 12/31/22) Revival up to age 40	**C**	No SOL: Some felonies
Colorado	**A**	No SOL	**C**	3-year window (closes 12/31/24)	**C**	No SOL: All felonies
Connecticut	**B**	Age 51 No SOL if criminal conviction 1st degree sex assault	**C**	Revival up to age 48	**A**	No SOL: All felonies and misdemeanors
Delaware	**A**	No SOL for CSA Age 23 for Trafficking	**B**	2-year window (closed 7/9/09) 2-year window (closed 7/12/12)	**A**	No SOL: All felonies and misdemeanors
Florida	**B**	No SOL for sexual battery of child under age 16 Age 25 for other CSA		No revival	**C**	No SOL: Some felonies
Georgia	**F**	Age 23	**D**	2-year window (closed 6/30/17)	**C**	No SOL: Some felonies
Hawaii	**F**	Age 26 against perpetrator for CSA	**B**	2-year window (closed 4/23/14)	**C**	No SOL: Some felonies

		Age 20 against other defendants for CSA Age 24 for sex trafficking		2-year window (closed 4/23/16) 2-year window (closed 4/23/20)		
Idaho	**F**	Age 23		No revival	**C**	No SOL: Some felonies
Illinois	**A**	No SOL		No revival	**A**	No SOL: All felonies and misdemeanors
Indiana	**F**	Age 20		No revival	**C**	No SOL: Some felonies
Iowa	**F**	Age 19		No revival	**A**	No SOL: All felonies and misdemeanors
Kansas	**F**	Age 21		No revival	**C**	No SOL: Some felonies
Kentucky	**F**	Age 28	**C**	Revival up to 5 years after SOL expired	**C**	No SOL: Some felonies
Louisiana	**A**	No SOL	**B**	3-Year Window (closes 6/13/24)	**C**	No SOL: Some felonies
Maine	**A**	No SOL	**A**	Permanent window (never closes)	**B**	No SOL: Some felonies and misdemeanors
Maryland	**D**	Age 38		No revival	**A**	No SOL: All felonies and misdemeanors
Massachusetts	**C**	Age 53	**D**	Up to age 53	**C**	No SOL: Some felonies
Michigan	**F**	Age 28	**F**	90-day window (closed 9/10/18)	**C**	No SOL: Some felonies
Minnesota	**A**	No SOL	**C**	3-year window (5/25/16)	**C**	No SOL: Some felonies
Mississippi	**F**	Age 24		No revival	**C**	No SOL: Some felonies
Missouri	**F**	Age 31 against perpetrator Age 26 against other defendants		No revival	**A**	No SOL: All felonies and misdemeanors
Montana	**F**	Age 27	**C**	1-year window (closed 5/6/20) Revival up to age 27	**A**	No SOL: All felonies and misdemeanors
Nebraska	**B**	No SOL against perpetrators of sex assault Age 33 against other defendants for sex assault Age 25 for other CSA claims		No revival	**B**	No SOL: Some felonies and misdemeanors

Nevada	**B**	No SOL against perpetrators Age 38 against others	**C**	Permanent window against perpetrators (never closes) Revival up to age 38 against others	**D**	No SOL: For Sexual Abuse of a child if report filed by age 36 Or age 36 or 43
New Hampshire	**A**	No SOL for incest and sexual assault of minors		No revival	**D**	Age 40: Felony Sexual Assault
New Jersey	**C**	Age 55	**B**	2-year window (closed 11/30/21) Revival up to age 55	**C**	No SOL: Some felonies
New Mexico	**F**	Age 24		No revival	**C**	No SOL: Some felonies
New York	**C**	Age 55 for CSA Age 33 for trafficking	**B**	2-year window in NYC (opens 3/1/23) 2-year window (closed 8/13/21)	**C**	No SOL: Some felonies
North Carolina	**F**	Age 28	**C**	2-year window (closed 12/31/21)	**C**	No SOL: All felonies
North Dakota	**F**	Age 19 for CSA Age 28 for trafficking		No revival	**F**	Age 36 or 3 years after report: Continuous sexual abuse of a child under age 15
Ohio	**F**	Age 30		No revival	**D**	Age 43: Rape
Oklahoma	**D**	Age 45 against perpetrators Age 20 against other defendants		No revival	**D**	Age 45: Rape
Oregon	**D**	Age 40	**C**	Revival up to age 40	**F**	Age 30: Rape
Pennsylvania	**C**	Age 55		No revival	**C**	No SOL: Some felonies
Rhode Island	**C**	Age 53	**D**	Revival up to age 53	**C**	No SOL: Some felonies
South Carolina	**F**	Age 27		No revival	**A**	No SOL: All felonies and misdemeanors
South Dakota	**F**	Age 21		No revival	**C**	No SOL: Some felonies
Tennessee	**F**	Age 33		No revival	**B**	No SOL: Some felonies and misdemeanors
Texas	**D**	Age 48		No revival	**C**	No SOL: Some felonies
Utah	**B**	No SOL against perpetrator Age 22 against other defendants		3-year Window (invalidated)	**C**	No SOL: Rape

		2 years against government				
Vermont	**A**	No SOL	**A**	Permanent Window (never closes)	**C**	No SOL: Some felonies
Virginia	**D**	Age 38 against persons Age 20 against institutional defendants		No revival	**C**	No SOL: All felonies
Washington	**F**	Age 21		No revival	**C**	No SOL: Some felonies
West Virginia	**D**	Age 36	**C**	Revival up to Age 36	**C**	No SOL: All felonies
Wisconsin	**D**	Age 35		No revival	**C**	No SOL: Some felonies
Wyoming	**F**	Age 26		No revival	**A**	No SOL: All felonies and misdemeanors
Washington D.C.	**D**	Age 40	**C**	2-yaer window (closed 5/2/21)	**C**	No SOL: Some felonies
American Samoa	**F**	Age 22		No revival	**B**	No SOL: Some felonies and misdemeanors
Guam	**A**	No SOL	**A**	Permanent Window (never closes)	**A**	No SOL: All felonies and misdemeanors
Northern Mariana Islands	**A**	No SOL	**A**	Permanent Window (never closes)	**A**	No SOL: All felonies and misdemeanors
Puerto Rico	**F**	Age 22		No revival	**B**	No SOL: Some felonies and misdemeanors
U.S. Virgin Islands	**F**	Age 23		No revival	**B**	No SOL: Some felonies and misdemeanors
Federal Government	**F**	Age 28		No revival	**B**	No SOL: Some felonies and misdemeanors

[1] CHILD USA defines "child sexual abuse" (CSA) as any sexual activity with a minor (like fondling, intercourse, exposing oneself, masturbating, obscene calls, messages, or digital contact, vaginal, anal, or oral sex, sex trafficking, producing or possessing CSA material (CSAM), or any other harmful sexual conduct).

[2] A statute of limitations is a law that sets the amount of time after a person is abused that: (1) the person can file a civil lawsuit for their injury, or (2) the government can criminally prosecute an abuser and others for their crimes.

[3] Michael Rezendes, *Church Allowed Abuse by Priest for Years*, THE BOSTON GLOBE: SPOTLIGHT SERIES (Jan. 6, 2002), https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTIrAT25qKGvBuDNM/story.html. *See also* MATT CARROLL ET AL., BETRAYAL: THE CRISIS IN THE CATHOLIC CHURCH (The Boston Globe, 2002); SPOTLIGHT (Open Road Films 2015), http://www.bostonglobe.com/arts/movies/spotlight-movie.

[4] Rick Santorum, *Fishers of Men*, CATHOLIC ONLINE (2002), http://www.catholic.org/featured/headline.php?ID=30. *See* Marci Hamilton, *How Senator Rick Santorum, In Acting for His Church, Persistently Fails to Consider the Larger Public Good*, FINDLAW (Aug. 11, 2005), http://supreme.findlaw.com/legal-commentary/how-senator-rick-santorum-in-acting-for-his-church-persistently-fails-to-consider-the-larger-public-good.html.

[5] COMMONWEALTH OF PA.: OFF. OF THE ATT'Y GEN., A REPORT OF THE THIRTY-SEVENTH STATEWIDE INVESTIGATING GRAND JURY (April 2014), https://www.scribd.com/document/301459233/Grand-jury-report-on-Altoona-Johnstown-Catholic-Diocese. *See also* www.bishopaccountability.org (leading archive of sex abuse in the Catholic Church).

[6] Dan Frosch, *Denver Archdiocese to Pay $5.5 Million in Abuse Suits*, New York Times (July 2, 2008), https://www.nytimes.com/2008/07/02/us/02priests.html; *Lafayette Diocese releases report of priest abuse*, WTHR (Dec. 31, 2003), https://www.wthr.com/article/news/lafayette-diocese-releases-report-of-priest-abuse/531-900defd3-0586-4b15-a1e1-4aa8e7108ac8; Laurie Goodstein, *Archdiocese of Cincinnati Fined in Sex Abuse Scandal*, N.Y. TIMES (Nov. 21, 2003) https://www.nytimes.com/2003/11/21/us/archdiocese-of-cincinnati-fined-in-sex-abuse-scandal.html; Pamela Ferdin & Alan Cooper, *N.H. Prosecutors Report Diocese Ignored Sex Abuse*, WASH. POST (March 4, 2003), https://www.washingtonpost.com/archive/politics/2003/03/04/nh-prosecutors-report-diocese-ignored-sex-abuse/75a75463-b2a9-4df9-a94a-fcc491f8756c/; Stephen Kirkjian, *N.H. diocese agrees to pay more than $5m in settlements*, BOSTON.COM (Nov. 27, 2002) https://archive.boston.com/globe/spotlight/abuse/stories3/112702_nh.htm.

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https://www.nytimes.com/2016/09/02/us/st-georges-school-sex-ause.html; Jenn Abelson, & Jonathan Saltzman, *Ex-teacher barred from prestigious N.H. school*, BOSTON GLOBE (Mar. 30, 2016), https://www.bostonglobe.com/metro/2016/03/30/celebrated-teacher-phillips-exeter-academy-barred-from-campus-after-admitting-sexual-misconduct/c1Z7irufFBnBJIrLKVJG5M/story.html; Valerie Strauss, *An extraordinary story of sex abuse of students at elite private school over decades*, WASH. POST (May 27, 2015), https://www.washingtonpost.com/news/answer-sheet/wp/2015/05/27/an-extraordinary-story-of-sex-abuse-of-students-at-elite-private-school-over-decades/; Motoko Rich, *Prep School Reveals Misconduct by Ex-Chief*, N.Y. TIMES (Jan. 4, 2013), https://www.nytimes.com/2013/01/05/education/brooks-school-reveals-misconduct-by-ex-headmaster.html; Jenny Anderson, *School Abuse Case May Proceed, Judge Says*, N.Y. TIMES (Aug. 28, 2012), https://www.nytimes.com/2012/08/29/nyregion/poly-prep-sexual-abuse-case-may-proceed-judge-rules.html?.

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[11] Dylan Farrow, *Op-Ed: Dylan Farrow: Why has the #MeToo revolution spared Woody Allen?*, L.A. TIMES (Dec. 7, 2017), https://www.latimes.com/opinion/op-ed/la-oe-farrow-woody-allen-me-too-20171207-story.html; Maureen Orth, *Momma Mia!*, VANITY FAIR (Oct. 23, 2013), https://www.vanityfair.com/style/2013/11/mia-farrow-frank-sinatra-ronan-farrow.

[12] The state or federal government may prosecute by filing criminal charges against a person or entity for their crimes relating to CSA. Punishment for criminal violations could involve jail time, fines, or restorative justice.

[13] In a civil lawsuit, a survivor of CSA may file a claim against an abuser, other individual, entity or the government to recover money damages or seek other remedies for abuse-related injuries.

[14] G. Moody, et. al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18 BMC PUBLIC HEALTH (2018) (finding a 20.4% prevalence rate of child sexual abuse among North American girls), https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-018-6044-y#citeas; M. Stoltenborgh, et. al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*, 16 CHILD MALTREATMENT 79 (2011), https://pubmed.ncbi.nlm.nih.gov/21511741/ (finding a 20.1% prevalence rate of child sexual abuse among North American girls); N. Pereda, et. al., *The prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 CLINICAL PSYCH. REV. 328, 334 (2009) (finding a 7.5% and 25.3% prevalence rate of child sexual abuse among North American boys and girls respectively); CTR. FOR DISEASE CONTROL, PREVENTING CHILD SEXUAL ABUSE, https://www.cdc.gov/violenceprevention/pdf/can/factsheetCSA508.pdf. *See also* D. Finkelhor, et. al., *Prevalence of child exposure to violence, crime, and abuse: Results from the Nat'l Survey of Children's Exposure to Violence*, 169 JAMA PEDIATRICS 746 (2015), https://pubmed.ncbi.nlm.nih.gov/26121291/.

[15] Delphine Collin-Vézina et al., *A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse*, 43 CHILD ABUSE NEGL. 123 (2015), https://pubmed.ncbi.nlm.nih.gov/25846196/.

[16] *See Myths and Facts About Sexual Assault*, CAL. DEP'T OF JUST., https://www.meganslaw.ca.gov/mobile/Education_MythsAndFacts.aspx (last visited June 2, 2022); National Child Traumatic Stress Network Child Sexual Abuse Committee, *Caring for Kids: What Parents Need to Know about Sexual Abuse*, NAT'L CTR. FOR CHILD TRAUMATIC STRESS 7 (2009), https://www.nctsn.org/sites/default/files/resources/fact-sheet/caring_for_kids_what_parents_need_know_about_sexual_abuse.pdf.

[17] Ramona Alaggia et al., *Facilitators and Barriers to Child Sexual Abuse (CSA) Disclosures: A Research Update (2000-2016)*, 20 TRAUMA VIOLENCE ABUSE 260, 279 (2019), https://pubmed.ncbi.nlm.nih.gov/29333973/.

[18] G.S. Goodman et. al., *A prospective study of memory for child sexual abuse: New findings relevant to the repressed-memory controversy*, 14 PSYCHOL. SCI. 113–8 (2003), https://pubmed.ncbi.nlm.nih.gov/12661671/.

[19] CHILD USA's data on those abused in Boy Scouts of America. For more information, contact info@childusa.org.

[20] Patrick J. O'Leary & James Barber, *Gender Differences in Silencing following Childhood Sexual Abuse*, 17 J. CHILD SEX. ABUSE 133 (2008), https://pubmed.ncbi.nlm.nih.gov/19042242/.
[21] *See* David Finkelhor et al., *Sexually Assaulted Children: National Estimates and Characteristics*, US DEPT. OF JUST., OFF. OF JUST. PROGRAMS (2008), https://www.ojp.gov/pdffiles1/ojjdp/214383.pdf (based on an analysis of an estimated 285,400 child sexual assault victims, researchers found that only 30% of cases involved police contact); Kamala London et al., *Review of the Contemporary Literature on How Children Report Sexual Abuse to Others: Findings, Methodological Issues, and Implications for Forensic Interviewers*, 16 MEMORY 29, 31 (2008), https://pubmed.ncbi.nlm.nih.gov/18158687/ (stating, "[r]esearchers have found a range of 5% to 13% of child sexual abuse victims reporting abuse to authorities across different studies").
[22] Sarah E. Ullman, *Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors*, 16 J. CHILD SEX. ABUSE 19, 30 (2007), https://pubmed.ncbi.nlm.nih.gov/17255075/.
[23] Often, this happens in the context of therapy; sometimes it is triggered many years after the abuse by an event the victim associates with the abuse; other times it happens gradually or over time as a victim recovers their memory. Dr. Lori Haskell & Dr. Melanie Randall, *The Impact of Trauma on Adult Sexual Assault Victims*, Justice Canada 30 (2019), available at https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf.
[24] MARCI A. HAMILTON, JUSTICE DENIED: WHAT AMERICA MUST DO TO PROTECT ITS CHILDREN 51-110 (Cambridge University Press 2012) (hereinafter "Justice Denied").
[25] For those whose cases had expired, California attempted to revive expired criminal and civil SOLs. The United States Supreme Court held the criminal revival was unconstitutional in *Stogner v. California.* 539 U.S. 607 (2003). The California civil revival window, though, was found to be constitutional and, therefore, California led the way with its one-year civil window, which was open during the calendar year 2003. The window concept was not a novel approach crafted solely for CSA victims. It was borrowed from the revival of expired SOLs in other contexts where the harm to the individual was not immediately apparent when injury first occurred. For example, asbestos-related injustices have prompted the revival of expired SOLs and veterans exposed to Agent Orange have been permitted to file claims for injury long after exposure. Marci A. Hamilton, *The Time Has Come for a Restatement of Child Sex Abuse*, 79 BROOKLYN L. REV. 397, 402 (2014), https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1025&context=blr.
[26] Wyoming is the only state to make no improvements to child sex abuse SOLs since 2002. *See infra* Part II.
[27] *See* CHILD USA's *2020 SOL Tracker* for full SOL legislative activity last year at https://www.childusa.org/2020sol, and CHILD USA's *2021 SOL Tracker* for new SOL legislative activity this year at https://www.childusa.org/2021sol.
[28] A person or institution that is sued for child sex abuse. A defendant can be an **abuser**, a person who sexually abused a child, or other individuals or institutions that knew about or enabled the abuse. **Institutions** can be a private organization (like a business, non-profit company, or religious institution) or a public organization (like a government agency or public school).
[29] ALA. CONST. art. I, § 14. *See also Hurt v. Shelby County Bd. of Educ.*, 198 F.Supp.3d 1293 (N.D. Ala. 2016) (finding CSA claims against school board "are barred by the Alabama constitution."). Regardless, the state is not liable for punitive damages and has not instituted any notice of claim requirement. ALA. CODE § 6-11-26.
[30] *See, e.g., Supreme Lodge of World, Loyal Order of Moose, v. Kenny*, 73 So. 519 (Ala. 1916) (holding that the fact that the supreme lodge of a fraternal order had established a home for the orphans and widows of its members and maintained by its members did not relieve it from liability for the death of a candidate while being initiated into a local lodge, as the candidate was neither seeking nor receiving charity); *Tucker v. Mobile Infirmary Ass'n,* 68 So. 4 (Ala. 1915) (determining that a charitable corporation receiving a patient for compensation is liable for an injury to the patient caused by the negligence of a nurse).
[31] *Alabama Baptist Hosp. Bd. v. Carter*, 145 So. 443 (Ala. 1932) (noting, "[t]he doctrine of waiver by acceptance of benefits is applicable only, if at all, to patients receiving benefits. As to third persons, the rule of responsibility for the negligence of servants or agents is applied in negligence actions against nonprofit hospitals, as in cases of ordinary business corporations."). *See also Laney v. Jefferson Cty.*, 32 So.2d 542 (Ala. 1947).
[32] ALA. CODE § 6-2-3 (fraud SOL). *See Campbell v. Consumer Warehouse Foods*, 570 So.2d 630 (Ala.1990) (recognizing that a defendant's affirmative inducement to delay the action upon which a plaintiff reasonably relies is sufficient to estop the defendant from pleading the SOL defense under a theory of equitable estoppel). *See also Holloway v. Am. Media, Inc.*, 947 F. Supp. 2d 1252, 1270 (N.D. Ala. 2013) (finding, "[i]n Alabama, a SOL can be tolled either under equitable circumstances that prevent the plaintiff from timely commencing his action or because

of fraud by the defendant that conceals the existence of the plaintiff's claim"); *DGB, LLC v. Hinds*, 55 So. 3d 218, 226 (Ala. 2010) (concluding that, in general, a plaintiff alleging fraudulent concealment must show "the time and circumstances of the discovery of the cause of action" and present facts showing "defendants concealed the cause of action or injury and what prevented the plaintiff from discovering the facts surrounding the injury.").

[33] *Beasley v. Alabama State Univ.*, 966 F. Supp. 1117 (M.D. Ala. 1997) (holding the continuous violation doctrine applied female student athlete's claims against university under Title IX, and thus were not barred by Alabama two-year SOLs, though action was brought over four years after her rights were first violated).

[34] ALA. CODE §§ 6-2-38(l) (two years), 6-2-34(1) (six years), 6-2-8 (majority tolling). *See Love v. Wyeth*, 569 F. Supp. 2d 1228, 1232 (N.D. Ala. 2008) (quoting *Black v. Pratt Coal & Coke Co*., 5 So. 89, 91 (Ala. 1888)); *Ex parte Trawick*, 959 So. 2d 51, 63 (Ala. 2006) (noting that "because J.V. and R.V. were minors, § 6–2–8, ALA. CODE 1975, suspends the SOLs, allowing them a period of three years after reaching the age of majority to file a civil case.").

[35] *See* ALA. CODE § 6–2–8 (1975); *Warren ex rel. Robinson v. Alabama Dep't of Mental Health*, No. 7:16-cv-01666, 2019 WL 1002505, *1, n. 2 (N.D. Ala. Mar. 1, 2019) (finding that "[Alabama's tolling provision] provides a twenty-year cap on all claims brought by lifelong mentally incapacitated individuals").

[36] *Travis v. Ziter*, 681 So.2d 1348, 1355 (Ala. 1996) (holding, "[e]ach cause of action alleged . . . accrued no later than the last alleged actionable contact").

[37] ALA. CODE § 13A-6-158(b)(1) (stating, "[i[f the plaintiff is a minor, then the limitation period will not commence running until he or she has reached the age of majority.").

[38] *Ziter, supra* note 37.

[39] *Id.* at 1354 (recognizing that in Alabama there is no "discovery rule unless it is specifically prescribed by the Legislature" and there is no statutory discovery rule for CSA).

[40] *Id*.

[41] ALA. CODE § 13A-6-158.

[42] *See* ALA. CODE § 13A-6-158; ALA. CONST. art. I, § 14.

[43] ALA. CODE § 15-3-6.

[44] *State v. Steele*, 502 So. 2d 874 (Ala. Crim. App. 1987).

[45] *See, e.g., Richardson v. State*, 111 So. 204 (Ala. 1926); *Clayton v. State*, 26 So. 118 (Ala. 1899); *Watkins v. State*, 455 So.2d. 160 (Ala. Crim. App. 1984).

[46] ALA. CODE § 15-3-5 (No SOL). *See Kirby v. State*, 500 So. 2d 79, 80 (Ala. Crim. App. 1986) (holding that there is no criminal SOL for rape as rape is a capital offense for SOL purposes).

[47] ALA. CODE §§ 15-3-1 (five years), 15-3-2 (one year).

[48] ALA. CODE § 13A-6-158 (trafficking SOL).

[49] ALA. CODE §§ 15-3-5 (2011) (No SOL), 15-20A-5 (2011) (sex offense list).

[50] ALA. CODE §§ 15-3-5 (2016) (No SOL), 15-20A-5 (2016) (sex offense list).

[51] ALA. CODE §§ 15-3-5 (2017) (No SOL), 15-20A-5 (2017) (sex offense list).

[52] ALA. CODE § 13A-6-158 (trafficking SOL).

[53] ALASKA STAT. ANN. § 09.50.250. *But see R.E. v. State*, 878 P.2d 1341, 1348–49 (Alaska 1994) (finding the state was not immune from claims of negligence in licensing day care facility where children were sexually abused) (citing *Division of Corrections v. Neakok*, 721 P.2d 1121, 1134–35 (Alaska 1986), *overruled by State, Dept. of Corrections v. Cowles*, 151 P.3d 353, 359 (Alaska 2006)).

[54] ALASKA STAT. ANN. § 09.50.280.

[55] *See* ALASKA STAT. ANN. § 09.50.250.

[56] ALASKA STAT. ANN. § 09.10.070. *See also Gefre v. Davis Wright Tremaine, LLP*, 306 P.3d 1264, 1277 (Alaska 2013) (explaining that a party should be charged with knowledge of the fraudulent misrepresentation or concealment only when it would be utterly unreasonable for the party not to be aware of the deception; until the party is shown to have actual knowledge, the limitations clock does not begin to run); *Reich v. Cominco Alaska, Inc*., 56 P.3d 18 (Alaska 2002) (noting that the continuing violations doctrine allows plaintiffs to establish an ongoing tort through incidents that occurred before the SOLs period and that continued into the limitations period); *Waage v. Cutter Biological Div. of Miles Laboratories, Inc*., 926 P.2d 1145 (Alaska 1996) (determining that under the discovery rule, the defendant's misrepresentations may delay discovery, so that, unless the plaintiff is utterly unreasonable in relying upon those representations, the reasonable time for discovery may be postponed on an estoppel theory); *Sharrow v. Archer*, 658 P.2d 1331, 1333 (Alaska 1983) (quoting *Chiei v. Stern*, 561 P.2d 1216, 1217 (Alaska 1977)) ("[A] party who

fraudulently conceals from a plaintiff the existence of a cause of action may be estopped to plead the SOL if the plaintiff's delay in bringing suit was occasioned by reliance on the false or fraudulent representation.").
[57] ALASKA STAT. ANN. § 09.55.650 (1990) (sex abuse statute).
[58] ALASKA STAT. ANN. §§ 09.10.140 (1990) (minority tolling), 09.10.170 (1990) (stay statute), 25.20.010 (1990) (age of majority).
[59] ALASKA STAT. ANN. §§ 09.10.065 (2003) (SOL), 09.10.140 (2003) (minority tolling), 25.20.010 (2003) (age of majority).
[60] ALASKA STAT. ANN. § 09.10.065 (2013) (SOL).
[61] *Reasner v. State Dep't of Health & Soc. Servs.*, 394 P.3d 610, 616 (Alaska 2017) *as amended* (May 19, 2017). *See also Catholic Bishop of N. Alaska v. Does 1–6*, 141 P.3d 719, 725 (Alaska 2006) (recognizing common law discovery rule can toll SOL for delayed discovery of CSA).
[62] *Id.*
[63] ALASKA STAT. ANN. § 09.10.055; *Dapo v. State*, 454 P.3d 171, 175 (Alaska 2019) (discussing applicability of statute of repose to CSA claims).
[64] ALASKA STAT. ANN. § 09.10.140 (providing "three years after the plaintiff discovered or through use of reasonable diligence should have discovered that the act caused the injury or condition"). *See* ALASKA STAT. ANN. § 09.55.650 (describing conduct that falls within the statutory definition of "sexual abuse"). Alaska courts have not yet interpreted the discovery provisions of this statute.
[65] ALASKA STAT. ANN. § 12.10.040 (1978).
[66] ALASKA STAT. ANN. § 12.10.010(b)(2) (five years).
[67] ALASKA STAT. ANN. § 12.10.010 (ten years).
[68] Except where the state had prior actual knowledge of the perpetrator's propensity for CSA. ARIZ. REV. STAT. ANN. § 12-820.05; *Tucson Unified Sch. Dist. v. Borek ex rel. Cnty. of Pima*, 322 P.3d 181 (Ariz. Ct. App. 2014).
[69] Except where defendant's conduct was driven by evil motive or intent. ARIZ. REV. STAT. ANN. § 12-820.04; *Spears v. Ariz. Bd. of Regents*, 372 F.Supp.3d 893 (D. Ariz. 2019).
[70] ARIZ. REV. STAT. § 12-821.01(D). "Accrues" is defined in accordance with the common law discovery rule. *McCarthy v. Scottsdale Unified Sch. Dist. No. 48*, 409 F.Supp.3d 789 (D. Ariz. 2019).
[71] *Roman Catholic Church v. Keenan*, 243 P.2d 455 (Ariz. 1952).
[72]*See Walk v. Ring*, 44 P.3d 990, 999-1000 (Ariz. 2002) (determining that a plaintiff alleging fraudulent concealment must show that defendants took affirmative steps after the original wrongdoing to divert attention, mislead, or prevent discovery of a cause of action and the exercise of due diligence by plaintiff to uncover the claims).
[73] *Doe v. Garcia*, 5 F.Supp.2d 767 (D. Ariz. 1998) (finding student's allegations that vice-principal and athletic director with whom she had sexual relationship pulled her out of class, followed her, paged her, telephoned her and twice appeared at her bedroom window, owned gun, threatened suicide if student revealed their relationship, and implied that he had murdered student's boyfriend after student reached age of majority, were sufficient to raise question of material fact as to whether vice-principal's actions constituted duress sufficient to toll SOLs applicable to student's action under section 1983 and Title IX.).
[74] ARIZ. REV. STAT. ANN. §§ 12-542 (two-year SOL), 12-502 (majority tolling).
[75] ARIZ. REV. STAT. ANN. § 12-514 (age thirty SOL).
[76] ARIZ. REV. STAT. ANN. § 12-722 (trafficking SOL); 2021 Ariz. Legis. Serv. Ch. 76 (H.B. 2116).
[77] ARIZ. REV. STAT. ANN. § 12-514 (window); 2019 Ariz. Legis. Serv. Ch. 259 (H.B. 2466). *See Doe v. Arizona Bd. of Regents*, No. CV 2020-017426, 2021 WL 2561534, at *4 (Ariz. Super. June 9, 2021) (ruling window revived claims against public entities but did not remove notice of claim requirement which required plaintiff to file notice of claim within 180 days of the window opening).
[78] *Doe v. Roe*, 955 P.2d 951, 960–61 (Ariz. 1998) (recognizing discovery rule applies to toll SOL in cases involving repressed memories of CSA).
[79] ARIZ. REV. STAT. ANN. § 12-542 (stating that "there shall be commenced and prosecuted within two years after the cause of action accrues, and not afterward, the following actions: 1. For injuries done to the person of another"); *see also* ARIZ. REV. STAT. ANN. § 12-502 (tolling two-year SOL until plaintiff reaches age eighteen).
[80] *Doe v. Roe*, *supra* note 79 (describing a discovery rule which delays the accrual of a cause of action based on sexual abuse in childhood when the plaintiff recovers repressed memories of the abuse).
[81] ARIZ. REV. STAT. ANN. § 12-514 (establishing that "an action for the recovery of damages that is based on either of the following shall be commenced within twelve years after the plaintiff reaches eighteen years of age and not

afterward . . . An injury that a minor suffers as a result of another person's negligent or intentional act if that act is a cause of sexual conduct or sexual contact committed against the minor").
[82] ARIZ. REV. STAT. ANN. § 13-107(D).
[83] ARIZ. REV. STAT. ANN. §§ 13-107 (SOL), 13-1301 et seq. (kidnapping and related offenses), 13-1401 et seq. (sexual offenses), 13-3551 et seq. (sexual exploitation of children).
[84] ARIZ. REV. STAT. ANN. §§ 13-107 (2008) (no SOL), 13-3560 (aggravated luring a minor).
[85] ARIZ. REV. STAT. ANN. §§ 13-107 (2011) (no SOL), 13-1409 (unlawful sexual conduct).
[86] ARIZ. REV. STAT. ANN. §§ 13-107 (2015) (no SOL), 13-1412 (unlawful sexual conduct).
[87] ARIZ. REV. STAT. ANN. §§ 13-107 (2018) (no SOL), 13-1428 (sexual extortion).
[88] ARIZ. REV. STAT. ANN. §§ 13-107 (2021) (no SOL), 13-3212 (child sex trafficking); 2021 Ariz. Legis. Serv. Ch. 202 (H.B. 2889).
[89] ARK. CODE ANN. §§ 19-10-204(a)(1), 19-10-209; *Okruhlik v. Univ. of Ark.*, 255 F.3d 615 (8th Cir. 2001) (holding that to avoid statutory sovereign immunity, a plaintiff must present evidence that the state official had an intent and disposition to do a wrongful act that would cause great injury and was aware it violated the law).
[90] ARK. CODE ANN. § 21-9-203.
[91] *Anglin v. Johnson Reg'l Med. Ctr*., 289 S.W.3d 28, 31 (Ark. 2008) (quoting *George v. Jefferson Hosp. Ass'n*, 987 S.W.2d 710, 712 (Ark. 1999)). *See also Davis Nursing Association v. Neal*, 70 S.W.3d 457, 460-61 (Ark. 2019); *Low v. Ins. Co. of N. Am.*, 220 S.W.3d 670, 679–80 (Ark. 2005) (stating, "[i]n short, our language delineating the scope of the charitable-immunity doctrine has undergone subtle, but significant, changes in the past century, culminating in the court's interpretation of the 'not subject to suit for tort' language in the direct-action statute, ARK.CODE ANN. § 23–79–210, as being synonymous with a charitable organization's immunity from tort liability. Our court embraced this statutory interpretation consistently for over forty years.").
[92] ARK. CODE ANN. §§ 16–56–105, 120; *Miller v. Subiaco Acad*., 386 F. Supp. 2d 1025, 1031 (W.D. Ark. 2005) (dismissing fraudulent concealment claim pursuant to common law and ARK. CODE ANN. § 16–56–120 because plaintiff was aware of the abuse); *Cherepski v. Walker*, 913 S.W.2d 761, 765 (Ark. 1996) (holding that "[w]hile such concealment does suspend the running of the SOLs, the suspension remains in effect only until the party having the cause of action discovers the concealment or should have discovered it by the exercise of reasonable diligence" such that for plaintiffs complaint to have been timely filed, he must neither have known, nor have been able to discover, the alleged fraudulent concealment on the part of the defendants).
[93] ARK. CODE ANN. §§16-56-130(a) (three-year SOL), 16-56-116 (minority tolling), 9-25-101 (age of majority).
[94] ARK. CODE ANN. § 16-118-118 (age fifty-five SOL); 2021 Ark. Acts 1036 (S.B. 676).
[95] ARK. CODE ANN. § 16-118-118 (two-year window); 2021 Ark. Acts 1036 (S.B. 676).
[96] *See McEntire v. Malloy*, 707 S.W.2d 773, 775–76 (Ark. 1986).
[97] ARK. CODE ANN. § 16-56-130.
[98] *Id*.
[99] *Miller*, *supra* note 93.
[100] *See Kolbek v. Twenty First Century Holiness Tabernacle Church, Inc.*, No. 10-CV-4124, 2013 WL 6816174, at *7 (W.D. Ark. Dec. 24, 2013) (finding "no reason to limit the application of § 16–56–130 to claims against perpetrators").
[101] *See* ARK. CODE ANN. § 5-1-109. *See also* ARK. CODE ANN. § 5-1-109(g)(1) (Michie Supp. 2003) (stating the period does not run "during any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state").
[102] ARK. CODE ANN. §§ 5-1-109 (2002) (SOL), 5-18-103 (trafficking).
[103] ARK. CODE ANN. § 5-1-109 (2003) (SOL).
[104] ARK. CODE ANN. § 5-1-109 (2005) (SOL).
[105] ARK. CODE ANN. § 5-1-109 (2009) (SOL).
[106] ARK. CODE ANN. § 5-1-109 (2011) (SOL).
[107] ARK. CODE ANN. § 5-1-109 (2013) (SOL).
[108] *Id*.; 2021 Ark. Acts 1087 (H.B. 1670).
[109] CAL. GOV'T CODE § 815(a); *Doe v. County of San Diego*, 445 F.Supp.3d 957, 971 (S.D. Cal. 2020).
[110] *X.M. v. Superior Court of San Bernardino Cnty.*, 68 Cal.Rptr.3d 92 (Cal. Ct. App. 2021); *Los Angeles Unified School Dist. v. Superior Court of Los Angeles County*, 279 Cal.Rptr.3d 52 (Cal. Ct. App. 2021).
[111] CAL. GOV'T CODE §§ 905(m) & 935(f).
[112] *Malloy v. Fong*, 232 P.2d 241 (Cal. 1951).

[113] *Bank of America v. Williams*, 200 P.2d 151, 154 (Cal. Dist. Ct. App. 1948) (noting "[t]here can be no doubt that, in a proper case, where a party fraudulently conceals the existence of a cause of action against him, or fraudulently conceals material facts that induces a person not to prosecute a known cause of action, the SOLs is tolled and the fraudulent person is estopped from pleading the SOLs"). *See* CALIFORNIA CODE CIV. PROC. ANN. §§ 340(3), 340.1(d), 352(a); *DeRose v Carswell*, 242 Cal.Rptr. 368 (Cal. Ct. App. 1987) (holding that a woman who was allegedly sexually abused as a minor by her step-grandfather but who filed her action at age twenty-five could not avail herself of the doctrine of duress to prevent the running of the SOL where she was unable to show that her abuser employed any such duress to keep her silent after the cessation of the alleged abuse). *See also Community Cause v. Boatwright*, 177 Cal.Rptr. 657 (Cal. Ct. App. 1981) (explaining that the requisite showing of fraud is made when the plaintiff establishes that she was not at fault for failing to discover the cause of action and had no actual or presumptive knowledge of the facts sufficient to put her on inquiry notice). *But see Snyder v. Boy Scouts of America, Inc*., 253 Cal.Rptr. 156 (Cal. Ct. App. 1988) (recognizing that while fraud by a defendant concealing the existence of the cause of action may in principle delay the operation of the SOLs thereon under a theory of estoppel of the defendant to take advantage of his own wrongdoing, held that the plaintiff, a former boy scout allegedly sexually molested by his scout leader, could not base an attempted justification of his otherwise untimely filing of a civil action against the alleged molester's employer on the scoutmaster's misrepresentation of his sexual conduct with the plaintiff as normal Boy Scout "instruction" in sex education because the plaintiff, through his own admissions, realized the abuse was wrong and quit the Boy Scouts to avoid further abuse).

[114] CAL. CIV. PROC. CODE § 340.1 (age twenty-six SOL).

[115] CAL. CIV. CODE § 52.5(c) (2006).

[116] CAL. GOV'T CODE § 905(m) (government liability). This was expanded again in 2019 when the legislature amended section 935 to prevent local public entities from prescribing their own claim presentment requirements for CSA claims. CAL. GOV'T CODE § 935(f). *See Big Oak Flat-Groveland Unified Sch. Dist. v. Superior Court*, 21 Cal.Rptr.3d 345 (Cal. Ct. App. 2018), *transferred with directions to vacate*, 444 P.3d 665 (Cal. 2019) (directing the Court of Appeal to reconsider the original holding that local public entities were authorized to impose their own claim presentment requirements for CSA claims, in light of the legislature's amendment of California Government Code section 935).

[117] CAL. CIV. CODE § 52.5(c) (2015).

[118] CAL. CIV. PROC. CODE § 340.1 (age forty SOL); A.B. 218, 2019 Gen. Assemb., Reg. Sess. (Cal. 2019).

[119] CAL. CIV. PROC. CODE § 340.1 (one-year window); S.B. 1779, 2002 Sen., Reg. Sess. (Cal. 2002). *See also Deutsch v. Masonic Homes of California, Inc*., 80 Cal. Rptr. 3d 368, 372 (2008) (determining the window "permitted plaintiffs whose claims of sexual abuse had expired to revive those claims against individuals or entities owing a duty of care to those plaintiffs and whose acts constituted a legal cause of the sexual abuse"); *Shirk v. Vista Unified Sch. Dist.*, 164 P.3d 630, 633 (2007), *as modified* (Oct. 10, 2007) (holding the window did not revive claims against the government barred by Tort Claims Act claim presentation deadline); *Dutra v. Eagleson*, 52 Cal. Rptr. 3d 788, 793 (2006), *as modified on denial of reh'g* (Jan. 26, 2007) (concluding the window did not revive claims against perpetrator).

[120] CAL. CIV. PROC. CODE § 340.1 (revival to age forty and three-year window); A.B. 218, 2019 Gen. Assemb., Reg. Sess. (Cal. 2019).

[121] *Quarry v. Doe I*, 272 P.3d 977, 986, n.5 (2012) (discussing common law discovery rule's applicability to CSA claims and collecting cases).

[122] CAL. CIV. PROC. CODE § 340.1 (establishing that three-year discovery rule runs from when "plaintiff discovers or reasonably should have discovered that psychological injury or illness . . . was caused by the sexual abuse.").

[123] *See e.g., Rubenstein v. Doe No. 1*, 400 P.3d 372, 378 (Cal. 2017), *as modified on denial of reh'g* (Nov. 1, 2017); *Quarry, supra* note 121, at 985 (determining statutory discovery rule substituted common law discovery rule and placed upper limit on discovery rule of age twenty-six for claims against third-party defendants); *Shirk, supra* note 119, *superseded by* CAL. GOV'T CODE § 905(m).

[124] The discovery rule found in CAL. CIV. PROC. CODE § 340.1 was amended in 1994, 1998, 1999, 2002, and 2020, and CAL. GOV'T CODE § 905(m), which removed the claim presentment requirement for suing government entities, was added in 2008.

[125] CAL. CIV. PROC. CODE § 340.1; 2002 Cal. Legis. Serv. Ch. 149 (S.B. 1779); *see Quarry v. Doe I*, 272 P.3d at 990 (discussing 2002 discovery statute amendment).

[126] *Shirk, supra* note 119.

[127] CAL. CIV. PROC. CODE § 340.1 (stating previously expired claims "may be commenced within three years of January 1, 2020.").

[128] *Id.* (applying discovery rule after victim reaches age forty only if "the person or entity knew or had reason to know, or was otherwise on notice, of any misconduct that creates a risk of childhood sexual assault by an employee, volunteer, representative, or agent, or the person or entity failed to take reasonable steps or to implement reasonable safeguards to avoid acts of childhood sexual assault.").
[129] CAL. PENAL CODE § 803(11)(d) (2003) (indicating "no time... during which the defendant is not within the state shall be a part of those limitations"). *See also Foster v. Butler*, 130 P. 6 (Cal. 1913) (recognizing that the provision suspending the SOL does not apply during the defendant's physical presence in the state, notwithstanding the fact that he is a nonresident).
[130] *Stogner, supra* note 25 (holding California Penal Code section 803 unconstitutional).
[131] CAL. PENAL CODE §§ 799 (2002) (no SOL), 800 (2002) (eight-year SOL), 801 (2002) (three-year SOL), 801.1 (2002) (CSA SOL), 803 (2002) (tolling statute).
[132] CAL. PENAL CODE § 802 (2002) (misdemeanor SOL).
[133] *Id*.
[134] CAL. PENAL CODE §§ 799 (2004) (no SOL), 801.1 (2004) (CSA SOL), 801.2 (2004) (1-year CSA SOL).
[135] CAL. PENAL CODE § 801.1 (2005) (age 28 CSA SOL).
[136] CAL. PENAL CODE § 803 (2005) (tolling statute).
[137] CAL. PENAL CODE §§ 800 (2005), 236.1 (2005) (trafficking SOL).
[138] CAL. PENAL CODE §§ 801.1 (2006) (CSA SOL) & 801.2 (2006) (10-year CSA SOL).
[139] CAL. PENAL CODE § 801.1 (2014) (age forty CSA SOL).
[140] CAL. PENAL CODE §§ 799 (2017) (no SOL).
[141] CAL. PENAL CODE §801.1 (2018) (age forty SOL).
[142] CAL. PENAL CODE § 802 (2021) (misdemeanor SOL).
[143] COLO. REV. STAT. ANN. § 24-10-106(1)(j).
[144] COLO. REV. STAT. ANN. § 24-10-114(4)(a).
[145] COLO. REV. STAT. ANN. §§ 24-10-114(1)(a), 118(1)(b).
[146] COLO. REV. STAT. ANN. § 24-10-109(1); *Visser ex rel. Eder v. Mahan*, 111 P.3d 575 (Colo. App. 2005).
[147] COLO. REV. STAT. ANN. § 7-123-105 (stating, "[a]ny other provision of law to the contrary notwithstanding, any civil action permitted under the law of this state may be brought against any nonprofit corporation, and the assets of any nonprofit corporation that would, but for articles 121 to 137 of this title, be immune from levy and execution on any judgment shall nonetheless be subject to levy and execution to the extent that such nonprofit corporation would be reimbursed by proceeds of liability insurance policies carried by it were judgment levied and executed against its assets.").
[148] *First Interstate Bank of Fort Collins, N.A. v. Piper Aircraft Corp.*, 744 P.2d 1197, 1201 (Colo. 1987) (explaining that, in general, fraudulent concealment will toll an SOL where the plaintiff can prove defendant's concealment of material existing facts that "in equity, and good conscience, should be disclosed," plaintiff's own ignorance of the defendant's concealment, plaintiff's detrimental reliance on the concealment, and plaintiff's inability, by reasonable diligence, to discover the facts necessary to determine the existence of a claim.).
[149] *See Moses v. Diocese of Colo.*, 863 P.2d 310, 320 (Colo. 1993). *See also* COLO. REV. STAT. ANN. § 13-80-101(1)(f) (establishing the SOL for breach of fiduciary duty is three years from plaintiff's reasonable discovery); RESTATEMENT (SECOND) OF TORTS § 874, Comment a (1979) (noting, "[a] fiduciary relation exists between two persons when one of them is under a duty to act for or to give advice for the benefit of another upon matters within the scope of the relation."); *Destefano v. Grabrian*, 763 P.2d 275, 284 (Colo. 1988) (en banc) (holding a priest who abuses his role as counselor can be liable for breach of fiduciary duty); *Moses, supra* note 149, at 320 (holding that the jury properly determined a fiduciary relationship existed between the bishop and parishioner).
[150] COLO. REV. STAT. ANN. § 13-80-103.7 (six-year SOL).
[151] COLO. REV. STAT. ANN. §§ 13-80-101 (three-year SOL), 13-80-102 (two-year SOL). In 1986, the SOL for negligence was reduced to two years, though in the years prior negligence had a six-year SOL. *In re Archdiocese of Denver Cases – Group I*, 2008 WL 5082788 (D. Colo. Jan. 29, 2008).
[152] COLO. REV. STAT. ANN. § 13-80-103.7 (no SOL); 2021 Colo. Legis. Serv. Ch. 28 (S.B. 21-073).
[153] COLO. REV. STAT. ANN. § 13-20-1202. (no SOL); 2021 Colo. Legis. Serv. Ch. 442 (S.B. 21-088). *See also* COLO. REV. STAT. ANN. § 24-10-114 ($350,000 damage cap for public entities and public employees).
[154] *Id*.

[155] *See Cassidy v. Smith*, 817 P.2d 555, 557–58 (Colo. App. 1991) (declining to apply the discovery rule in child sex abuse case where plaintiffs argued they did not discover all elements of their causes of action until commencing therapy).
[156] *Sailsbery v. Parks*, 983 P.2d 137, 138 (Colo. App. 1999) (quoting Colo. Rev. Stat. Ann. section 13-80-102 (1998), which "provides that a cause of action accrues on the date 'both the injury and its cause are known or should have been known by the exercise of reasonable diligence.'").
[157] *Id.;* COLO. REV. STAT. ANN. §13-80-108.
[158] *In re Archdiocese of Denver Cases – Group I.*, 2007 WL 1234831 (D. Colo. Mar. 26, 2007) (finding negligent supervision claim for child sex abuse does not accrue until reasonable discovery of injury and facts giving rise to negligence claim); COLO. REV. STAT. ANN. § 13-80-102 (stipulating two-year SOL for negligence "except as otherwise provided . . . in section 13-80-103").
[159] COLO. REV. STAT. ANN. § 13-80-103.7 (SOL elimination "applies to causes of action accruing on or after January 1, 2022, and to causes of action accruing before January 1, 2022, if the applicable SOLs, as it existed prior to January 1, 2022, has not yet run on January 1, 2022."); 2021 Colo. Legis. Serv. Ch. 28 (S.B. 21-073).
[160] COLO. REV. STAT. ANN. § 16-5-401(2) (2002).
[161] COLO. REV. STAT. ANN. §§ 16-5-401(1)(a) (2002) (felony SOL), 18-3-411 (2002) (CSA crimes and misdemeanor SOL).
[162] COLO. REV. STAT. ANN. §§ 16-5-401(1)(a) (2006) (felony SOL), 18-3-411 (2006) (CSA crimes and misdemeanor SOL).
[163] COLO. REV. STAT. ANN. §§ 16-5-401(1)(a) (2019) (felony SOL), 18-3-411 (2019) (CSA crimes and misdemeanor SOL).
[164] CONN. GEN. STAT. § 4-160.
[165] CONN. GEN. STAT. § 1-148(a). However, the General Assembly may allow presentation of a claim after the notice period expires if it deems it would be just, equitable, and would serve a public purpose. CONN. GEN. STAT. § 1-148(b).
[166] CONN. GEN. STAT. § 4-159. Damages exceeding $35,000 may be submitted to the General Assembly for acceptance, modification, or rejection. *Id.*
[167] CONN. GEN. STAT. ANN. § 52-557d.
[168] CONN. GEN. STAT. § 52-595 ("[i]f any person, liable to an action by another, fraudulently conceals from him the existence of the cause of such action, such cause of action shall be deemed to accrue against such person so liable therefor at the time when the person entitled to sue thereon first discovers its existence."); *Bartone v. Robert L. Day, Inc.*, 656 A.2d 221 (Conn. 1995). *See also Martinelli v. Bridgeport Roman Catholic Diocesan Corp*., 989 F. Supp. 110 (D. Conn. 1997) (concluding that the jury could reasonably have found that a special relationship of trust and confidence existed between plaintiff and diocesan defendants and that diocesan defendants had actual awareness of the priest's predatory behaviors, and failed to disclose the same to plaintiff thereby compounding plaintiff's injury); *Michael Longo v. Hartford Roman Catholic Diocesan Corp*., No. X03CV206134181S, 2021 WL 6100499, at *6 (Conn. Super. Ct. Dec. 1, 2021) (reiterating that actionable harm "occurs when the plaintiff discovers, or in the exercise of reasonable care, should have discovered the essential elements of a cause of action . . . A breach of duty by the defendant and a causal connection between the defendant's breach of duty and the resulting harm to the plaintiff are . . . necessary ingredients for 'actionable harm.") (quoting *Martinelli*, *supra* note 168, at 427).
[169] *Doe v. Norwich Roman Catholic Diocese*, 909 A.2d 983 (Conn. Super. Ct. 2006) (rejecting victims conspiracy claim where victim's complaint was devoid of any allegation that bishop or any other member of the church combined to facilitate priest's sexual assault of victim or anyone else, the purported purpose of conspiracy was to conceal from public awareness past instances of sexual abuse at hands of priests to eliminate or minimize the scandalous impact of such information, and that alleged objective was a far cry from a conspiracy to facilitate molestation of children by priest); *Sutherland v. Roman Catholic Diocesan Corp*, No. X04CV024000581S, 2007 WL 2200487, at *5 (Conn. Super. Ct. Jul. 9, 2007). *See also Macomber v. Travelers Property and Cas. Corp.*, 894 A.2d 240, 254 (Conn. 2006) (noting that to maintain a civil action for conspiracy, a plaintiff must prove: (1) a combination between two or more persons, (2) to do a criminal or an unlawful act or a lawful act by criminal or unlawful means, (3) an act done by one or more of the conspirators pursuant to the scheme and in furtherance of the object, (4) which act results in damage to the plaintiff) (citing *Harp v. King*, 835 A.2d 953, 972 (Conn. 2003)).
[170] CONN. GEN. STAT. § 52-577d (fifty-one-year SOL). In general, Connecticut has no common law or statutory discovery rule for sex abuse, but for claims of fraudulent concealment of a cause of action pursuant to section 52-595 the SOL does not begin to run until the existence of the cause of action is discovered. CONN. GEN. STAT. § 52-595

(fraudulent concealment); *Rosado v. Bridgeport Roman Catholic Diocese Corp.*, 1997 WL 585779, at *2 (Conn. Super. Ct. Sept. 15, 1997) (concluding, "the seven plaintiffs concede[] that [they were] over the age of thirty-five when [they] brought suit against the defendants. Thus, they brought their legal actions beyond the statutory limitation period. Their actions are time-barred unless saved by some rule of law").

[171] CONN. GEN. STAT. §§ 52-577d (2002) (age forty-eight SOL), 52-577e (2002) (sexual assault).

[172] CONN. GEN. STAT. § 52-577d (2019) (age fifty-one SOL).

[173] CONN. GEN. STAT. §§ 52-577d (2002); *Doe v. Boy Scouts of Am. Corp.*, 147 A.3d 104, 126 (Conn. 2016) (finding section 52-577d applies to actions against perpetrators and non-perpetrators).

[174] CONN. GEN. STAT. §§ 52-577d (age 51 SOL), 52-577e (sexual assault).

[175] CONN. GEN. STAT. ANN. § 52-577d (2021) (stating, "no action to recover damages for personal injury to a person under twenty-one years of age, including . . . sexual abuse, sexual exploitation or sexual assault may be brought by such person later than thirty years from the date such person attains the age of twenty-one."); *Rosado, supra* note 170, at *1 (determining that the seventeen-year period previously prescribed by section 52-577d "does not relate back to the time of discovery of an injury or to the accrual of a cause of action. Rather, it relates back to the time the plaintiff attained the age of majority."). However, for claims of fraudulent concealment of a cause of action pursuant to section 52-595 the SOL does not begin to run until the existence of the cause of action is discovered. CONN. GEN. STAT. § 52-595 (fraudulent concealment); *Rosado, supra* note 170, at *2.

[176] *See* CONN. GEN. STAT. § 54-193(c) (2003). *See also State v. Ward*, 52 A.3d 591 (Conn. 2012) (recognizing that the SOL is tolled when a defendant absents himself from the jurisdiction with reason to believe that an investigation may ensue as a result of his actions); *Sage v. Hawley*, 16 Conn. 106, 115 (Conn. 1844) (stating, "considering this provision [tolling the SOL during the period of defendant's non-residence] as being designed to protect the rights of the plaintiff, in those cases where it was not practicable for him to enforce them, by a suit, in consequence of the absence of the defendant from the state, its justice and propriety are most obvious. But it is not necessary, nor does justice seem to require, that we should extend it by construction, so far as to include in the computation of the time limited for bringing suits, those periods when the defendant was personally out of the state, but during which the plaintiff might, notwithstanding, have commenced a personal action against him, by the judgment in which he would be conclusively bound.").

[177] CONN. GEN. STAT. §§ 54-193 (SOL), 53a-70c (aggravated sexual assault of a minor). The SOL was eliminated for Class A felonies, which included first degree sexual assault, first degree aggravated sexual assault and aggravated sexual assault of a minor.

[178] CONN. GEN. STAT. §§ 54-193 (2002) (SOL), 54-193a (2002) (SOL).

[179] CONN. GEN. STAT. § 54-193b (2002) (DNA SOL).

[180] CONN. GEN. STAT. §§ 54-193 (2007) (SOL), 53a-70c (2007) (aggravated sexual assault of a minor). The SOL was eliminated for Class A felonies, which included first degree sexual assault, first degree aggravated sexual assault and aggravated sexual assault of a minor.

[181] CONN. GEN. STAT. § 54-193b (2007) (DNA SOL).

[182] CONN. GEN. STAT. § 54-193a (2010) (SOL).

[183] CONN. GEN. STAT. § 54-193 (SOL); S.B. 3, 2019 Gen. Assemb. Reg. Sess. (Conn. 2019).

[184] DEL. CODE ANN. tit 10, § 4001; *Thomas v. Bd. of Educ. of Brandywine Sch. Sch. Dist.*, 759 F.Supp.2d 477 (Del. 2010).

[185] *See* DEL. CODE. ANN. tit 10, §§ 4001, 4003.

[186] *Durney v. St. Francis Hosp.*, 83 A.2d 753, 758 (Del. Super. Ct. 1951) (stating, "I am convinced that the general principle which makes every person responsible for his own legally careless action, should apply with equal force to charitable corporations. The doctrine of *respondeat superior* also applies to charitable corporations and makes them responsible for the negligent acts of their agents and employees, when such acts are clearly incidental to the business of the corporation, to the same extent that individuals are."). *See, e.g.*, DEL. CODE ANN. tit. 10, § 8133(e) (relating to the limitation of civil liability for certain nonprofit organization volunteers, stating, "[i]n any suit against an organization for civil damages based upon the negligent act or omission of a volunteer, proof of such act or omission shall be sufficient to establish the liability of the organization therefor under the doctrine of *respondeat superior*, notwithstanding the immunity granted to the volunteer with respect to such negligent act or omission under subsection (b) of this section.").

[187] *TL of Florida, Inc. v. Terex Corp.*, 54 F.Supp.3d 320 (D. Del. 2014) (explaining that an affirmative misrepresentation by a defendant will toll the SOL until the plaintiff discovers or could have discovered through the exercise of reasonable diligence, their rights).
[188] *See generally Boerger v. Heiman*, 965 A.2d 671 (Del. 2009).
[189] DEL. CODE ANN. tit 10, §§ 8107 (two years), 8116 (minority tolling); *Eden v. Oblates of St. Francis de Sales*, No. 04C-01-069 CLS, 2006 WL 3512482, at *3 (Del. Super. Ct. Dec. 4, 2006) (stating that for personal injury action for CSA, "the SOLs extends to three years after he reaches the age of majority.").
[190] DEL. CODE ANN. tit 10, § 8145(a) (CSA SOL).
[191] DEL. CODE ANN. tit 18, § 6856 (general limitations).
[192] DEL. CODE ANN. tit. 11, § 787(i)(3)(b).
[193] DEL. CODE ANN. tit 10, § 8145(b) (revival window); S.B. 29, 144th Gen. Assemb. Reg. Sess. (Del. 2007).
[194] DEL. CODE ANN. tit 18, § 6856 (revival window); H.B. 326, 145th Gen. Assemb. Reg. Sess. (Del. 2010).
[195] *Eden, supra* note 189 at *3. *See also Keller v. Maccubbin*, 60 A.3d 427, 429 (Del. 2013).
[196] *Eden, supra* note 189, at *3; *Keller v. Maccubbin*, No. K11C-03015RBY, 2012 WL 1980417, at *3–4 (Del. Super. Ct. May 16, 2012) (determining, "[t]he Court will not depart from what has become the consistent application of repressed memory to the 'time of discovery rule.'").
[197] DEL. CODE ANN. tit. 10, § 8145 (2007); *Sokolove v. Marenberg*, No. S13C-08-022, 2013 WL 6920791, at *6 (Del. Dec. 5, 2013) (concluding that the SOL for CSA did not apply to claims arising after July 9, 2005).
[198] DEL. CODE ANN. tit. 11, § 205.
[199] DEL. CODE ANN. tit. 11, § 205(e) (2002) (no SOL).
[200] DEL. CODE ANN. tit. 11, § 205 (2003).
[201] DEL. CODE ANN. tit. 11, § 205(e) (2014) (no SOL).
[202] FLA. STAT. ANN. § 768.28(1). *See Ingram v. Wylie*, 875 So.2d 680 (Fla. Dist. Ct. App. 2004) (finding Department of Education was not protected by sovereign immunity for negligence in reissuing teaching certificate to teacher who previously impregnated a minor student).
[203] FLA. STAT. ANN. § 768.28(6).
[204] FLA. STAT. ANN. § 768.28(5)(a).
[205] *Wilson v. Lee Memorial Hosp.*, 65 So. 2d 40 (Fla. 1953).
[206] *American Home Assur. Co. v. Weaver Aggregate Transp., Inc*., 990 F.Supp.2d 1254 (M.D. Fla. 2013) (explaining that a party seeking to toll the SOL by alleging fraudulent concealment must prove defendant's successful concealment of a cause of action and fraudulent means to achieve the same as well as the party's own reasonable diligence and care in seeking to discover the facts that form the basis of the claim). *See also, John Doe No. 23 v. Archdiocese of Miami, Inc*., 965 So. 2d 1186, 1187–88 (Fla. Dist. Ct. App. 2007) (finding that plaintiff's allegation that defendants concealed "their knowledge that the subject employees had sexually abused other boys," which plaintiff says would have "assisted him in pursuing" his claims was not sufficient to trigger fraudulent concealment because plaintiff "failed to allege any wrongful conduct or specific acts of …fraudulent concealment by defendants at any point after the acts alleged in his amended complaint to justify applying the theory . . .").
[207] *See generally Palafrugell Holdings, Inc. v. Cassel*, 825 So.2d 937 (Fla. Dist. Ct. App. 2001) (explaining that the fiduciary relationship involved may be legal, moral, social, domestic, or personal in nature); *Atlantic Nat'l Bank v. Vest*, 480 So.2d 1328 (Fla. Dist. Ct. App. 1985). *See also Doe v. Evans*, 814 So.2d 370, 376 (Fla. 2002) (stating that when a church, through its clergy, holds itself out as qualified to engage in marital counseling and a counseling relationship arises, that relationship between the church and counselee may be fiduciary in nature, but that it is a question for the jury to determine whether a fiduciary relationship arose, the nature of that relationship, and whether there was a breach of fiduciary duties as a result of the church defendants' conduct); *Quinn v. Phipps*, 113 So. 419, 421 (Fla. 1927) (characterizing a fiduciary relationship as a relation of trust and confidence between two parties, one of whom is under a duty to act for or to give advice for the benefit of the other within the scope of that relation).
[208] *Iglesia Cristiana La Casa Del Señor, Inc. v. L.M.*, 783 So. 2d 353, 357–58 (Fla. Dist. Ct. App. 2001).
[209] FLA. STAT. ANN. § 95.11(7) (age twenty-five SOL).
[210] FLA. STAT. ANN. § 95.11 (9) (no SOL).
[211] *Wiley v. Roof*, 641 So.2d 66, 69 (Fla. 1994) (finding that a civil revival window deprives the defendant of "a constitutionally protected property interest and is violative of article I, section 9 of the Florida Constitution.").
[212] *Hearndon v. Graham*, 767 So. 2d 1179, 1186 (Fla. 2000); FLA. STAT. ANN. § 95.11(3) (prescribing a four-year SOL for negligence and intentional torts).

[213] *Cisko v. Diocese of Steubenville*, 123 So. 3d 83, 84–85 (Fla. Dist. Ct. App. 2013) (citing *Davis v. Monahan*, 832 So.2d 708 (Fla. 2002)); *W.D. v. Archdiocese of Miami, Inc.*, 197 So. 3d 584, 588 (Fla. Dist. Ct. App. 2016) (holding that "*Hearndon*'s delayed discovery doctrine applies only to intentional tort claims against the perpetrator of the sexual abuse.").
[214] *Doe v. St. John's Episcopal Par. Day Sch., Inc*., 997 F. Supp. 2d 1279, 1287 (M.D. Fla. 2014).
[215] FLA. STAT. ANN. § 95.11(7) (stipulating "four years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse").
[216] *See Archdiocese of Miami, Inc., supra* note 213, at 588; *Doe ex rel. Doe's Mother v. Sinrod*, 90 So. 3d 852, 855 (Fla. Dist. Ct. App. 2012) (finding that discovery rule statute section 95.11(7) is not applicable to negligence claims against public school for CSA).
[217] *See* FLA. STAT. ANN. § 775.15(6) (2003). *See also Robinson v. State*, 153 So. 3d 313 (Fla. Dist. Ct. App. 2014), *review granted*, No. SC15-233, 2015 WL 3825410 (Fla. 2015) (holding that the three year SOL on prosecution for second and third degree felonies was tolled during the time that defendant was continuously absent from the state, even if the prosecution failed to demonstrate that it had made a diligent search for the defendant or that defendant's absence from the state hindered his prosecution).
[218] FLA. STAT. § 775.15 (2002) (SOL).
[219] *Id*.
[220] *Id*.
[221] FLA. STAT. § 775.15(2)(c) (two-year SOL).
[222] FLA. STAT. § 775.15 (2003) (SOL).
[223] FLA. STAT. § 775.15 (2004) (SOL).
[224] FLA. STAT. § 775.15 (2006) (SOL).
[225] FLA. STAT. § 775.15 (2008) (SOL).
[226] FLA. STAT. § 775.15 (2010) (SOL).
[227] FLA. STAT. §§ 775.15(19) (2012) (SOL); 787.06 (2012) (trafficking statute).
[228] FLA. STAT. § 775.15(19) (2014) (SOL).
[229] FLA. STAT. § 775.15 (2015) (SOL).
[230] FLA. STAT. § 775.15(20) (2020) (no SOL).
[231] GA. CODE ANN. § 50-21-24(7). *See generally*, *Davis v. Standifer*, 621 S.E.2d 852 (Ga. Ct. App. 2005) (holding that sexual assault and sexual battery claims against Georgia State Patrol and Department of Public Safety came within statutory exception to waiver of sovereign immunity).
[232] GA. CODE ANN. § 50-21-30.
[233] GA. CODE ANN. § 50-21-29(b).
[234] *Fulton–DeKalb Hosp. Auth. v. Fanning*, 396 S.E.2d 534 (Ga. 1990); *Ponder v. Fulton–DeKalb Hosp. Auth.*, 353 S.E.2d 515 (Ga. 1987) (noting that "[i]t has long been the rule in Georgia that 'an incorporated hospital, primarily maintained as a charitable institution, is not liable for the negligence of its officers and employees, unless it fails to exercise ordinary care in the selection of competent officers and servants, or fails to exercise ordinary care in retaining such officers and employees.'"); *Lewis v. Grady Mem'l Hosp. Corp., Inc.*, 798 S.E.2d 629 (Ga. Ct. App. 2017).
[235] GA. CODE ANN. § 9-3-96. *See also Robertson v. Robertson*, 778 S.E.2d 6 (Ga. Ct. App. 2015) (concluding, "[t]o constitute concealment of a cause of action so as to prevent the running of the limitation period, some trick or artifice must be employed to prevent inquiry or elude investigation, or to mislead and hinder the party who has the cause of action from obtaining information, and the acts relied on must be of an affirmative character and fraudulent.").
[236] GA. CODE ANN. §§ 9-3-33.1(a)(2) (2002) (age twenty-three SOL), 9-3-33 (2002) (2-year SOL); 9-3-90 (2002) (minority tolling).
[237] GA. CODE ANN. § 9-3-33.1(a)(2) (2015) (age twenty-three SOL), 9-3-33.1(b)(2) (2015).
[238] GA. CODE ANN. § 9-3-33.1 (2015) (window); 2015 Ga. Laws 97 (H.B. 17).
[239] Letter from Prof. Marci Hamilton to Rep. Spencer, (Feb. 26, 2018) at https://static1.squarespace.com/static/5a120b962aeba581dd692cd4/t/5a97527a419202f909ef78cf/1519866492894/Georgia_HPA2018_Letter_sent.pdf (analyzing 2018 window bill). *See* Kate Brumback, *Georgia Bill Aiming to Help CSA Victims Fails*, ASSOC. PRESS (Mar. 30, 2018, 3:41 PM), https://www.usnews.com/news/best-states/georgia/articles/2018-03-30/georgia-bill-aiming-to-help-child-sex-abuse-victims-fails. For more information on SOL Reform in Georgia, *see* EMMA HETHERINGTON, ET. AL., SOLS FOR CHILD SEXUAL ABUSE CIVIL LAWSUITS IN GEORGIA (Wilbanks Child Endangerment and Sexual Exploitation Clinic 2019),

http://cease.law.uga.edu/sites/default/files/u61/2018-2019%20CEASE%20White%20Paper%20April%208%202019.pdf.

[240] *M.H.D. v. Westminster Sch.*, 172 F.3d 797, 805 (11th Cir. 1999) (holding that under Georgia law, the discovery rule is only applicable to continuing torts and did not apply to toll the SOL for multiple instances of CSA); *McArthur v. Beech Haven Baptist Church of Athens*, 864 S.E.2d 189, 191-92 (Ga. Ct. App. 2021) (holding that the time limit set forth in section 9-3-33.1 is a statute of repose, not a SOL, and thus "cannot be tolled.").

[241] GA. CODE ANN. § 9-3-33.1(b)(2) (2021).

[242] GA. CODE ANN. § 9-3-33.1(b)(2)(A)(ii).

[243] GA. CODE ANN. § 9-3-33.1(c)(2)–(3) (requiring a finding of negligence or gross negligence and knowledge and failure to remediate on the part of the "entity" for the discovery rule to apply to an action against an entity). "Entity" is defined as an "institution, agency, firm, business, corporation, or other public or private legal entity." GA. CODE ANN. § 9-3-33.1(c)(1)(A).

[244] See GA. CODE ANN. § 17-3-2(1) (1997). *See also Danuel v. State*, 262 Ga. 349 (1992); *Dennard v. State*, 154 Ga. App. 283 (Ga. Ct. App. 1980) (determining that escape after arrest and before indictment and subsequent concealment tolls the SOL).

[245] GA. CODE ANN. §§ 17-3-1 (2002) (SOL), 17-3-2.1 (2002) (majority tolling).

[246] GA. CODE ANN. § 17-3-1 (2002) (DNA).

[247] GA. CODE ANN. §§ 17-3-1 (2012) (SOL), 17-3-2.1 (2012) (majority tolling).

[248] HAW. REV. STAT. ANN. §§ 662-2, 662-15(4). *See Kaho'ohanohano v. Dept. of Human Servs.*, 178 P.3d 538 (Haw. 2008) (finding Department of Human Services negligent in failing to perform duty of assisting child seeking protection from abuse).

[249] HAW. REV. STAT. ANN. § 662-4; *Hays v. City and Cnty. of Honolulu*, 917 P.2d 718 (Haw. 1996); *Whittington v. State*, 806 P.2d 957 (Haw. 1991).

[250] HAW. REV. STAT. ANN. § 662-2.

[251] HAW. REV. STAT. § 663-8.7.

[252] HAW. REV. STAT. ANN. § 657-20 (establishing that a party seeking to toll the SOL by alleging fraudulent concealment must prove that a defendant concealed the "existence of the cause of action or the identity of any person who is liable for the claim" within six years after such concealment is discovered or should have been discovered).

[253] HAW. REV. STAT. §§ 657-7 (2002) (two-year SOL), 657-13 (2002) (minority tolling)*; Dunlea v. Dappen*, 924 P.2d 196, 204 (Haw. 1996), *abrogated by Hac v. University of Haw.*, 73 P.3d 46 (Haw. 2003) (recognizing a discovery rule for CSA claims).

[254] HAW. REV. STAT. § 657-1.8 (2012) (age 26 SOL).

[255] HAW. REV. STAT. § 663J-7 (2013).

[256] HAW. REV. STAT. § 657-1.8 (2012) (two-year window); S.B. 2588, 2012 Gen. Assemb. Reg. Sess. (Haw. 2012).

[257] HAW. REV. STAT. § 657-1.8 (2014) (two-year window); SB 2687, 2014 Gen. Assemb. Reg Sess. (Haw. 2014).

[258] Haw. Rev. Stat. § 657-1.8 (2018) (eight-year window); 2018 Haw. Sess. Laws 98 (S.B. 2719). *See also Relating to Limitation of Actions For Sexual Assault: Hearing on H.B. 415 Before the H. Comm. On Jud. and Lab.*, 29th Cong. (2017) (statement of Professor Marci Hamilton regarding Hawaii proposed 2018 amendments to CSA SOLs). https://www.capitol.hawaii.gov/session2018/testimony/HB415_TESTIMONY_JUD_02-07-17_.PDF.

[259] *Dunlea, supra* note 253.

[260] HAW. REV. STAT. § 657-1.8(a).

[261] Haw. Rev. Stat. § 701-108(6)(a) (1999).

[262] HAW. REV. STAT. § 701-108 (2002) (SOL).

[263] HAW. REV. STAT. § 701-108 (2005) (SOL).

[264] HAW. REV. STAT. § 701-108 (2014) (SOL).

[265] HAW. REV. STAT. § 701-108 (2021) (SOL); 2021 Haw. Sess. Laws 68 (H.B. 887).

[266] *See* IDAHO CODE ANN. §§ 6-903, 6-904(3); *Rees v. State, Dept. of Health and Welfare*, 137 P.3d 397 (Idaho 2006) (finding that immunity for claims arising out of battery does not pertain to negligent investigation of child abuse report).

[267] IDAHO CODE ANN. § 6-906A.

[268] IDAHO CODE ANN. § 6-918.

[269] IDAHO CODE ANN. § 6-926. Unless the governmental entity has purchased liability insurance, which raises the cap to the policy limits. *Id*.

[270] *Bell v. Presbytery of Boise*, 421 P.2d 745 (Idaho 1966) (concluding, "[i]t is our opinion that the doctrine of charitable immunity should no longer be accorded recognition in the State of Idaho.").
[271] IDAHO CODE ANN. § 5-219; *Glaze v. Deffenbaugh*, 172 P.3d 1104, 1107 (Idaho 2007) (finding that "I.C. § 5–219(4) applies to professional malpractice claims, not claims of the nature alleged in this case", and further stating that even if the fraudulent concealment statute applied to childhood sexual assault claims, that concealment must be "practiced upon the injured party, not upon a third party.").
[272] *Doe v. Sisters of Holy Cross*, 895 P.2d 1229 (Idaho Ct. App. 1995) (finding the issue of hospitals liability in a case involving child molestation by a hospital employee that occurred ten months after employee had been fired—that is, whether molestation was reasonably foreseeable from acts of grooming that took place during, and as part of, perpetrator's employment—was for the jury).
[273] IDAHO CODE § 6-1704 (2002) (age twenty-three SOL).
[274] *Bonner v. Roman Catholic Diocese of Boise*, 913 P.2d 567, 568 (Idaho 1996) (noting that "Idaho is not a discovery jurisdiction.").
[275] IDAHO CODE § 6-1704.
[276] *Steed v. Grand Teton Council of the Boy Scouts of Am., Inc.*, 172 P.3d 1123, 1127 (Idaho 2007) (determining that child sex abuse statute sections 6-1701–5, which includes the discovery provision, would apply to claims against a non-perpetrator— including corporations—based on willful conduct "even if the defendant did not actually harm the child.").
[277] IDAHO CODE § 6-906A; *D.A.F. v. Lieteau*, 456 P.3d 193, 200 (Idaho 2019), *reh'g denied* (Jan. 30, 2020) (holding that child sex abuse claims against the state are subject to the ITCA's notice requirement).
[278] *Doe v. Boy Scouts of Am*., 224 P.3d 494, 498 (Idaho 2009).
[279] IDAHO CODE §§ 19-401 (2002) (no SOL), 19-402 (2002 (five-year SOL).
[280] IDAHO CODE §§ 19-401 (2002) (no SOL), 19-402 (2002) (five-year SOL), 19-403 (2002) (misdemeanors).
[281] IDAHO CODE § 19-401 (2006) (no SOL).
[282] 705 ILL. COMP. STAT. 505/8.
[283] 705 ILL. COMP. STAT. 505/22.
[284] 505 ILL. COMP. STAT. 505/8.
[285] *Gubbe v. Catholic Diocese of Rockford*, 257 N.E. 2d 239 (Ill. App. Ct. 1970).
[286] 735 ILL. COMP. STAT. 5/13-202.2 (If a person liable to an action fraudulently conceals the cause of such action from the knowledge of the plaintiff, the action may be commenced at any time within five years after the plaintiff discovers that they have such cause of action). *See also Wisniewski v. Diocese of Belleville*, 942 N.E.2d 43, 84 (Ill. App. Ct. 2011) (finding that evidence supported the jury's finding that the diocese's fraudulent concealment by silence prevented the plaintiff from discovering that he sustained an injury and from discovering that the diocese's wrongful conduct caused his injuries where the diocese failed to disclose that victim's perpetrator had a history of sexually abusing young people in light of the special relationship between the parties); *Doe v. Boy Scouts of Am.*, 66 N.E.3d 433, 455 (Ill. App. Ct. 2016) (stating, "[w]e are unwilling to hold, as a matter of law, that a plaintiff's knowledge that he sustained a physical injury and that his abuser has been arrested and tried for CSA is sufficient to put him on notice of every other potential claim against every other potential liable party, especially where the plaintiff alleges that he did not discover those claims because they were fraudulently concealed."); *Doe v. Bd. of Educ. of Hononegah Cmty. High Sch. Dist. No. 207*, 833 F. Supp. 1366, 1375–76 (N.D. Ill. 1993) (holding that while plaintiff may have known she was abused, there was nothing to suggest that she knew or should have known of the alleged acts or omissions on the part of the defendants to conceal or cover up teachers' sexual misconduct. Under such circumstances the court held it is not at all reasonable to expect a minor student to have effectively discovered such efforts by defendants).
[287] *Doe v. Brouillette*, 906 N.E.2d 105, 124–25 (Ill. App. Ct. 2009) (finding that plaintiffs failed to prove the necessary elements-- a combination of two or more persons, for the purpose of accomplishing by some concerted action either an unlawful purpose or a lawful purpose by unlawful means, in the furtherance of which one of the conspirators committed an overt tortious or unlawful act—in order to toll SOL for claims arising from CSA against institutional defendants), *abrogated on other grounds*, *Doe v. Coe*, 135 N.E. 3d 1 (Ill. 2019).
[288] 735 ILL. COMP. STAT. 5/13-202.2 (2002) (CSA SOL).
[289] 735 ILL. COMP. STAT. 5/13-202.2 (2003) (CSA SOL).
[290] 735 ILL. COMP. STAT. 5/13-202.2 (2010) (CSA SOL).
[291] 735 ILL. COMP. STAT. 5/13-202.2 (2014) (CSA SOL).

[292] *Doe A. v. Diocese of Dallas*, 917 N.E.2d 475, 486 (Ill. 2009) (finding that "once a claim is time-barred, it cannot be revived through subsequent legislative action without offending the due process protections of our state's constitution.").
[293] *Johnson v. Johnson*, 701 F. Supp. 1363, 1370 (N.D. Ill. 1988). *See also Horn v. Goodman*, 60 N.E.3d 922, 926 (Ill. App. Ct. 2016) (citing *Parks v. Kownacki*, 737 N.E.2d 287 (Ill. 2000)) (quoting *Knox College v. Celotex Corp.*, 430 N.E.2d 976 (Ill. 1981)). *But see M.E.H. v. L.H.*, 669 N.E.2d 1228, 1236 (Ill. App. Ct. 1996) (declining to apply the discovery rule to case of repressed memory of abuse), *aff'd*, 685 N.E.2d 335 (Ill. 1997).
[294] 735 ILL. COMP. STAT. 5/13-202.2 (1991).
[295] *Id*. *See Coe v. Cmty. High Sch. Dist. 99*, No. 2-21-0047, 2021 WL 4950250, at *3 (Ill. App. Ct. Oct. 25, 2021) (affirming motion to dismiss on grounds that statutory discovery rule in effect in 1998 did not toll the SOL because plaintiff was somewhat aware of the abuse when it occurred), *appeal denied*, 184 N.E.3d 1004 (Table) (Ill. 2022).
[296] 735 ILL. COMP. STAT. 5/13-202.2 (1994). *See also Doe v. Boy Scouts of Am.*, 66 N.E.3d 433, 455 (Ill. App. Ct. 2016) (finding that "the 12–year statute of repose included in the 1991 version of the childhood sexual abuse statute would apply to plaintiff's claim only if he had turned 30 years old before 1994.") (citing *Diocese of Dallas*, *supra* note 292, at 485).
[297] 735 ILL. COMP. STAT. 5/13-202.2.
[298] *Doe v. Hinsdale Twp. High Sch. Dist. 86*, 905 N.E.2d 343, 346–47 (Ill. App. Ct. 2009) (concluding that the discovery "statute applies to both child abusers and those who had a duty to protect a child from abuse"); *Doe v. Boy Scouts of Am*., 66 N.E.3d 433, 455 (Ill. App. Ct. 2016); *Horn v. Goodman*, 60 N.E.3d 922, 928 (Ill. App. Ct. 2016).
[299] *Hinsdale*, *supra* note 298 at 348–9 (finding that the discovery statute applies to municipal entities and that the Tort Immunity Act is inapplicable); *Brookman ex rel. A.B. v. Reed-Custer Cmty. Unit, Sch. Dist. 255-U*, No. 18 C 7836, 2019 WL 4735395, at *3 (N.D. Ill. Sept. 27, 2019) (supporting the *Hinsdale* holding).
[300] 735 ILL. COMP. STAT. 5/13-202.2.
[301] 720 Ill. Comp. Stat. Ann. 5/3-7(a) (West 2002).
[302] 720 ILL. COMP. STAT. 5/3-5 (2002) (no SOL) & 5/3-6(j) (2002) (no SOL).
[303] 720 ILL. COMP. STAT. 5/3-5 (2003) (no SOL) & 5/3-6(j) (2003) (no SOL).
[304] 720 ILL. COMP. STAT. 5/3-5 (2008) (no SOL) & 5/3-6(j) (2008) (no SOL).
[305] 720 ILL. COMP. STAT. 5/3-5 (2009) (no SOL) & 5/3-6(j) (2009) (no SOL).
[306] 720 ILL. COMP. STAT. 5/3-5 (2014) (no SOL) & 5/3-6(j) (2014) (no SOL). In 2014, a one-year discovery rule was added for offenses involving unauthorized video recordings and live video transmissions in violation of section 5/26-4.
[307] 720 ILL. COMP. STAT. 5/3-5 (2017) (no SOL) & 5/3-6(j) (2017) (no SOL).
[308] 720 ILL. COMP. STAT. 5/3-5 (2017) (no SOL) & 5/3-6(j) (2017) (no SOL).
[309] 720 ILL. COMP. STAT. 5/3-5 (2019) (no SOL).
[310] *See* IND. CODE § 34-13-3-3; *Reiner v. Dandurand*, F.Supp.3d 1018 (N.D. Ind. 2014); *F.D. v. Indiana Dept. of Child Servs.*, 1 N.E.3d 131 (Ind. 2013).
[311] IND. CODE. § 34-13-3-6.
[312] IND. CODE § 34-13-3-4(a).
[313] *Harris v. YWCA*, 237 N.E. 2d (Ind. 1968) (stating, "[a]s of this writing, the great majority of the States deny immunity and perhaps only eight (8) or ten (10) States, including Indiana, hold to the doctrine which we believe was ill conceived and has certainly outlived any usefulness it may have had at one time. We, therefore, believe that the duty of this Court is to repudiate the doctrine of charitable immunity and in view of the fact that it is a Court-made rule, it is hereby abolished by this Court without waiting for the intervention of the Legislative Branch of Government.").
[314] *Doe v. Shults-Lewis Child & Family Servs., Inc*., 718 N.E.2d 738, 752 (Ind. 1999) (finding that the SOL will be tolled when a defendant, by deception or violation of a duty, conceals information or engages in wrongful conduct which caused the plaintiff to repress memories of the abuse, and that, if the SOL is tolled due to fraudulent concealment, the plaintiff is not bound by the SOL and instead must file a claim within a "reasonable amount of time" after recovering memories of the abuse); *Fager v. Hundt*, 610 N.E.2d 246, 251 (Ind. 1993) (explaining that to toll the SOL based on repressed memory, the plaintiff must provide an expert opinion that their memories were in fact repressed as a result of the abuse); *Steward v. State*, 652 N.E.2d 490, 496–97 (Ind.1995) (noting that an expert opinion alone is not enough to trigger the fraudulent concealment exception—that is, to prove defendants' actions themselves—but can be used to aid the jury in reaching conclusions drawn from these actions if taken as true).

[315] *Garneau v. Bush*, 838 N.E.2d 1134, 1143 (Ind. Ct. App.2005) (citing *Boggs v. Tri–State Radiology, Inc.*, 730 N.E.2d 692, 695 (Ind. 2000)). *See, e.g., Doe v. United Methodist Church*, 673 N.E.2d 839, 840, 845 (Ind. Ct. App. 1996) (noting that the "doctrine of continuing wrong will not prevent the SOLs form beginning to run when the plaintiff learns of facts which should lead to the discovery of his cause of action even if his relationship with the tortfeasor continues beyond that point."). *See also Konkle v. Henson*, 672 N.E.2d 450 (Ind. Ct. App.1996) (holding that "the SOLs would begin to run once [the plaintiff] 'discovered' the wrongdoing and the resulting injury.").

[316] IND. CODE ANN. §§ 34-11-2-4 (2002) (SOL), 34-11-6-1 (2002) (majority tolling), 1-1-4-5(24) (2002) (legal disability).

[317] IND. CODE ANN. § 34-11-2-4 (2013) (SOL).

[318] *See e.g., United Methodist Church*, *supra* note 315, at 842 (Ind. Ct. App. 1996) (determining that, "[u]nder Indiana's discovery rule, a cause of action accrues, and the SOLs begin to run, when the plaintiff knew or, in the exercise of ordinary diligence, could have discovered that an injury had been sustained as a result of the tortious act of another"); W. COLE DURHAM & ROBERT SMITH, RELIGIOUS ORGANIZATIONS AND THE LAW § 21:17 (2d ed. 2021); Michael W. Hoskins, *Little court guidance on repressed memory litigation results in trial court split*, IND. LAWYER (Feb. 3, 2010), available at https://www.theindianalawyer.com/articles/23723-little-court-guidance-on-repressed-memory-litigation-results-in-trial-court-split.

[319] IND. CODE ANN. § 34-11-2-4.

[320] *United Methodist Church*, *supra* note 315, at 842 (determining that "[f]or a cause of action to accrue, it is not necessary that the full extent of the damage be known or even ascertainable but only that some ascertainable damage has occurred."). This operates to bar cases where a plaintiff "is aware of childhood sexual abuse but unaware of the full extent of the resulting psychological or physical ramifications." *Id.* (quoting *Fager v. Hundt*, 610 N.E.2d 246, 249 n. 1 (Ind. 1993)).

[321] IND. CODE ANN. § 35-41-4-2(i)(1) (2003); *Wood v. Bissell*, 9 N.E. 425 (Ind. 1886) (holding, "the time during which the defendant is a non-resident of the State…shall not be computed in any of the periods of limitation"). *See also Damler v. Baine*, 51 N.E.2d 885 (Ind. Ct. App. 1943).

[322] IND. CODE ANN. § 35-41-4-2(c) (2002) (no SOL), 35-41-4-2(e) (2002) (age thirty-one SOL), 35-41-4-2 (m) (2002) (ten-year SOL).

[323] IND. CODE ANN. § 35-41-4-2(c) (2013) (no SOL), 35-41-4-2 (e) (2013) (age thirty-one SOL), 35-41-4-2 (m) (2013) (ten-year SOL).

[324] IND. CODE ANN. § 35-42-3.5-1.3 (2018) (child sex trafficking).

[325] IND. CODE ANN. § 35-41-4-2(e) (2019) (age 31 SOL).

[326] IND. CODE ANN. § 35-41-4-2(p)(1)–(3) (2020) (tolling statutes).

[327] IOWA CODE Ann. §§ 669.5, 669.14.

[328] IOWA CODE Ann. § 669.13; *Callahan v. State*, 464 N.W.2d 268 (Iowa 1990); *Harden v. State*, 434 N.W.2d 881 (Iowa 1989) (holding that two-year period is not tolled for minors).

[329] IOWA CODE ANN. § 669.4(2).

[330] *Sullivan v. First Presbyterian Church*, 152 N.W.2d 628 (Iowa 1967); *Haynes v. Presbyterian Hosp. Ass'n*, 45 N.W.2d 151, 154 (Iowa 1950) (holding an "incorporated charity should respond as do private individuals, business corporations, and others, when it does good in the wrong way.").

[331] *District Township of Boomer v. French*, 40 Iowa 601, 603–04 (1875) (determining that "[w]here a party against whom a cause of action existed in favor of another, by fraud or actual fraudulent concealment prevented such other from obtaining knowledge thereof, the statute would only commence to run from the time the right of action was discovered, or might, by the use of diligence, have been discovered."). *See also Schlote v. Dawson*, 676 N.W.2d 187, 195 (Iowa 2004) (noting that to establish fraudulent concealment, the plaintiff must show that the defendant engaged in an affirmative act to conceal the cause of action and that the plaintiff exercised reasonable diligence to discover the cause of action.); *Doe v. Hartz*, 52 F. Supp.2d 1027, 1057, 1065 (N.D. Iowa 1999) (contemplating applicability of fraudulent concealment where one with superior knowledge fails to disclose material facts, but finding that the priest-parishioner relationship is insufficient to establish a fiduciary duty, but recognizing generally that the silence of church officials about a priest's past misconduct may be relevant to the liability of a church and diocese for subsequent misconduct by a priest under a theory of fraudulent concealment); *Kurtz v. Trepp*, 375 N.W.2d 280, 283 (Iowa Ct. App. 1985) (noting that mere silence may be sufficient to establish fraudulent concealment if a fiduciary relationship exists between the parties).

[332] IOWA CODE §§ 614.8 (1990) (majority tolling), 614.1 (1990) (SOL).

[333] IOWA CODE §§ 614.8 (2003) (majority tolling), 614.1 (2003) (SOL); 2003 Iowa Legis. Serv. Ch. 180 (H.F. 549).
[334] IOWA CODE §§ 614.8 (2021) (majority tolling), 614.1 (2021) (SOL); 2021 Iowa Legis. Serv. Ch. 102 (S.F. 562).
[335] IOWA CODE §§ 659A.3 (2021) (cause of action), 659A.7 (2021) (SOL); 2021 Iowa Legis. Serv. Ch. 56 (H.F. 233).
[336] *See Doe v. Cherwitz*, 518 N.W.2d 362, 363–64 (Iowa 1994) (applying common law discovery rule for adult sex abuse claim); *Callahan v. State*, 464 N.W.2d 268, 272 (Iowa 1990) (applying common law discovery rule in case against the state for child sex abuse under the Tort Claims Act).
[337] *Frideres v. Schiltz*, 540 N.W.2d 261, 269 (Iowa 1995) (holding discovery rule is available for victim of child sex abuse who has always remembered some specific acts of abuse); *Woodroffe v. Hasenclever*, 540 N.W.2d 45, 49 (Iowa 1995) (clarifying inquiry notice considerations in application of common law discovery rule). *See also Schlichte v. Schlichte*, 828 N.W.2d 632 (Iowa Ct. App. 2013) (discussing inquiry notice).
[338] *See Callahan*, *supra* note 336, at 272 (applying discovery rule to claims against the state under section 669 of the state Tort Claims Act). *But cf. Doe v. New London Cmty. Sch. Dist*., 848 N.W.2d 347, 360 (Iowa 2014) (finding "common law discovery rule does not apply to actions under the pre–2007 [Iowa Municipal Tort Claims Act]" against school district).
[339] *Frideres*, *supra* note 337, at 267 (finding that the discovery rule found in Iowa Code section 614.8A applies to sexual abuse of a child, which means a child under age fourteen).
[340] IOWA CODE § 614.8A.
[341] *Buszka v. Iowa City Cmty. Sch. Dist.*, 898 N.W.2d 202 (Iowa Ct. App. 2017) (concluding that the statutory discovery rule in Iowa Code section 614.8A is inapplicable to municipal tort claims against school district).
[342] IOWA CODE §§ 659A.3 (cause of action), 659A.7 (SOL); 2021 Iowa Legis. Serv. Ch. 56 (H.F. 233).
[343] IOWA CODE ANN. § 802.6 (West Supp. 2003); see also, *Davenport v. Allen*, 120 F 172 (1903, CC Iowa).
[344] IOWA CODE §§ 802.2 (2002) (sexual abuse SOL), 802.2A (2002) (incest SOL).
[345] IOWA CODE §§ 802.2 (2005) (sexual abuse SOL), 802.2A (2005) (incest SOL).
[346] IOWA CODE § 802.2B (2014) (other sexual offenses SOL).
[347] IOWA CODE § 802.2D (2016) (human trafficking SOL).
[348] IOWA CODE §§ 802.2 (2019) (sexual abuse SOL), 802.2A (2019) (incest SOL) ; 2019 Iowa Legis. Serv. Ch. 140 (S.F. 589).
[349] IOWA CODE §§ 802.2 (2021) (sexual abuse SOL), 802.2A (2021) (incest SOL), 802.2B (2021) (other sexual offenses SOL), 802.2D (2021) (human trafficking SOL); 2021 Iowa Legis. Serv. Ch. 102 (S.F. 562).
[350] *See* KAN. STAT. ANN. § 75-6104; *Gilliam v. USD No. 244 School Dist*., 397 F.Supp.2d 1282, 1290-91 (D. Kan. 2005) (denying school teacher and administrators state immunity in claims stemming from teacher's sexual harassment of student).
[351] KAN. STAT. ANN. § 12-105(b)(d); *Christopher v. State ex rel. Kansas Juv. Just. Auth.*, 143 P.3d 685, 691–92) Kan. Ct. App. 2006) (applying section 12-105(b)(d) to state claims).
[352] KAN. STAT. ANN. §§ 75-6105, 75-6109.
[353] KAN. STAT. ANN. § 75-6105.
[354] *Noel v. Menninger Found.*, 267 P.2d 934, 942–43 (Kan. 1954) (holding that "[t]o exempt charitable and nonprofit corporations from liability for their torts is plainly contrary to our constitutional guaranties, Bill of Rights, § 18. It gives to certain favored ones, selected arbitrarily, immunity from that equal liability for civil wrongs which is a sign of equality between citizens. It undertakes to clothe charitable and nonprofit organizations with special privileges denied to other corporations, and society."). *See also McAtee v. St. Paul's Mission*, 376 P.2d 823 (Kan. 1962) (holding that following the *Noel* case, "a church corporation has no immunity as to liability in tort.").
[355] *See Doe v. Popravak*, 421 P.3d 760, 768, 771 (Kan. Ct. App. 2017) (finding that plaintiff failed to allege facts showing that the defendants engaged in affirmative acts intended to prevent the plaintiff from raising his claims before the SOR expired, and that plaintiff's claims that he was raised in a devoutly Roman Catholic family, was baptized, regularly celebrated weekly mass, served as an altar boy, and received sacraments were insufficient to establish a unique, special relationship with the institutional defendants); *Stark v. Mercantile Bank, N.A.*, 33 P.3d 609, 614–15 (Kan. Ct. App. 2000) (finding that plaintiffs failed to allege facts to support fraudulent concealment, noting that plaintiffs did not explain why they failed to file suit for over forty years); *Robinson v. Shah*, 936 P.2d 784, 793–95 (Kan. Ct. App. 1997) (holding the doctrine of fraudulent concealment applicable to both SOLs and SORs and reiterating that plaintiff must establish affirmative conduct by the defendant, distinct from any conduct supporting the cause of action itself, that prevented the plaintiff from bringing a timely lawsuit in order for the theory to apply); *Doe* v. *St. Benedict's Abbey,* No. 98,675, 2008 WL 3368248, at *7, 9 (Kan. Ct. App. 2008) (concluding that plaintiff had

failed to establish fraudulent concealment because he had not shown that reliance on the defendant's actions had prevented him from discovering his claims before the SOR expired. The court recognized that if the defendant had notified each diocese in which the priest attempted to work, then the plaintiff's abuse might have been prevented but emphasized that the claim was indistinguishable from the plaintiff's other claims and did not establish conduct that prevented the plaintiff from filing a timely petition).

[356] *See, e.g., Rex v. Warner*, 332 P.2d 572 (Kan. 1958) (holding that equitable estoppel tolls the SOL when a defendant induces a plaintiff to believe that certain facts exist, and plaintiff reasonably relies and acts upon that belief); *Dunn v. Dunn*, 281 P.3d 540, 556 (Kan. Ct. App. 2012) (characterizing whether equitable estoppel tolls an SOL or SOR as a "debatable issue in Kansas" but declining to consider the issue further because the plaintiff had not properly pled equitable estoppel); *Robinson*, *supra* note 335, at 832; *Coffey v. Stephens*, 599 P.2d 310, 313 (Kan. Ct. App. 1979).

[357] KAN. STAT. ANN. § 60-523(a) (1992) (SOL). *See H.B. v. M.J.*, 508 P.3d 368, 376 (Kan. 2022) (holding CSA SOL also applicable to claims against non-perpetrators).

[358] *State v. Bentley*, 721 P.2d 227, 230 (Kan. 1986) (declining to toll the SOLs where child victim alleged concealment by the abuser, stating, "[t]hreats . . . keep child victims from reporting sexual offenses. They are commonplace. . . . Therefore, the practical effect . . . would be to extend the SOLs beyond its stated two-year period in nearly every case of this nature.").

[359] *Doe v. St. Benedict's Abbey*, 189 P.3d 580 (Kan. Ct. App. 2008) (quoting KAN. STAT. ANN. section 60–523)).

[360] KAN. STAT. ANN. § 60-523.

[361] *Doe H.B. v. M.J.*, 482 P.3d 596, 605–06 (Kan. Ct. App. 2021) (reiterating that the "exception found in KAN. STAT. ANN. section 60-523 has no application to a cause of action that has already been abolished by the application of the statute of repose") (quoting *Popravak*, *supra* note 355 (citing *Ripley v. Tolbert*, 921 P.2d, 1210, 1215–16 (Kan. 1996)) *review granted* (Apr. 23, 2021), *aff'd sub nom. H.B. v. M.J.*, 508 P.3d 368 (Kan. 2022)).

[362] *See H.B. v. M.J.*, 508 P.3d at 375–77 (ruling CSA discovery statute is applicable to claims against all types of defendants); *Cosgrove v. Kansas Dept. of Soc. and Rehab. Serv.s*, 332 Fed. Appx. 463 (10th Cir. 2009) (determining that claim against state department and foster parents pursuant to discovery statutes survives motion to dismiss); *Clark v. Blue Valley Unified Sch. Dist. No. 229*, No. 12-CV-2538, 2013 WL 3867532, at *1 (D. Kan. July 25, 2013) (discussing applicability of section 60-515(a) to claims against non-perpetrators).

[363] KAN. STAT. ANN. § 21-5107(e) (tolling provision).

[364] KAN. STAT. ANN. § 21-5107(a) (2002) (no SOL), 21-5107(c) (2002) (DNA), 21-5107(e) (2002) (tolling provisions), 21-5107(f) (2002) (when offense committed).

[365] KAN. STAT. ANN. § 21-5107(a) (2002) (no SOL), 21-5107(c) (2002) (DNA), 21-5107(d) (2002) (5-year SOL), and 21-5107(e) (2002) (tolling provisions).

[366] KAN. STAT. ANN. § 21-5107(e) (2012) (tolling provisions) & 22–3717 (2012) (listing sexually violent crimes).

[367] KAN. STAT. ANN. § 21-5107(a) (2013) (no SOL) and 21-5107(e) (2013) (tolling provisions).

[368] *See* KY. REV. STAT. ANN. §§ 44.070, 44.072-073; *Doe v. Patton*, 377 F.Supp.2d 615 (E.D. Ky. 2005).

[369] KY. REV. STAT. § 49.120(1), (5).

[370] KY. REV. STAT. § 49.040(1).

[371] *Sheppard v. Immanuel Baptist Church*, 353 S.W.2d 212 (Ky. 1961); *Mullikin Adm'x v. Jewish Hosp. Ass'n of Louisville, Ky.*, 348 S.W.2d 930 (Ky. Ct. App. 1961) (finding, "[w]e are impelled by right and reason to reverse our previous holdings and hold that the charitable nature of an institution is not sufficient within itself to give immunity from liability for its tort.").

[372] *Anderson v. Board of Educ. of Fayette Cnty.*, 616 F.Supp.2d 662 (E.D. Ky. 2009) (explaining that fraudulent concealment will toll an SOL if a defendant's actions prevented the plaintiff from inquiring into the cause of action, or eluded plaintiff's investigation, or otherwise misled the plaintiff but requiring that plaintiff exercise reasonable diligence to discover their cause of action).

[373] *O'Bryan v. Holy See*, 471 F. Supp. 2d 784 (W.D. Ky. 2007) (considering issues of whether Holy See exercised substantial control over Roman Catholic archbishops, bishops, and other clergy based in United States, and whether clergy were acting within scope of their office when they allegedly imposed policy of secrecy surrounding incidents of CSA by local Catholic priests involved fact questions that could not be resolved on motion to dismiss victims' class action against Holy See).

[374] KY. REV. STAT. ANN. § 413.190(2); *Roman Catholic Diocese v. Secter*, 966 S.W.2d 286 (Kan. Ct. App. 1998) (holding that church's concealment of relevant information tolled the SOL in action against church by former student of church-operated school who alleged that he was sexually assaulted by school employee, and who claimed that

church negligently hired, supervised, and retained employee as teacher and guidance counselor in its schools; church knew prior to period of time in which plaintiff was abused that employee had sexually abused students and would continue to be "a problem," church continued to receive reports of employee's sexually abusing students during at least part of time period in which plaintiff was abused, but church took no action to discipline or sanction employee, to inform other students, parents, or employees, or to report the incidents to state authorities); *Rigazio v. Archdiocese of Louisville*, 853 S.W. 2d 295 (Ky. Ct. App. 1993) (concluding, "[o]bstruction might also occur where a defendant conceals a plaintiff's cause of action so that it could not be discovered by the exercise of ordinary diligence on the plaintiff's part.").

[375] KY. REV. STAT. ANN. §§ 413.140 (2002) (one-year SOL), 413.170 (2002) (minority tolling), 413.249 (2002) (SOL).

[376] KY. REV. STAT. ANN. § 413.249 (2007) (SOL).

[377] KY. REV. STAT. ANN. § 413.249 (2017) (SOL). *See B.L. v. Schuhmann*, 380 F.Supp.3d 614, 637 (W.D. Ky. 2019) (upholding Kentucky's statute extending the SOLs for sexual assault or abuse during childhood).

[378] KY. REV. STAT. ANN. § 413.249 (2021) (SOL); 2021 Ky. Rev. Stat. & R. Serv. Ch. 89 (H.B. 472).

[379] KY. REV. STAT. ANN. § 413.249(7)(b) (2021) (stating, "[n]otwithstanding any provision of law to the contrary, any claim for childhood sexual assault or abuse that was barred as of March 23, 2021, because the applicable SOLs had expired is hereby revived, and the action may be brought if commenced within five (5) years of the date on which the applicable SOLs expired."); 2021 Ky. Rev. Stat. & R. Serv. Ch. 89 (H.B. 472).

[380] *Roman Catholic Diocese of Covington v. Secter*, 966 S.W.2d 286, 289 (Ky. Ct. App. 1998) (declining application of discovery rule) (citing *Rigazio v. Archdiocese of Louisville*, 853 S.W.2d 295, 297 (Ky. Ct. App. 1993) (finding "The fact that his memory of these events was thereafter suppressed, only to return years later, would not seem to present a circumstance falling within the discovery rule which relates to injuries which cannot be discovered with reasonable diligence.")). *But c.f. Fayette Cty. Bd. Of Educ. v. Maner*, No. 2007-CA-002243-MR, 2009 WL 1423966, at *11-12 (Ky. Ct. App. May 22, 2009) (determining "the discovery rule cannot be used in a sexual abuse cause of action to toll the SOL," but nevertheless deciding to toll the SOLs on the plaintiff's sex abuse claims based on evidence that defendant engaged in concealment).

[381] KY. REV. STAT. ANN. § 413.249 (West 2002).

[382] *Id.* at § 413.249 (West 2017).

[383] *Roman Catholic Bishop of Louisville v. Burden*, 168 S.W.3d 414, 417 (Ky. Ct. App. 2004) ("the language of KRS 413.249 . . . appears to be directed at perpetrators and not third parties since it sets forth sexual offenses which a third party, such as a church or a school would be incapable of committing"); *Doe v. Logan*, No. 2019-CA-000183-MR, 2020 WL 398796, at *9 (Ky. Ct. App. Jan. 24, 2020) ("The extended ten-year limitations period under KRS 413.249 does not apply to claims against non-perpetrator third parties.") (citing *B.L. v. Schuhmann*, 380 F.Supp.3d 614 (W.D. Ky. 2019)). But see *Doe v. Roman Catholic Diocese of Covington*, No. 03-CI-00181, 2006 WL 250694, at *2, n. 3 (Ky. Cir. Ct. Jan. 31, 2006) ("There is nothing in the language of the statute that suggests it is limited to claims against the actual abuser"); *B.L. v. Schuhmann*, 380 F.Supp.3d 614, n.13 (W.D. Ky. 2019) (The Court explains that KRS 413.249 can be applicable to non-perpetrators because the statute applies in "two instances" to "criminal actions that involve less direct forms of carrying out childhood sexual assault.").

[384] KY. REV. STAT. ANN. § 413.249 (SOL); 2021 Kentucky Laws Ch. 89 (HB 472).

[385] *Id*.

[386] KY. REV. STAT. ANN. § 500.050 (1974) (SOL).

[387] KY. REV. STAT. ANN. § 500.050 (2008).

[388] KY. REV. STAT. ANN. § 500.050 (2021); 2021 Ky. Rev. Stat. & R. Serv. Ch. 89 (H.B. 472).

[389] *See* LA. STAT. ANN. § 9:2798.1; LA. STAT. ANN. § 13:5101; *Doe v. ABC School*, 316 So.3d 1086 (La. Ct. App. 2020) (finding discretionary immunity did not apply to public school board in student's negligence action against school janitor for sexual abuse).

[390] LA. STAT. ANN. § 13:5108.

[391] LA. STAT. ANN. § 13:5106(B)(1).

[392] *Garlington Kingslet*, 289 So.2d 88 (La. 1974); *Whetstone v. Dixon*, 616 So.2d 764, 771 (La. Ct. App. 1993).

[393] *Wimberly v. Gatch*, 635 So.2d 206, 217 (La. 1994) (ruling equitable doctrine of *contra non valentem* suspends the SOL until the parents of a sexually abused child learn about the molestation); *N. G. v. A. C.*, 281 So. 3d 727, 734 (La. Ct. App. 2019) (applying the doctrine where in fact and for good cause a plaintiff is unable to, for reasons "external to his own will," exercise his cause of action when it accrues); *Doe v. Roman Catholic Church*, 656 So.2d 5 (La. Ct. App. 1995) (noting, "[p]rescription commences to run not necessarily on the date the injury occurs or the damage is

sustained, but from the date the affected individual knows or should have known of the injury or damage sustained," and finding the doctrine of *contra non valentem* was inapplicable where deposition testimony of victim and of victim's treating psychiatrist indicated that victim had sufficiently regained her memory of alleged events and had discussed possibility of filing suit at least one year prior to filing of suit; victim understood it was wrong for priest to have committed abuse; and victim admitted that priest did nothing to prevent her from filing suit since last communication with priest twenty-five years before filing suit).

[394] *Samuels v. Southern Baptist Hosp., 5*94 So. 2d 571 (La. Ct. App. 1992) (finding hospital vicariously liable for sexual assault by nurse's assistant, whose job gave him access to and authority over victim) *writ denied*, 599 So. 2d 316 (La. 1992).

[395] LA. STAT. ANN. § 9:2800.9 (1993) (age twenty-eight SOL), LA. CIV. CODE ANN. art. 29 (1993) (majority statute).

[396] LA. STAT. ANN. § 9:2800.9 (2021) (no SOL); 2021 La. Sess. Law Serv. Act 322 (H.B. 492).

[397] LA. STAT. ANN. § 9:2800.9 (2021) (three-year window); 2021 La. Sess. Law Serv. Act 322 (H.B. 492).

[398] *Doe v. Roman Catholic Church*, 656 So. 2d 5, 7 (La. Ct. App. 1995) (concluding the discovery rule is applicable "where some cause of action is not known or reasonably knowable by the plaintiff, even though his ignorance is not induced by the defendant") *writ denied*, 662 So. 2d 478 (La. Nov. 13, 1995). *See also Doe v. Archdiocese of New Orleans*, 823 So. 2d 360, 366 (La. Ct. App. 2002) (holding the discovery rule is applicable to repressed memory of abuse) *writ denied*, 828 So. 2d 1127 (La. Nov. 8, 2002).

[399] *Roman Catholic Church*, *supra* note 392, at 8.

[400] *N. G. v. A. C.*, 281 So. 3d 727, 735 (La. Ct. App. 2019) (finding common law discovery rule applicable to claims against non-abusers as well).

[401] *See Johnson v. The Roman Catholic Church for The Archdiocese of New Orleans*, 844 So. 2d 65, 69 (La. Ct. App. 2003), *writ denied sub nom. Johnson v. Roman Catholic Church for Archdiocese of New Orleans*, 843 So. 2d 401 (La. May 9, 2003), *writ denied sub nom. Johnson v. The Roman Catholic Church*, 843 So. 2d 406 (La. May 9, 2003).

[402] *See Johnson*, *supra* note 395, at 68 (discussing overview of historical changes to child sex abuse SOL); LA. CIV. CODE ANN. art. 3496.1 (prior version had three-year SOL for action against parent or caretaker).

[403] LA. STAT. ANN. § 9:2800.9 (2021); 1993 La. Sess. Law Serv. Act 694; 2021 La. Sess. Law Serv. Act 322 (H.B. 492).

[404] *Id*.

[405] LA. CODE CRIM. PROC. ANN. arts. 575–583 (1981). *See also State v. Berryhill*, 117 So. 663 (La. 1937); *State v. Gibson*, 32 So. 332 (La. 1902) (explaining that the burden is on the government to establish the fact that defendant was fleeing from justice for purposes of tolling the SOL).

[406] LA. STAT. ANN. § 9:2800.9 (2021) (three-year window); 2021 La. Sess. Law Serv. Act 322 (H.B. 492).

[407] *Roman Catholic Church*, *supra* note 392, at 7 (concluding the discovery rule is applicable "where some cause of action is not known or reasonably knowable by the plaintiff, even though his ignorance is not induced by the defendant"). *See also Archdiocese of New Orleans*, *supra* note 392, at 366 (holding the discovery rule is applicable to repressed memory of abuse).

[408] *Roman Catholic Church*, *supra* note 392, at 8.

[409] *N. G. v. A. C.*, 281 So. 3d 727, 735 (La. Ct. App. 2019) (finding common law discovery rule applicable to claims against non-abusers as well).

[410] *See Johnson*, *supra* note 395, at 69.

[411] *See id.* (overviewing historical changes to child sex abuse SOL); LA. CIV. CODE ANN. art. 3496.1 (prior version had three-year SOL for action against parent or caretaker).

[412] LA. STAT. ANN. § 9:2800.9 (2021); 1993 La. Sess. Law Serv. Act 694; 2021 La. Sess. Law Serv. Act 322 (H.B. 492).

[413] LA. STAT. ANN. § 9:2800.9 (2021); 1993 La. Sess. Law Serv. Act 694; 2021 La. Sess. Law Serv. Act 322 (H.B. 492).

[414] ME. REV. STAT. ANN. tit. 14, §§ 8103, 8104-A.

[415] ME. REV. STAT. ANN. tit. 14, § 8105(5).

[416] ME. REV. STAT. ANN. tit. 14, § 8105(3).

[417] The defense of charitable immunity was first recognized by the Supreme Court in *Jensen v. Maine Eye & Ear Infirmary*, 78 A. 898 (Me. 1910). *See also Picher v. Roman Catholic Bishop of Portland*, 974 A.2d 286 (Me. 2009) (declining to abrogate charitable immunity for acts of negligence involving the sexual abuse of a minor, but finding charitable immunity is not a defense to intentional torts).

[418] ME. REV. STAT. ANN. tit.14, § 158; *Rhoda v. Aroostook Gen. Hosp.*, 226 A.2d 530 (Me. 1967) (noting the language of the statute was "tacit recognition that the immunity of charitable institutions from liability for corporate negligence as well as for the negligence of subordinate employees shall remain where no insurance coverage is provided.").
[419] ME. REV. STAT. tit. 14, § 859 (1996); *Harkness v. Fitzgerald*, 701 A.2d 370 (Me. 1997) (explaining that to prove fraudulent concealment, the plaintiff must establish that defendants actively concealed material facts and that the plaintiff relied on their acts and statements to its detriment, or that a special relationship existed between the parties that imposed a duty to disclose a cause of action and the defendants failed to honor that duty); *Westman v. Armitage*, 215 A.2d 919 (Me. 1966) (noting that the statute begins to run when the plaintiff discovers, or should have discovered in the exercise of due diligence and ordinary prudence, the existence of a cause of action or fraud). *See also Mansir v. United States*, 299 F.Supp.3d 203 (D. Me. 2018) (finding that absent a special relationship, silence and inaction are insufficient as a matter of law to establish active concealment because omission by silence is not tantamount to supplying false information); *Fortin v. The Roman Catholic Bishop of Portland*, 871 A.2d 1208, 1220 (Me. 2005) (determining plaintiff had a fiduciary relationship with the diocese based upon his "prolonged and extensive involvement with the church as a student and altar boy," such that plaintiff could proceed with his claim under the doctrine of fraudulent concealment, and that victim alleged sufficient facts to establish fiduciary relationship with diocese, so as to give rise to duty to protect on the part of the diocese, if diocese had reason to believe that priest posed substantial risk of harm to victim, for purposes of imposing negligent supervision liability against diocese).
[420] ME. REV. STAT. ANN. tit. 14, § 752-C (2000) (no SOL).
[421] ME. REV. STAT. ANN. tit. 14, § 752-C (2021) (permanent revival window); 2021 Me. Legis. Serv. Ch. 301 (H.P. 432).
[422] *Harkness v. Fitzgerald*, 701 A.2d 370, 372 (Me. 1997) (declining to adopt discovery rule for CSA); *McAfee v. Cole*, 637 A.2d 463, 466 (Me. 1994) (stating, "[w]e decline from the circumstances of this case to announce a judicially crafted discovery rule applicable to the predecessor of section 752–C.") (citing *Bozzuto v. Ouellette*, 408 A.2d 697 (Me. 1979))).
[423] ME. REV. STAT. ANN. tit. 14, § 752-C (2000). *See* ME. REV. STAT. ANN. tit. 14, § 752-C (1991).
[424] ME. REV. STAT. ANN. tit. 14, § 752-C (2000).
[425] *McAfee*, *supra* note 416, at 466.
[426] *See Picher, supra* note 411, at 102 (declining to address whether section 752-C is applicable to the Diocese); *Fortin supra* note 413, at 1214; *Allen v. Forest*, 257 F.Supp.2d 276, 280 (D. Me. 2003) (certifying the following question to the Maine Supreme Judicial Court: "Is 14 M.R.S.A. § 752-C applicable to claims against parties other than the perpetrator of the sexual acts toward minors that provide the factual basis for those claims?"). *But see Keene v. Maine Dep't of Corr.*, No. 1:17-CV-00403-JDL, 2018 WL 1737940, at *3 (D. Me. Apr. 11, 2018).
[427] ME. REV. STAT. ANN. tit. 14, § 752-C (2021).
[428] ME. REV. STAT. ANN. tit. 14, § 752-C (2021) (permanent revival window); 2021 Me. Legis. Serv. Ch. 301 (H.P. 432).
[429] ME. REV. STAT. ANN. tit. 17-A, § 8(3)(A) (1964).
[430] ME. REV. STAT. ANN. tit. 17-A, § 8 (2002) (SOL).
[431] ME. REV. STAT. ANN. tit. 17-A, § 8 (2013) (SOL).
[432] ME. REV. STAT. ANN. tit. 17-A, § 8 (2019) (SOL).
[433] MD. CODE ANN., CTS. & JUD. PROC. § 5-117(d); MD. CODE ANN., STATE GOV'T § 12-106(a)(2).
[434] MD. CODE ANN., CTS. & JUD. PROC. § 5-522(a)(1).
[435] MD. CODE ANN., STATE GOV'T § 12-104.
[436] *James v. Prince George's Cnty.*, 418 A. 2d 1173 (Md. 1980) *superseded on other grounds, Prince George's Cnty. v. Fitzhugh*, 519 A.2d 1285 (Md. 1987); *Wood v. Abell*, 300 A.2d 665 (Md. 1973).
[437] *Eliason v. Funk*, 196 A.2d 887 (Md. 1964). *See* MD. INS. CODE § 19-103, Immunity of charitable institution (stating, "e]ach policy issued to cover the liability of a charitable institution for negligence or any other tort shall provide that, for a claim covered by the policy, the insurer may not assert the defense that the insured is immune from liability because it is a charitable institution.").
[438] *Doe v. Archdiocese of Wash.*, 698 A.2d 634 (Md. Ct. Spec. App. 1997) (concluding that "[n]owhere does Doe allege that, once he inquired of the Archdiocese, the Church negligently or deliberately mislead him as to what it knew about the priests. Doe's allegations are insufficient to bring the Complaint within the doctrine of fraudulent concealment. First, the Complaint alleges neither specific facts to support a claim for fraud, nor any facts from which fraud can be implied. Second, as we observed earlier, fraudulent concealment requires that the complaint articulate

how the plaintiff learned of the fraud, and why a diligent plaintiff could not discover it sooner. Appellant's Complaint fails to satisfy this requirement."). *See also Latty v. St. Joseph's Soc'y of Sacred Heart, Inc*., 17 A.3d 155 (Md. Ct. Spec. App. 2011) (holding fraudulent concealment claim failed without a confidential or fiduciary relationship).

[439] MD. CODE ANN., CTS. & JUD. PROC. §§ 5-105 (2002) (SOL) & 5-201 (2002) (majority tolling). *See also Roe v. Doe*, 998 A.2d 383, 385 (Md. Ct. Spec. App. 2010) (finding that the legislature did not infringe upon Defendant's substantial right when it extended the period of limitations on claims of sexual abuse of minors and made the extension applicable to claims that were not barred by expiration of the previous limitations period).

[440] MD. CODE ANN., CTS. & JUD. PROC. §§ 5-105 (2003) (SOL) & 5-201 (2003) (majority tolling).

[441] MD. CODE ANN., CTS. & JUD. PROC. § 5-117(b) (2017) (SOL).

[442] *Doe v. Maskell*, 679 A.2d 1087, 1092 (Md. 1996) (holding that "the mental process of repression of memories of past sexual abuse does not activate the discovery rule"); *Scarborough v. Altstatt,* 140 A.3d 497, 507 (Md. Ct. Spec. App. 2016) (affirming *Maskell* by finding "the discovery rule does not apply to toll the SOLs in cases involving memory impairment relating to alleged childhood sexual abuse").

[443] *Massey v. State*, 579 A.2d 265, 267 (Md. 1990) (noting that "there was no general period of limitations applicable to criminal proceedings.").

[444] *See* MASS. GEN. LAWS. ANN. ch. 258, § 10; *Doe v. Fournier*, 851 F.Supp.2d 207 (D. Mass. 2012) (concluding municipality and school officials were immune from liability because teacher's CSA was outside the scope of his employment); *Doe v. D'Agostino*, 367 F.Supp.2d 157 (D. Mass. 2005) (finding school district immune from liability for negligence in preventing teacher's sexual abuse of student); *Doe v. Old Rochester Reg'l Sch. Dist*., 56 F.Supp.2d 114 (D. Mass. 1999) (holding school district and administrators were immune from claim of breach of duty to prevent or mitigate teacher's sexual abuse of student).

[445] MASS GEN. LAWS. ANN. ch. 258, § 4.

[446] MASS GEN. LAWS. ANN. ch. 258, § 2.

[447] MASS. GEN. LAWS ANN. ch. 231, § 85K (stating, "[i]t shall not constitute a defense to any cause of action based on tort brought against a corporation, trustees of a trust, or members of an association that said corporation, trust, or association is or at the time the cause of action arose was a charity; provided, that if the tort was committed in the course of any activity carried on to accomplish directly the charitable purposes of such corporation, trust, or association, liability in any such cause of action shall not exceed the sum of twenty thousand dollars exclusive of interest and costs.").

[448] MASS. GEN. LAWS ANN. c. 260, § 12 (establishing that the applicable limitations period is tolled until the plaintiff has actual knowledge of either the harm or the fiduciary's implicit or explicit repudiation of his or her obligations); *Macharia v. City of Revere*, 848 F. Supp. 2d 74 (D. Mass. 2012) (noting that if a party is deemed to know the facts upon which a claim rests, there can be no fraudulent concealment tolling the running of the SOL).

[449] MASS. GEN. LAWS ANN. ch. 260, §§ 2A (2002) (three-year SOL) & 4C (2002) (age fifty-three SOL).

[450] MASS. GEN. LAWS ANN. ch. 260, §§ 2A (2010) (three-year SOL) & 4C (2010) (age fifty-three SOL).

[451] MASS. GEN. LAWS ANN. ch. 260, § 4D (2011) (trafficking remedies).

[452] MASS. GEN. LAWS ANN. ch. 260, §§ 4C (2014) (age fifty-three SOL) & 4C1/2 (2014) (negligent supervision).

[453] MASS. GEN. LAWS ch. 260, § 4C (2014) (age fifty-three SOL); 2014 Mass. Legis. Serv. Ch. 145 (H.B. 4126).

[454] MASS. GEN. LAWS ANN. ch. 260, § 2A (2013); *Koe v. Mercer*, 876 N.E.2d 831, 836 (Mass. 2007) (determining the cause of action did not accrue "'until a plaintiff has first, an awareness of [his] injuries and, second, an awareness that the defendant caused [his] injuries.'") (quoting *Doe v. Creighton*, 786 N.E.2d 1211, 1213 (Mass. 2003))); *Phinney v. Morgan*, 654 N.E.2d 77, 79 (Mass. App. Ct. 1995) (holding discovery rule applies to tort actions arising out of incestuous child abuse).

[455] MASS. GEN. LAWS ANN. ch. 260, § 4C (stating, "[a]ctions for assault and battery alleging the defendant sexually abused a minor shall be commenced . . . within three years of the time the victim discovered or reasonably should have discovered that an emotional or psychological injury or condition was caused by said act"); *Ross v. Garabedian*, 742 N.E.2d 1046, 1048 (Mass. 2001) (discovery rule runs from when "plaintiff knew or should have known that he has been harmed by the defendant's conduct").

[456] MASS. GEN. LAWS ANN. ch. 260, §§ 4C (2022) & 4C½ (2022); *Lee v. Boston Pub. Sch.*, No. 15-CV-10811-LTS, 2016 WL 11372334, at *4, *12 (D. Mass. Feb. 1, 2016), (finding that the retroactive discovery rule eliminates the need for claim presentment for actions against the government, noting "[u]nder both sections the time period for commencing an action increased to 35 years from the abuse itself, or within seven years of learning of a basis for legal

action, whichever comes later.") *report and recommendation adopted*, No. 15-10811-LTS, 2016 WL 632198 (D. Mass. Feb. 17, 2016).

[457] *Sliney v. Previte*, 41 N.E.3d 732, 736 (Mass. 2015) (stipulating the seven-year discovery rule "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 be barred by time under the law of the commonwealth.") (quoting 2014 Mass. Legis. Serv. Ch. 145 (H.B. 4126)).

[458] MASS. GEN. LAWS ANN. ch. 277, § 63 (establishing that the SOL is tolled, for any period during which the defendant "is not usually and publicly resident within the Commonwealth). *See also Couture v. Commonwealth*, 153 N.E.2d 625, 628 (Mass. 1958) (articulating that a person is not "usually and publicly resident" in Massachusetts if he is confined in a penal institution in another state even though his absence is not voluntary).

[459] MASS. GEN. LAWS ANN. ch. 277, § 63 (2002) (SOL).

[460] MASS. GEN. LAWS ANN. ch. 277, § 63 (2006) (SOL).

[461] MASS. GEN. LAWS ANN. ch. 277, § 63 (2011) (SOL).

[462] *See* MICH. COMP. LAWS. ANN. § 691.1407; *Doe ex rel. Doe v. Warren Consolidated Schools*, 307 F.Supp.2d 860 (E.D. Mich. 2003) (concluding that school administrators were immune from claims of gross negligence and intentional misconduct arising from teacher's sexual molestation of student); *Nelson v. Almont Cmty. Schools*, 931 F.Supp.1345 (E.D. Mich. 1996) (finding school district entitled to immunity from student's negligence claims arising from sexual harassment by teacher).

[463] MICH. COMP. LAWS. ANN. § 600.6431(4). *But see May v. Dep't of Nat. Res*., 365 N.W.2d 192, 193 (Mich. Ct. App. 1985) (holding that a delay in providing notice will not require dismissal of claim unless state can show prejudice).

[464] *Parker v. Port Huron Hosp.*, 105 N.W.2d 1 (Mich. 1960) (concluding, "there is today no factual justification for immunity in a case such as this, and that principles of law, logic and intrinsic justice demand that the mantle of immunity be withdrawn. The almost unanimous view expressed in the recent decisions of our sister States is that insofar as the rule of immunity was ever justified, changed conditions have rendered the rule no longer necessary… It is our opinion that a charitable, nonprofit hospital organization should no longer be held immune from liability for injuries to patients caused by the negligence of its employees. Our previous decisions holding to the contrary are hereby overruled, subject to the above limitation as to this case and future cases.").

[465] MICH. COMP. LAWS ANN. § 600.5855 (stipulating that if a defendant who may be liable for any claim fraudulently conceals the existence of the claim or the identity of any person who is liable for the claim from plaintiff's knowledge, the action may be commenced at any time within two years after the plaintiff discovers, or should have discovered). *See also Doe v. Roman Catholic Archbishop of Archdiocese of Detroit*, 692 N.W.2d 398 (Mich. Ct. App. 2004) (concluding that organization's silence on priest's alleged abuse of plaintiff did not constitute fraudulent concealment, and plaintiff knew or should have known of his causes of action, not simply because plaintiff knew the identify of his perpetrator but because of the "entire constellation of facts that were known or should have been known to plaintiff at the time the abuse occurred.").

[466] MICH. COMP. LAWS ANN. §§ 600.5805 (1986) (SOL), 600.5851 (1986) (minority tolling), 600.5851b (1986) (SOL).

[467] MICH. COMP. LAWS ANN. §§ 600.5805 (1986) (SOL), 600.5851 (1986) (minority tolling), 600.5851b (1986) (SOL).

[468] MICH. COMP. LAWS ANN. §§ 600.5805 (2018) (SOL), 600.5851 (2018) (minority tolling), 600.5851b (2018) (SOL); 2018 Mich. Legis. Serv. P.A. 183 (S.B. 872).

[469] *Lemmerman v. Fealk*, 534 N.W.2d 695, 703 (Mich. 1995) (holding "that neither the discovery rule nor the statutory grace period for persons suffering from insanity extends the limitation period for tort actions allegedly delayed because of repression of memory of the assaults underlying the claims."). *But see Meiers-Post v. Schafer*, 427 N.W.2d 606, 610 (Mich. Ct. App. 1988) (determining "the SOLs can be tolled under the insanity clause if (a) plaintiff can make out a case that she has repressed the memory of the facts upon which her claim is predicated, . . . and (b) there is corroboration for plaintiff's testimony that the sexual assault occurred."); *Demeyer v. Archdiocese of Detroit*, No. 189716, 1997 WL 33353353, at *1 (Mich. Ct. App. Feb. 28, 1997) (recognizing discovery rule may apply to toll the SOL if there are "[e]xpress and unequivocal admissions" by defendants) *vacated*, 587 N.W.2d 637 (Mich. 1998) (citing *Lemmerman, supra* note 463 at n.15).

[470] MICH. COMP. LAWS ANN. § 600.5851b (2021).

[471] *See Denhollander v. Michigan State Univ.*, No. 1:17-CV-29, 2018 WL 9945982, at *1 (W.D. Mich. Sept. 7, 2018).

[472] MICH. COMP. LAWS ANN. § 767.24(5) (2003); *People v. Blackmer*, 870 N.W.2d 579 (Mich. Ct. App. 2015) (considering "out of state" as not customarily and openly living in the state) *appeal denied*, 866 N.W.2d 418 (Mich. Ct. App. 2015).

[473] MICH. COMP. LAWS ANN. § 767.24 (2001) (SOL).
[474] MICH. COMP. LAWS ANN. § 767.24 (2014) (SOL).
[475] MICH. COMP. LAWS ANN. § 767.24 (2018) (SOL).
[476] *See* MINN. STAT. ANN. § 3.736; *Doe 175 ex rel. Doe 175 v. Columbia High Sch. Dist.*, 873 N.W.2d 352 (Minn. Ct. App. 2016) (concluding that state was immune from vicarious liability where its employee engages in CSA).
[477] MINN. STAT. ANN. § 3.736(4).
[478] MINN. STAT. ANN. § 3.736(5).
[479] *Geiger v. Simpson Methodist Episcopal Church*, 219 N.W. 463, 464 (Minn. 1928) (holding that "[c]haritable, benevolent, and religious institutions have been and are doing immeasurable service for the physical and moral welfare of humanity. Such institutions are rapidly growing in number, in resources, and influence. They should be encouraged, aided, and protected in carrying on their work to the full extent that it may be done without injustice to others. They are generally favored by being relieved, partly or wholly, from the burden of taxation. We do not think it would be good public policy to relieve them from liability for torts or negligence. Where innocent persons suffer through their fault, they should not be exempted. That rule, in the long run, will tend to increased efficiency and benefit them and the public, as well as persons so injured. It is almost contradictory to hold that an institution organized to dispense charity shall be charitable and extend aid to others, but shall not compensate or aid those injured by it in carrying on its activities.").
[480] *See Hydra–Mac, Inc. v. Onan Corp.*, 450 N.W. 2d. 913, 918 (Minn. 1990) (holding that fraudulent concealment will toll the SOL until the plaintiff discovers or has reasonable opportunity to discover the concealed facts); *Doe v. Order of St. Benedict*, 836 F. Supp. 2d 872 (D. Minn. 2011) (recognizing that, in theory, the SOL may be tolled where institutional defendants concealed sexual misconduct by religious employee but finding that victim plaintiff failed to sufficiently plead the first and third elements of fraudulent concealment [i.e. that Catholic church concealed his cause of action against it for negligence, or that he exercised due diligence in attempting to discover his negligence cause of action against church] and thus the SOLs could not be tolled).
[481] *D.M.S. v. Barber*, 645 N.W.2d 383, 391 (Minn. 2002).
[482] MINN. STAT. ANN. §§ 541.073 (2002) (SOL); 541.15 (2002) (minority tolling); *D.M.S. v. Barber*, supra note 475, at 390 (concluding, "the six-year period of limitation under the delayed discovery statute begins to run when the victim reaches the age of majority.").
[483] MINN. STAT. ANN. § 541.073 (2013) (SOL).
[484] MINN. STAT. ANN. § 541.073 (2013) (SOL); 2013 Minn. Sess. Law Serv. Ch. 89 (H.F. 681).
[485] *See Roe v. Archdiocese of St. Paul and Minneapolis*, 518 N.W.2d 629, 632 (Minn. Ct. App. 1994) (declining to apply a common law discovery rule to child sex abuse claim where plaintiff repressed memories of abuse, noting, "if the legislature intended to draft such a tolling statute, it could have done so.").
[486] MINN. STAT. ANN. § 541.073 (2013).
[487] *Id*. at § 541.073 (1990). *See K.E. v. Hoffman*, 452 N.W.2d 509, 512 (Minn. Ct. App. 1990) (finding the 1990 discovery statute applied retroactively to revive expired claims if the plaintiff consulted an attorney to file a lawsuit within two years of discovery); *Lickteig v. Kolar*, 782 N.W.2d 810, 819 (Minn. 2010) (holding that "the delayed discovery statute applies retroactively.").
[488] MINN. STAT. ANN. § 541.073 (1991).
[489] *D.M.S. v. Barber*, *supra* note 475, at 390 (Minn. 2002) (determining that, "as a matter of law, a reasonable child is incapable of knowing that he or she has been sexually abused and . . . the six-year period of limitation under the delayed discovery statute begins to run when the victim reaches the age of majority.").
[490] *Id.* at 387 (quoting *Blackowiak v. Kemp*, 546 N.W.2d 1, 3 (Minn.1996)).
[491] *Dymit v. Independent Sch. Dist. 717*, No. A04-471, 2004 WL 2857375, at *5 (Minn. Ct. App. Dec. 14, 2004) (determining that "[s]ince both the plain meaning of the statute and the caselaw indicate that sexual abuse actions should be brought under MINN. STAT. § 541.073, appellant's claim against the school district is governed by this section.").
[492] MINN. STAT. ANN. § 541.073 (2021) (except for vicarious liability claims, which still must be commenced before the plaintiff is twenty-four).
[493] MINN. STAT. ANN. § 541.073 (2021); 2013 Minn. Sess. Law Serv. Ch. 89 (H.F. 681) (stipulating, "this section applies to actions that were not time-barred before the effective date.").
[494] MINN. STAT. ANN. § 628.26(k) (2003) (noting the period excludes any time during which the defendant "was not an inhabitant of or usually resident within this state"); MINN. STAT. ANN. § 541.15(1)–(5) (1983) (establishing that

the SOL is tolled while the following disabilities exist: the defendant is under the age of eighteen, insane, imprisoned for another criminal offense; an alien and the subject or citizen of a country at war with U.S.; or when beginning of action is stayed by injunction or statutory prohibition).
[495] MINN. STAT. ANN. § 628.26(e) (2000) (nine-year SOL), 628.26(f) (2000) (DNA).
[496] MINN. STAT. ANN. § 628.26(e) (2015) (nine-year SOL), 628.26(f) (2000) (DNA).
[497] MINN. STAT. ANN. § 628.26(e) (2021) (no SOL); 2021 Minn. Sess. Law Serv. Ch. 11 (H.F. 63).
[498] MISS. CODE ANN. § 11-46-5; *Rodgers v. Smart*, F.Supp.3d 615 (N.D. Miss. 2021) (finding school district immune from negligence claim arising from teacher's sexual assault of student because assault constituted criminal behavior outside the scope of employment).
[499] MISS. CODE ANN. §§ 11-46-11(1), (4).
[500] MISS CODE ANN. § 11-46-15(2).
[501] *See* MISS CODE. ANN. § 11-46-15(1).
[502] *Mississippi Baptist Hosp. v. Holmes*, 55 So.2d 142, 156 (Miss. 1951) (concluding, "[w]ith due regard for the great work being done by the charitable hospitals, and with the utmost respect for the courts that adhere to the contrary view to that entertained by us… all of the Judges and Commissioners who now compose this Court are unanimously of the opinion that the defendant hospital should be held liable to the same extent for the negligent act of its employee which proximately caused the death of [the plaintiff] it would have been had its governing authorities failed to exercise reasonable care in his selection, employment or retention . . . .").
[503] MISS. CODE ANN § 15-1-67 (2003) (stipulating that fraudulent concealment will toll the limitations period until the claim is discovered or should have been discovered); *Mabus v. St. James Episcopal Church*, 13 So.3d 260 (Miss. 2009) (finding there was no legal requirement to disclose and thus no viable claim of fraudulent concealment); *Roman Catholic Diocese of Jackson v. Morrison*, 905 So. 2d 1213, 1240 (Miss. 2005) (explaining that it was unknown whether the Diocese authorized or ratified the priests' actions or whether the Diocese took action to cover up the same but noting that those issues were not presently before the court); *Robinson v. Cobb*, 763 So.2d 883, 887 (Miss. 2003) (explaining that the plaintiff must prove that (1) the defendants engaged in some act or conduct of an affirmative nature designed to prevent and which does prevent discovery of a claim, and (2) though plaintiffs acted with due diligence in attempting to discover the claim, they were unable to do so); *Guastella v. Wardell*, 198 So.2d. 227, 230 (Miss. 1967) (reiterating that in order to be liable for nondisclosure, a party must have had a legal duty to communicate a known material fact).
[504] *McGowen v. Roman Catholic Diocese of Biloxi*, 319 So. 3d 1086 (Miss. 2021) (finding that allegations by alleged victim that he did not recall sexual abuse by priest until more than three decades after the alleged incidents, which took place when he was twelve to thirteen-years-old, adequately alleged a latent injury pursuant to Miss. Code Ann. section 15-1-49(2), as required to invoke discovery rule to toll limitations period in alleged victim's case against church and diocese).
[505] MISS. CODE ANN. §§ 15-1-49(1) (discovery tolling), 15-1-59 (minority tolling).
[506] *McGowen, supra* note 498, at 1089–90 (finding that where a victim failed to remember child sex abuse until more than three decades after it occurred did not require a "repressed memory" analysis because it constituted a "latent injury" under the statute, thus allowing the application of the statutory discovery rule); *Doe v. Roman Catholic Diocese of Jackson*, 947 So. 2d 983, 986 (Miss. Ct. App. 2006) (refusing to apply Mississippi's statutory discovery rule to child sex abuse case where victim remembered the abusive events but "did not psychologically comprehend" that the acts were abusive and caused her injury); Jeffery R. Anderson et al., *When Clergy Fail Their Flock: Litigating the Clergy Sexual Abuse Case*, 91 AM. JUR. TRIALS 151, § 22.2 (2021). *See* MISS. CODE ANN. § 15-1-49(2) (2021).
[507] *McGowen, supra* note 498, at 1090 (explaining the inquiry for latent injuries).
[508] MISS. CODE ANN. § 15-1-49(2) (2021). *See McGowen, supra* note 498, at 1090; *Punzo v. Jackson County*, 861 So.2d 340, 346 (Miss. 2003) (applying the discovery rule where plaintiff's latent injury was caused by Jackson County).
[509] MISS. CODE ANN. § 99-1-5 (2002).
[510] *See* Section 2437, Code of 1942. *See also Blakeney v. State*, 87 So. 2d 472, 473 (Miss. 1956) (citing Mississippi Code stating that a person should not be prosecuted criminally for rape unless the prosecution for such offense be commenced within two years after the commission thereof).
[511] MISS. CODE ANN. § 99-1-5 (2002) (SOL).
[512] MISS. CODE ANN. § 99-1-5 (2003) (SOL).
[513] MISS. CODE ANN. § 99-1-5 (2004) (SOL).

[514] MISS. CODE ANN. § 99-1-5 (2012) (SOL).
[515] MISS. CODE ANN. § 99-1-5 (2013) (SOL).
[516] MO. REV. STAT. § 537.600; *Bolon v. Rolla Public Schools*, 917 F.Supp. 1423 (E.D. Mo. 1996) (concluding that official immunity applied on negligence claim arising from teacher's sexual misconduct with student because the negligent conduct was discretionary act).
[517] MO. REV. STAT. § 33.120(1).
[518] MO. REV. STAT. §§ 537.610(2)-(3).
[519] *Ordinola v. University of Physician Assocs.*, 625 S.W.3d 445 (Mo. 2021) (holding "that a nongovernmental charitable institution is liable for its own negligence and for the negligence of its agents and employees acting within the scope of their employment."); *Abernathy v. Sisters of St. Mary's*, 446 S.W.2d 599 (Mo. 1969) (superseded by statute MO. REV. STAT. section 354.125, indicating that a health services corporation is not liable for injuries resulting from neglect, misfeasance, malfeasance, and malpractice on the part of any person, organization, agency, or corporation rendering health services to members and beneficiaries); *Garnie*r *v. St. Andrew Presbyterian Church of St. Louis*, 446 S.W.2d 607 (Mo. 1969) (stating, "[t]he reasons given in our opinion in that case for abandoning the doctrine of charitable immunity apply no less to churches than to hospitals… For the reasons stated in Abernathy, supra, we hold that our decision abolishing the doctrine of charitable immunity applies to this case and to all future causes of action…").
[520] MO. REV. STAT. §§ 516.280 (fraudulent concealment occurs when a defendant, by any improper act, affirmatively intends to conceal the knowledge of a cause of action from the plaintiff). *See also State ex rel. Heart of Am. Council v. McKenzie*, 484 S.W.3d 320, 325 (Mo. 2016) (holding that the SOL was not tolled by fraudulent concealment doctrine in plaintiffs action against the Boy Scouts for allegations of abuse by scout leader, even though Boy Scouts told plaintiff's family they would "take care of" the situation and failed to reveal there were other cases of abuse by Boy Scout leaders; plaintiff also knew of his claims and plaintiff did not allege that whether others were abused constituted a legal hindrance to his filing suit); *Wheeler v. Missouri Pac. R.R. Co.*, 42 S.W.2d 579, 583 (Mo. 1931) (concluding that improper acts are "uniformly held to mean some act on the part of the defendant that would hinder or delay the commencement of a suit, the service of process or some necessary step in relation thereto"); *M & D Enterprises, Inc. v. Wolff*, 923 S.W.2d 389, 400 (Mo. Ct. App. 1996) (explaining that fraudulent concealment will not toll the limitations period if a plaintiff knows or should have known he had a cause of action).
[521] *John Doe CS v. Capuchin Franciscan Friars*, 520 F.Supp.2d 1124 (E.D. Mo. 2007) (finding that plaintiff's allegation that Roman Catholic religious order committed fraud, under Missouri law, by not disclosing sexual misconduct of priests within the order when he and his family were deciding whether he should attend school operated by the order, including the sexual misconduct of priest which ultimately molested plaintiff while he was a student at school, were sufficient to satisfy special pleading rules for alleging fraud.).
[522] MO. REV. STAT. §§ 516.120(4) (five-year SOL), 516.170 (minority tolling); *Powel v. Chaminade Coll. Preparatory, Inc*., 197 S.W.3d 576, 584 (Mo. 2006) (recognizing common law discovery rule applies to repressed memories of abuse), *as modified on denial of reh'g* (Aug. 22, 2006). *But see Dempsey v. Johnston*, 299 S.W.3d 704, 706 (Mo. Ct. App. 2009) (finding common law discovery rule inapplicable where "Plaintiff always remembered what had happened to him and knew it was wrong," even though he did not know of his resulting injuries).
[523] MO. REV. STAT. § 537.046 (1990) (SOL).
[524] MO. REV. STAT. § 537.046 (2004) (SOL). *See also State ex rel. Heart of Am. Council v. McKenzie*, 484 S.W.3d 320, 325 (Mo. 2016) (finding CSA statute does not apply to claims against non-perpetrators).
[525] MO. REV. STAT. § 537.047 (2007) (pornography SOL).
[526] *Powel, supra* note 516, at 584. *But see Dempsey, supra* note 516 (determining the common law discovery rule inapplicable where "Plaintiff always remembered what had happened to him and knew it was wrong" even though he didn't know of his resulting injuries).
[527] *Powel, supra* note 516, at 584 (stating that the cause of action accrues "when the damage resulting therefrom is sustained and is capable of ascertainment.") (citing MO. ANN. STAT. section 516.100 (2021)).
[528] MO. ANN. STAT. § 537.046(2) (2021). *See also* MO. ANN. STAT. § 537.047 (2021) (stipulating three-year discovery rule for victims of child pornography, in effect since 2007).
[529] *McKenzie, supra* note 518, at 327 (finding CSA statute does not apply to claims against non-perpetrators).
[530] MO. ANN. STAT. § 537.047(2) (stipulating this discovery rule is only applicable to causes of action arising after August 18, 2007).

[531] *See Doe v. Ratigan*, 481 S.W.3d 36, 47–48 (Mo. Ct. App. 2015) (upholding summary judgment on plaintiff's cause of action against the diocese for violation of section 537.047 based on vicarious liability, noting that, "the trial court could have entered summary judgment in favor of the Diocese . . . because . . . the law precluded finding the Diocese . . . liable for Ratigan's violation of section 537.047 on the theory of *respondeat superior*, aiding and abetting, or ratification.").
[532] *See* MO. REV. STAT. § 556.036.6(1); *State v. Leisure*, 796 S.W.2d 875, 879 (Mo. 1990). *See also State v. Douglas*, 835 S.W.2d 383 (Mo. Ct. App. 1992) (determining the statute tolled even though defendant's whereabouts—in another state's prison—were known to authorities, until he returned or took steps to return to Missouri) *disapproved of on other grounds*, *State v. Becker*, 1996 WL 174806 (Mo. Ct. App. April 16, 1996). A defendant who absconds and assumes a false identity, or who gives police a false name at the time of arrest, may be considered to be concealing himself from justice, unless the defendant can show that the State was aware of the alias. *See* MO. REV. STAT. § 556.036.6(2)–(3). *See also State v. Love*, 88 S.W.3d 511 (Mo. Ct. App. 2002).
[533] MO. REV. STAT. §§ 556.036 (2002) & 556.037 (2002).
[534] MO. REV. STAT. § 556.036 (2004) (SOL).
[535] MO. REV. STAT. § 556.037 (2004) (no SOL).
[536] MO. REV. STAT. § 556.037 (2011) (no SOL).
[537] MO. REV. STAT. §§ 556.037 (2014) (no SOL), 566.067 (2014) (child molestation), 573.023 (2014) (exploitation), and 573.025 (2014) (CSAM).
[538] MO. REV. STAT. §§ 556.037 (2018) (no SOL), 589.414 (2018) (listing sexual offenses), and 566.211 (2018) (trafficking). While the legislature sought to apply the new SOL even to claims that would have been expired already, the Missouri Supreme Court held that the revival provisions "contravene the [Missouri] constitutional prohibition against retrospective laws." *Doe v. Roman Catholic Diocese of Jefferson City*, 862 S.W.2d 338, 339 (Mo. 1993).
[539] MONT. CODE ANN. § 2-9-111; *S.M. v. R.B.*, 811 P.2d 1295 (Mont. 1991) (finding sovereign immunity covered claim of CSA by a school district worker).
[540] MONT. CODE ANN. § 2-9-301.
[541] MONT. CODE ANN. § 2-9-105.
[542] MONT. CODE ANN. § 2-9-108(1).
[543] *Davis v. The Church of Jesus Christ of Latter Day Saints*, 852 P.2d 640 (Mont. 1993) (concluding that "Montana has never adopted the doctrine of charitable immunity… We agree with the opinion set forth in *Howard* and approved by the District Court in this case and decline to adopt the doctrine of charitable immunity.") *overruled on other grounds*, *Gliko v. Permann*, 130 P.3d 155 (Mont. 2006); *Howard v. Sisters of Charity of Leavenworth*, 193 F. Supp. 191 (D. Mont. 1961).
[544] *Christian v. Atl. Richfield Co.*, 358 P.3d 131, 156 (Mont. 2015) (holding that a party seeking to toll the SOL by alleging fraudulent concealment must prove "the employment of artifice, planned to prevent inquiry or escape investigation, and mislead or hinder acquisition of information disclosing a cause of action."); *Osterman v. Sears, Roebuck & Co.*, 80 P.3d 435, 441 (Mont. 2003) (reiterating the common law standard that a plaintiff seeking to toll the SOL under a theory of fraudulent concealment must exercise "ordinary diligence" to discover the facts or fraudulent practices when "the plaintiff has information of circumstances sufficient to put a reasonable person on inquiry, or has the opportunity to obtain knowledge from sources open to his or her investigation.").
[545] MONT. CODE ANN. §§ 27-2-216 (1989) (SOL) & 27-2-401 (1989) (majority tolling).
[546] MONT. CODE ANN. §§ 27-2-216 (2019) (SOL) & 27-2-401 (2019) (majority tolling).
[547] *Cosgriffe v. Cosgriffe*, 864 P.2d 776 (Mont. 1993) (holding retroactive application of discovery rule is constitutional).
[548] MONT. CODE ANN. § 27-2-216 (2019) (SOL and discovery rule); 2019 Mont. Laws Ch. 367 (H.B. 640).
[549] *E.W. v. D.C.H.*, 754 P.2d. 817, 818–21 (Mont. 1988) (declining to apply judicially-created discovery rule to child sex abuse case where plaintiff alleged she was unaware of the connection between her injuries and her sexual molestation until after she began therapy).
[550] MONT. CODE ANN. § 27-2-216 (2021); *Cosgriffe*, *supra* note 541, at 778–79 (holding retroactive application of discovery rule is constitutional).
[551] MONT. CODE ANN. § 27-2-216 (2021).
[552] *Werre v. David*, 913 P.2d 625, 630 (Mont. 1996) (finding discovery statute applicable to "negligence claims which are based on intentional conduct" and not limited to actions against perpetrators).

[553] *See State v. Stillings*, 778 P.2d 406 (Mont. 1989) (discussing cases from other jurisdictions supporting conclusion that absence from SOL the time though defendant's whereabouts known).
[554] MONT. CODE ANN. § 45-1-205 (2002) (SOL).
[555] MONT. CODE ANN. § 45-1-205 (2007) (SOL).
[556] MONT. CODE ANN. § 45-1-205 (2017) (SOL).
[557] MONT. CODE ANN. § 45-1-205 (2019) (SOL).
[558] NEB. REV. STAT. § 81-8, 219. *See D.M. v. State*, 867 N.W.2d 622 (Neb. 2015) (holding that sovereign immunity applies to claims for assault and battery as well as all claims arising from assault and battery).
[559] NEB. REV. STAT. § 81-8, 227(1); *Roe v. Nebraska*, 861 F.3d 785 (Neb. 2017).
[560] NEB. REV. STAT. § 81-8, 224.
[561] *Meyers v. Drozda*, 141 N.W.2d 852, 854 (Neb. 1966) (stating, "…we hold that nonprofit charitable hospitals are not exempt from tort liability to their patients. Contrary decisions are overruled to the extent of their inconsistency.").
[562] *Upah v. Ancona Bros. Co.*, 521 N.W.2d 895, 902 (Neb. 1994) (explaining that a plaintiff must satisfy two elements in order to successfully allege fraudulent concealment: (1) that the party alleging fraudulent concealment "exercised due diligence to discover his or her cause of action before the SOLs expired," and (2) that the defendant committed an "affirmative act of fraudulent concealment which prevented the plaintiff from discovering his or her cause of action;" also adopting a Michigan Court of Appeals rule that "mere silence is not enough to overcome the applicable period of limitation," and that a fiduciary relationship between the parties creates an affirmative duty to disclose) *disapproved of by Welsch v. Graves*, 582 N.W.2d 312 (Neb. 1998). *See also, Dilly v. Corp.*, No. 2:14-CV-03307, 2016 WL 53828, at *6 (D. S.C. Jan. 4, 2016) (holding that a concealment claim brought six years, rather than the required four, after discovery of the fraud was barred by SOL) (citing NEB. REV. STAT. section 25-207); *Teater v. State*, 559 N.W.2d 758 (Neb. 1997) (where adult plaintiff alleged childhood sexual assault by her foster parent from age six to fourteen, plaintiff brought an action when she was 36, and the trial court held that her claims were barred by the SOLs. Supreme Court of Nebraska held that, because Plaintiff "did not allege facts sufficient to put state or district court on notice of tolling theory of fraudulent concealment and plaintiff never requested leave to amend her pleadings to conform to evidence, petition did not state facts establishing excuse that would toll SOLs").
[563] NEB. REV. STAT. §§ 25-207 (2002) (four-year SOL), 25-213 (2002) (SOL).
[564] NEB. REV. STAT. § 25-228 (2012) (age thirty-three SOL).
[565] NEB. REV. STAT. § 25-228 (2017) (no SOL).
[566] *See Teater, supra* note 556, at 763 (refusing to toll SOL where victim repressed memories and later discovered abuse); *Claar v. Archdiocese of Omaha*, No. 8:07CV156, 2007 WL 4553919, at *4 (D. Neb. Dec. 18, 2007) (declining to toll SOL for delayed discovery of effects of abuse in negligent supervision case against Archdiocese); *Van Sickle v. Mize*, No. 4:04CV3239, 2005 WL 2180239, at *4 (D. Neb. Sept. 9, 2005) (doubting "that repression of memories could toll a SOLs in Nebraska when repression occurs after the plaintiff has already 'discovered' the factual basis of his or her cause of action").
[567] NEB. REV. STAT. § 29-110(13).
[568] NEB. REV. STAT. § 29-110 (2002) (SOL).
[569] NEB. REV. STAT. § 29-110 (2004) (SOL).
[570] NEB. REV. STAT. § 29-110 (2009) (SOL).
[571] NEB. REV. STAT. § 29-110 (2019) (SOL).
[572] NEB. REV. STAT. § 27-413 (2020) (sexual assault).
[573] NEB. REV. STAT. § 29-110(10) (2020)(minority tolling).
[574] *See* NEV. REV. STAT. § 41.032; *Doe ex rel. Knackert v. Estes*, 926 F.Supp.979 (D. Nev. 1996) (determining school district was not entitled to sovereign immunity for negligence action arising from teacher's sexual molestation of minor student); *Doe v. Clark County School Dist.*, No. CV-01696, 2018 WL 1368264 (D. Nev. Mar. 15, 2018) (denying to provide a school district with discretionary immunity for negligence claims arising from a teacher's sexual assault of student).
[575] NEV. REV. STAT. § 41.036.
[576] NEV. REV. STAT. § 41.035(1).
[577] NEV. REV. STAT. § 41.480 (2017) (stipulating, "[a] nonprofit corporation, association or organization formed under the laws of this State is not immune from liability for the injury or damage caused any person, firm or corporation as a result of the negligent or wrongful act of the nonprofit corporation, association or organization, or its agents, employees or servants acting within the scope of their agency or employment.").

[578] *Garcia v. Eighth Jud. Dist. Ct. of State, ex rel. Cty. of Clark*, 373 P.3d 916 (Nev. 2011) (considering that fraudulent concealment requires that a defendant "used fraudulent means to keep [the party] unaware of [his/her] cause of action" and also that the party "was, in fact, ignorant of the existence of [his/her] cause of action" and thus dismissing plaintiff's claim of fraudulent concealment finding that she was aware of the concealment at or about the time of the injury giving rise to her cause of action); *Golden Nugget, Inc. v. Ham*, 646 P.2d 1221, 1224 (Nev. 1982) (holding that a "plaintiff must show the means by which previously unknown information was acquired within the statutory period which led to discovery of the concealment and underlying breach of fiduciary duty").
[579] *Petersen v. Bruen*, 792 P.2d 18, 25 (Nev. 1990) (holding that the SOLs did not bar a tort action by an adult survivor of CSA where clear and convincing evidence of such abuse by the Defendant had been shown).
[580] *Id.*; NEV. REV. STAT. ANN. § 11.215 (2002) (SOL).
[581] NEV. REV. STAT. ANN. § 11.215 (2017) (SOL for CSA and child pornography).
[582] NEV. REV. STAT. ANN. § 11.215 (2021) (SOL for CSA, child pornography, and exploitation); 2021 Nev. Legis. Serv. Ch. 288 (S.B. 203).
[583] NEV. REV. STAT. ANN. § 11.215 (revival law); 2021 Nev. Legis. Serv. Ch. 288 (S.B. 203).
[584] *Petersen*, *supra* note 573, at 24 (declining to apply a discovery rule to toll the SOL but recognizing that the SOL will not bar a claim against a perpetrator of child sex abuse where there is clear and convincing evidence of abuse).
[585] NEV. REV. STAT. ANN. § 11.215 (1991).
[586] NEV. REV. STAT. ANN. § 11.215 (2017).
[587] NEV. REV. STAT. ANN. § 11.215 (2021).
[588] NEV. REV. STAT. ANN. § 171.083 (2002) (no SOL), § 3283 (2002) (ten-year SOL).
[589] NEV. REV. STAT. ANN. §§ 171.085 (2002) (general felony SOL), 171.090 (2002) (misdemeanor SOL).
[590] NEV. REV. STAT. ANN. §§ 171.095(1)(b)(1)-(2) (2013) (sex trafficking SOL), 171.083 (2013) (no SOL).
[591] NEV. REV. STAT. ANN. § 171.082 (2019); A.B. 142, 80th Leg., Reg. Sess. (Nev. 2019).
[592] NEV. REV. STAT. ANN. § 171.080 (2019) (no SOL); S.B. 9, 80th Leg., Reg. Sess. (Nev. 2019).
[593] N.H. REV. STAT. ANN. § 541-B:19(I)(d). *See Petition of New Hampshire Div. for Children, Youth and Families*, 244 A.3d 260 (N.H. 2020) (noting in analysis of CSA case that section 541-B waives sovereign immunity for certain tort claims against state agencies).
[594] N.H. REV. STAT. ANN. § 541-B:14.
[595] *Wheeler v. Monadnock Comty. Hosp.*, 171 A.2d 23 (N.H. 1961) (concluding, "[i]n this jurisdiction it is established doctrine that hospitals and charitable institutions enjoy no immunity from liability for negligence."); *Welch v. Frisbie Memorial Hosp.*, 9 A.2d 761 (N.H. 1939).
[596] *McCollum v. D'Arcy*, 638 A.2d 797, 798 (N.H. 1994) (noting, "[t]he trial court also ruled that the fraudulent concealment doctrine articulated by this court in *Lakeman v. LaFrance*, 156 A.2d 123 (N.H. 1959), provides additional common law precedent for tolling the SOLs in the case at bar," and finding the discovery rule to be applicable and declining to discuss whether fraudulent concealment applies to CSA cases and to address the trial court's ruling that the fraudulent concealment doctrine applied); *Lakeman*, *supra* note 590, at 126 ("fraudulent concealment of a cause of action from the one in whom it resides by the one against whom it lies constitutes an implied exception to the SOLs, postponing the commencement of the running of the statute until discovery or reasonable opportunity of discovery of the facts by the owner of the cause of action.").
[597] N.H. REV. STAT. ANN. § 508:4-g (2002) (right to civil action).
[598] N.H. REV. STAT. ANN. § 508:4-g (2005) (right to civil action).
[599] N.H. REV. STAT. ANN. § 508:4-g (2008) (right to civil action).
[600] N.H. REV. STAT. ANN. § 508:4-g (2020) (right to civil action).
[601] N.H. REV. STAT. ANN § 507-B:7(II) (2020) (no SOL).
[602] *See McCollum*, *supra* note 590, at 799 (recognizing, in repressed memory of abuse case, that the court has "never addressed the issue of applying the common law discovery rule to a civil sexual assault case, but find no reason why it should not apply.").
[603] *Durant v. Durant*, No. CIV. 94-007-JD, 1994 WL 312913, at *1 (D. N.H. June 27, 1994) (quoting *Heath v. Sears, Roebuck & Co.*, 464 A.2d 288, 294 (N.H. 1983)).
[604] *Conrad v. Hazen*, 665 A.2d 372, 375 (N.H. 1995).
[605] N.H. REV. STAT. ANN. § 508:4 (1986) (stating that, for personal injury actions, "when the injury and its causal relationship to the act or omission were not discovered and could not reasonably have been discovered at the time of the act or omission, the action shall be commenced within 3 years of the time the plaintiff discovers, or in the exercise

of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of."). *See Dobe v. Comm'r, New Hampshire Dep't of Health & Human Servs.*, 791 A.2d 184, 187 (N.H. 2002).

[606] *Taylor v. Litteer*, 925 F. Supp. 898, 902 (D. N.H. 1996) (concluding that discovery rule applicability is determined by the seriousness of the original injury and whether it was '"sufficiently serious to apprise the plaintiff that a possible violation of [her] rights had taken place"') (citing *Conrad v. Hazen*, 665 A.2d 372, 375 (N.H. 1995) (quoting *Rowe v. John Deere*, 533 A.2d 375, 377 (N.H. 1987))). *But see Sinclair v. Brill*, 857 F.Supp. 132 (D. N.H. 1994) (allowing discovery rule to toll SOL where victim knew of abuse and injury "but did not discover the causal relationship" until later).

[607] N.H. REV. STAT. ANN. § 508:4-g (2005) (stipulating "[t]hree years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of").

[608] *Id.*

[609] *Taylor*, *supra* note 600, at 902 (applying discovery rule as against the defendant church); *Patrisso v. Sch. Admin. Unit No. 59*, No. 08-CV-482-PB, 2010 WL 56023, at *2 (D. N.H. Jan. 5, 2010) (applying the discovery rule as against the defendant school district); *Petition of New Hampshire Div. for Child., Youth & Fams.*, 244 A.3d 260, 261 (N.H. 2020) (applying the discovery rule against the state under N.H. Rev. Stat. section 541-B:14).

[610] N.H. REV. STAT. ANN. § 508:4-g (2020).

[612] N.H. REV. STAT. ANN. § 625:8 (1990) (SOL).

[613] N.H. REV. STAT. ANN. § 625:8 (2000) (SOL).

[614] N.H. REV. STAT. ANN. § 625:8(III)(i) (2014).

[615] *See* N.J. STAT. ANN. §§ 59:2-1 (sovereign immunity), 59:2-1.3 (no immunity for CSA), 59:8-3 (no claim presentment); *J.H. v. Mercer Cnty. Youth Det. Ctr.*, 930 A.2d 1223, 1236 (N.J. Super. Ct. App. Div. 2007) (concluding that under the Child Sexual Abuse Act, public entities are not entitled to sovereign immunity and are liable for punitive damages).

[616] N.J. STAT. ANN. §§ 2A:53A-7 (charitable immunity), 2A:53A-7.4 (no charitable immunity for CSA), 2A:53A-7.5 (retroactive).

[617] N.J. STAT. ANN. 2A:61B–1; *Rosenblit v. Zimmerman*, 766 A.2d 749, 757–58 (N.J. 2001) (explaining that plaintiff must show that the defendant had a legal obligation to disclose evidence in connection with an existing or pending litigation, that the evidence was material to the litigation, that the plaintiff could not have reasonably obtained access to the evidence from another source, that the defendant withheld, altered, or destroyed the evidence with a purpose to disrupt the litigation; and that the plaintiff was damaged by having to rely on an evidential record that did not contain the evidence the defendant concealed); *Jones v. Jones*, 576 A.2d 316 (N.J. 1990) (holding that summary judgment denying relief against the SOLs was inappropriate for a young woman who claimed that she was sexually abused by her father, with the connivance of her mother, and that through a combination of beatings, threats, and psychological impositions, the father had prevented her from seeking help during the time of the abuse and for some years thereafter. The courts noted that the duress and coercion exerted by the prospective defendant must have been such as to have actually deprived the plaintiff of freedom of will to institute suit in a timely fashion, and must have risen to such a level that a person of reasonable firmness in the plaintiff's situation would have been unable to resist).

[618] *Hardwicke v. American Boychoir Sch.*, 902 A.2d 900 (N.J. 2006) (finding that private boarding school could be held vicariously liable for common-law claims based on intentional acts of child abuse committed by its employee, even when the employee was acting outside the scope of his employment, where Child Sexual Abuse Act (CSAA) recognized the vulnerability of children and demonstrated a legislative intent to protect them from victimization, and CSAA imposed responsibility on those in the best position to know of the abuse and stop it). *But see Bryson v. Diocese of Camden, N.J.*, 909 F.Supp.2d 364 (D. N.J. 2012) (finding that the Roman Catholic diocese was not "within the household" for purposes of the CSAA, which provided that a parent, resource family parent, guardian, or other person standing in loco parentis within the household who knowingly permitted or acquiesced in sexual abuse by any other person also committed the sexual abuse, and thus diocese was not subject to liability under the CSAA for priest's alleged abuse of plaintiff when he was in the first grade; although priest cared for plaintiff after school until plaintiff's mother arrived several hours later, diocese provided services and amenities normally associated with a typical after-school program or church, with no residential component, plaintiff resided at all times with his parents, who provided him with home amenities, including food and shelter, and priest had not visited plaintiff's home on more than one occasion).

[619] N.J. STAT. ANN. § 2A:14-2 (1992) (two-year SOL); 2A:61B-1(b) (1992) (discovery rule).
[620] N.J. STAT. ANN. § 2A:14-2 (2019) (two-year SOL); 2A:61B-1(b) (2019) (discovery rule).
[621] N.J. STAT. ANN. 2A:14-2A and 2A:14-2B (effective Dec. 1, 2019); A.B. 3648, 218th Leg., Reg. Sess., (N.J. 2018).
[622] *J.L. v. J.F.*, 722 A.2d 558, 564 (N.J. Super. Ct. App. Div. 1999). *See also Lopez v. Swyer*, 300 A.2d 563, 566 (N.J. 1973).
[623] N.J. STAT. ANN. § 2A:61B-1(b) (1992).
[624] *R.L. v. Voytac*, 971 A.2d 1074, 1082–83 (N.J. 2009) (noting, "[t]he Act provides . . . that an action for child sexual abuse shall be brought within two years after the 'reasonable discovery of the injury and its causal relationship to the act of sexual abuse'").
[625] *D.M. v. River Dell Reg'l High Sch.*, 862 A.2d 1226, 1228 (N.J. Super. Ct. 2004). *But see Voytac*, *supra* note 618, at 1085 (remanding to the trial court to determine discovery in light of the totality of the evidence).
[626] N.J. STAT. ANN. § 2A:14-2a (2021); 2A:61B-1(b) (2021).
[627] *Hardwicke v. American Boychoir Sch.*, 845 A.2d 619, 629 (N.J. Super. Ct. App. Div. 2004), *aff'd as modified by Hardwicke v. American Boychoir School*, 902 A.2d 900 (N.J. 2006).
[628] N.J. STAT. ANN. 2C:1-6(f) (establishing that the SOL shall not apply to any person fleeing from justice). Whether a defendant was a fugitive from justice is a factual question that must be decided by the fact finder. *See, e.g., State v. Meltzer*, 570 A.2d 1042 (N.J. Super. Ct. Law Div. 1989); *State v. Rosen*, 145 A.2d 158, 160 (N.J. Super. Ct. Law Div. 1958); N.J.S.A. 2C:1-6(e) (establishing that the SOL does not run during any time when a prosecution against the accused for the same conduct is pending in the state).
[629] N.J. STAT. ANN. § 2C:1-6 (2001) (SOL).
[630] *Id*.
[631] *Id*.
[632] N.M. STAT. ANN. § 41-4-12; *Weinstein v. City of Santa Fe ex rel. Santa Fe Police Dep't,* 916 P.2d 1313, 1319 (N.M. 1996) (explaining that the New Mexico Tort Claims Act waives immunity for the enumerated common-law torts, which includes assault and battery, as well as for negligence that result in those torts).
[633] *See* N.M. STAT. ANN. § 41-4-16; *Rider v. Albuquerque Pub. Schs.*, 923 P.2d 604 (N.M. 1996) (finding children are not subject to the statute's ninety-day notice provision).
[634] N.M. STAT. ANN. § 41-4-19(A), (D).
[635] *See Akins v. United Steel Workers of Am., AFL-CIO, CLC, Local 187*, 237 P.3d 744 (N.M. 2010) (noting, "New Mexico law reflects a preference for holding individuals and institutions accountable for their actions regardless of status…. For instance, like most other states, our Legislature has not adopted the doctrine of charitable immunity from suit in tort, despite policy arguments in favor of such immunity.").
[636] *Anderson Living Trust v. WPX Energy Prod., LLC,* 27 F.Supp.3d 1188 (D. N.M. 2014) (explaining that a party seeking to toll the SOL through the doctrine of fraudulent concealment must prove that the defendant engaged in conduct amounting to intentional false representation or concealment of material facts, that the injured party reasonably relied on the other party and the concealment was successful, and that the injured party did not know, and through the exercise of reasonable diligence, could not have known the facts underlying the cause of action); *McManemy v. Roman Catholic Church of Diocese of Worcester,* 2 F.Supp.3d 1188 (D. N.M. 2013) (holding that plaintiff's allegations that the diocesan entities made misrepresentations that the priest who had sexually abused plaintiff as a minor was rehabilitated and trustworthy and withheld their actual knowledge to the contrary, did not rise to fraud or fraudulent concealment under New Mexico law); *Martinez-Sandoval v. Kirsch,* 884 P.2d 507 (N.M. Ct. App. 1994) (finding that plaintiff had knowledge of the facts underlying her cause of action and that the general reassurances by the perpetrators employer that they had "taken care of everything" did not rise to the level of specific representations necessary to constitute fraudulent concealment).
[637] N.M. STAT. ANN. § 37-1-30 (2002) (age twenty-four SOL). Pursuant to the discovery rule, the SOL ran from when a victim knew or had reason to know of the abuse and that it resulted in an injury, "as established by competent medical or psychological testimony."
[638] *Kirsh*, *supra* note 630, at 509 (citing *Roberts v. Southwest Community Health Servs.*, 837 P.2d 442, 451 (N.M. 1992)).
[639] *Kirsh*, *supra* note 630, at 513.
[640] N.M. STAT. ANN. § 37-1-30 (1993).
[641] *Id*. at § 37-1-30 (2021).
[642] *Kevin J. v. Sager*, 999 P.2d 1026, 1031 (N.M. Ct. App. 1999).

[643] *R.P. v. Santa Fe Pub. Schs.*, 2020 WL 435368, *2, *4 (D. N.M. Jan. 28, 2020); *Doe 1. v. Espanola Pub. Schs.*, 2019 WL 586661, *7, *13 (D. N.M. Feb. 12, 2019).
[644] N.M. STAT. § 30-1-8 (2012).
[645] N.M. STAT. ANN. § 30-1-8 (1997) (no SOL).
[646] *Id*.
[647] N.M. STAT. ANN. § 30-1-9.1 (1997) (majority tolling).
[648] N.M. STAT. ANN. § 30-1-9.2 (2003) (DNA).
[649] Colleen Heild, *Fatal flaw: Drafting error sinks child sex crime bill*, ALBUQUERQUE J. (May 5, 2019, 12:05 AM), https://www.abqjournal.com/1311227/fatal-flaw-drafting-error-sinks-child-sex-crime-bill.html.
[650] *See* N.Y. CT. CLMS ACT § 8; *Boland v. State*, 218 A.D.2d (N.Y. App. Div. 1996) (concluding that state's negligence in ministerial act of transmitting child abuse reports was not covered by sovereign immunity); *Rook v. State*, 254 A.D. 67, 69 (N.Y. App. Div. 1938) (holding that the state may be liable for the negligence of teachers and school supervisors to students).
[651] N.Y. CT. CLMS ACT § 10(10).
[652] *Sherapata v. Town of Islip*, 437 N.E.2d 1104 (N.Y. 1982) (noting that the state's waiver of sovereign immunity does not concede liability for punitive damages).
[653] *Rakaric v. Croatian Cultural Club "Cardinal Stepinac Organization*," 76 A.D.2d 619 (N.Y. App. Div. 1980) (concluding, "[i]n sum, then, the doctrine according the hospital an immunity for the negligence of its employees is such a rule, and we abandon it. The hospital's liability must be governed by the same principles of law as apply to all other employers.") (citing *Bing v. Thunig*, 143 N.E.2d 3 (N.Y. Ct. App. 1957)).
[654] N.Y. C.P.L.R. § 208 (fraudulent concealment); N.Y.C.P.L.R. § 215(3) (equitable estoppel); *Smith v. Smith* 830 F.2d 11 (2d Cir. 1987) (articulating that a plaintiff seeking to toll the SOLs under a theory of fraudulent concealment must establish that (1) the defendant wrongfully concealed material facts relating to defendant's wrongdoing; (2) the concealment prevented plaintiff's discovery of the nature of the claim within the limitations period; and (3) plaintiff exercised due diligence in pursuing the discovery of the claim during the period plaintiff seeks to have tolled); *Childers v. New York and Presbyterian Hosp*., 36 F. Supp. 3d 292 (S.D.N.Y. 2014); *Burns v. City of Utica*, 2 F.Supp.3d 283 (N.D. N.Y. 2014) (finding neither equitable tolling or equitable estoppel applied to extend limitations period for alleged sexual assault victim's claim for assault and battery against alleged perpetrator, absent allegations that perpetrator did anything to prevent victim from filing her claim within the 1-year limitations period.); *Santo B. v. Roman Catholic Archdiocese of New York*, 51 A.D.3d 956 (N.Y. Sup. Ct. 2008) (holding that general allegations that defendants engaged in practice of concealing problem of sexual abuse of children by parish clergy was insufficient to invoke equitable estoppel); *Zumpano v. Quinn*, 849 N.E.2d 926 (N.Y. 2006) (same); *Sharon B. v. Reverend S.*, 244 A.D.2d 878 (N.Y. App. Div. 1997) (finding plaintiff failed to establish that she was wrongfully induced to refrain from timely commencing an action so that priest should be equitably estopped from asserting limitations defense). *See also, Steo v. Cucuzza*, 213 A.D.2d 624 (N.Y. Sup. Ct. 1995) (acknowledging that while duress can serve as basis to toll SOLs, plaintiff failed to establish any purported duress past 1981 when she left perpetrator's home); *Schmidt v Bishop*, 779 F. Supp. 321 (S.D.N.Y. 1991) (refusing to recognize duress in question, to be accepted as a basis for estopping the defendant from asserting the SOL, must be an element of the cause of action asserted. The court said that the duress claimed by the plaintiff in this case appeared not to be such an element, and said that even if it were, it was extremely doubtful whether any reasonable juror could find that the plaintiff was under constant legal duress for a thirty-one-year period, during which time she lived half a continent away from the defendant).
[655] *See e.g., Doe v. Holy See*, 17 A.D.3d 793, 795 (N.Y. App. Div. 2005) (articulating that a fiduciary duty exists when a plaintiff's relationship with a church extends beyond that of an ordinary parishioner; also noting that the existence of a fiduciary duty is a fact-specific question that should not generally be dismissed prior to discovery). *See also J.D. v. Roman Catholic Diocese of Brooklyn*, 203 A.D.3d 880 (N.Y. App. Div. 2022) (finding no breach of fiduciary duty); *DiGiorgio v. Roman Catholic Diocese of Brooklyn*, No. 520009/2019, 2021 WL 1578326 (N.Y. Sup. Ct. April 22, 2021) (Trial Order) (same). *But see Marmelstein v. Kehillat New Hempstead*, 892 N.E.2d 375, 379 (N.Y. 2008) (articulating that a fiduciary relationship can be established upon a showing that a congregant's relationship with a church entity resulted in "de facto control and dominance" when the congregant was "vulnerable and incapable of self-protection regarding the matter at issue").
[656] *Caroleo v. Roman Catholic Diocese of Brooklyn*, No. 519979/2019, 2021 WL 1667172 (N.Y. Sup. Ct. April 28, 2021) (stating, "we first note what is hornbook law: the doctrine of *respondeat superior* renders a master vicariously liable for at tort committed by his servant while acting within the scope of his employment," and finding that N.Y.

C.P.L.R. section 214-g plainly revives *respondeat superior* claims) (quoting *Riviello v. Waldron*, 391 N.E.2d 1278 (N.Y. 1979).

[657] N.Y. C.P.L.R. §§ 214 (2002) (three-year SOL), 215 (2002) (one-year SOL), 208 (2002) (majority tolling), 213-b (2002) (ten-years post-conviction); *Evan S. v. Joseph R.*, 894 N.Y.S.2d 91, 92 (N.Y. App. Div. 2010) (concluding that the SOL for CSA claims against perpetrator was one year after plaintiff's eighteenth birthday—age nineteen); *Santo B.*, *supra* note 648 (holding SOL for CSA claims against the Diocese was three years after plaintiff's eighteenth birthday—age twenty-one).

[658] N.Y. C.P.L.R. §§ 213-c (2006) (five-year CSA SOL); 214(5) (2006) (three-year SOL). *See Green v. Emmanuel African Methodist Episcopal Church*, 718 N.Y.S.2d 324, 324–25 (N.Y. Sup. Ct. 2000).

[659] N.Y. C.P.L.R. § 212 (2015) (ten-year SOL); 2015 N.Y. Sess. Laws Ch. 368 (S. 7).

[660] N.Y. C.P.L.R. § 208 (2019) (age fifty-five SOL); 2019 N.Y. Sess. Laws Ch. 11 (S. 2440).

[661] N.Y. C.P.L.R. § 212 (2021) (fifteen-year SOL); 2021 N.Y. Sess. Laws Ch. 311 (S. 672).

[662] Creating a two year look-back window to the gender-motivated violence act, and extending its SOLs, No. Int. 2372-2021, N.Y. City Council (2021), https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5072017&GUID=BA4C2A62-23E0-4AB2-B3A1-AC18F53C9993&Options=ID; N.Y.C. ADMIN. CODE, § 10-1105 (Am. L.L. 2022/021, 1/9/2022, eff. 1/9/2022), available at https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCadmin/0-0-0-7248.

[663] S. 2440, 242nd Leg., Reg. Sess. (N.Y. 2019).

[664] 2020 N.Y. Sess. Laws, Exec. Order 202.29.

[665] *Id*.

[666] CHILD USA, *Statute of Limitations Reform Serves the Public Interest: A Preliminary Report on the New York Child Victims Act* (Aug. 23, 2021), https://childusa.org/wp-content/uploads/2021/08/A-Preliminary-Report-on-the-New-York-Child-Victims-Act.pdf.

[667] N.Y.C. ADMIN. CODE § 10-1105, *supra* note 656.

[668] *See Bassile v. Covenant House*, 575 N.Y.S.2d 233, 236 (N.Y. Sup. Ct. 1991) (determining that "there is no discovery rule in sex abuse cases in [New York]") *aff'd*, 594 N.Y.S.2d 192 (N.Y. App. Div. 1993); *Anonymous v. Anonymous*, 584 N.Y.S.2d 713, 717 (N.Y. Sup. Ct. 1992) (same); *Schmidt v. Bishop*, 779 F. Supp. 321, 329 (S.D.N.Y. 1991) (same).

[669] N.Y. C.P.L.R. § 212 (fifteen-year SOL); N.Y. SOC. SERV. LAW § 483-bb (stipulating that "[t]he running of the SOLs may be suspended if a person entitled to sue could not have reasonably discovered the cause of action due to circumstances resulting from the trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services."); 2021 N.Y. Sess. Laws Ch. 311 (S. 672).

[670] N.Y. SOC. SERV. LAW § 483-bb(c) (trafficking cause of action); 2021 N.Y. Sess. Laws Ch. 311 (S. 672).

[671] *S.J. v. Choice Hotels Int'l, Inc.*, 473 F.Supp.3d 147, 156 (E.D. N.Y. 2020) (dismissing trafficking claim against hotels for trafficking that predates the law creating the cause of action).

672 N.Y. CRIM. PROC. LAW § 30.10(4)(a)(i-ii) (2003) (noting the period does not include any time during which "(i) the defendant was continuously outside this state or (ii) the whereabouts of the defendant were continuously unknown and continuously unascertainable by the exercise of reasonable diligence"). *see also People v. Knobel*, 723 N.E.2d 550 (N.Y. 1999) (holding that in order for defendant's absence from state to be "continuous" within the meaning of the statute, such absence need not be a single uninterrupted period of time and all periods of a day or more that a defendant is out-of-state should be totaled and toll SOL).

[673] N.Y. CRIM. PROC. LAW § 30.10 (1996) (SOL); *People v. Pabon*, 65 N.E.3d 668 (N.Y. 2016) (reviewing history of criminal SOL changes for CSA).

[674] N.Y. CRIM. PROC. LAW § 30.10 (2006) (SOL).

[675] N.Y. CRIM. PROC. LAW § 30.10 (4)(a)(ii) (2006) (tolling); *People v. Ramos*, 921 N.E.2d 598, 599 (N.Y. 2009).

[676] N.Y. CRIM. PROC. LAW § 30.10 (4)(a)(ii) (2019) (tolling); *Ramos*, *supra* note 669, at 599.

[677] *See* N.C. GEN. STAT. § 143-291(a); *White v. Trew*, 736 S.E.2d 166, 168 (N.C. 2013) (noting that North Carolina's waiver of sovereign immunity applies to negligent acts of its employees, but not intentional acts).

[678] N.C. GEN. STAT. § 143-299.

[679] N.C. GEN. STAT. § 143-299.2.

[680] N.C. GEN. STAT. § 1-539.9 (finding "the common-law defense of charitable immunity is abolished and shall not constitute a valid defense to any action or cause of action arising subsequent to September 1, 1967.").

[681] *See generally, Watts v. Cumberland Cnty. Hosp. System, Inc.*, 345 S.E.2d 201; William S. Haynes, NORTH CAROLINA TORT LAW § 10–4 (1989). *See also Doe v. Doe*, 973 F.2d 237 (4th Cir. 1992) (applying N.C. law) (finding that the record established that plaintiff did not take reasonable steps to investigate his potential claims and plaintiff knew many years before his lawsuit that the Diocese's alleged representations to him may have been false). *See also Hamilton v. Hamilton*, 251 S.E.2d 441, 443 (1979) (holding equitable estoppel may bar a defense even when there is no pre-existing legal duties between the parties because, "the fraud consists in the inconsistent position subsequently taken, rather than in the original conduct. It is the subsequent inconsistent position, and not the original conduct that operates to the injury of the other party."); *Doe v. Roman Catholic Diocese of Charlotte, NC*, 775 S.E.2d 918 (N.C. Ct. App. 2015).
[682] N.C. GEN. STAT. § 1-52(16) (2002) (SOL).
[683] S. 199, 2019 Leg., Reg. Sess. (N.C. 2019). N.C. GEN. STAT. § 1-17 (2019); 2019 N.C. Sess. Laws 1243 (S.L. 2019-245).
[684] S. 200, 2019 Leg., Reg. Sess. (N.C. 2019); N.C. GEN. STAT. § 14-43.18(e) (2019).
[685] N.C. GEN. STAT. § 1-17 (2019); 2019 N.C. Sess. Laws 1243 (S.L. 2019-245).
[686] *Roman Catholic Diocese of Charlotte, NC, supra* note 675, at 923 (determining that "because Doe was on inquiry notice nearly three decades before filing suit . . . the trial court correctly held that the SOLs barred Doe's claims as a matter of law").
[687] N.C. GEN. STAT. § 1-15(b) (1971). *See North Carolina State Ports Auth. v. Lloyd A. Fry Roofing, Co.*, 240 S.E.2d 345, 351–52 (N.C. 1978), *overruled on other grounds, Trustees of Rowan Technical College v. J. Hyatt Hammond Assocs., Inc.*, 328 S.E.2d 274 (N.C. 1985).
[688] N.C. GEN. STAT. § 1-52(16) (2021); *Soderlund v. Kuch*, 546 S.E.2d 632, 638 (N.C. Ct. App. 2001); *Leonard v. England*, 445 S.E.2d 50, 52 (N.C. Ct. App. 1994).
[689] *Roman Catholic Diocese of Charlotte, NC, supra* note 675, at 922–23.
[690] *Id.*
[691] *Doe v. Doe*, 973 F.2d 237, 239 (4th Cir. 1992) (finding "North Carolina's SOLs . . . states that 'no cause of action shall accrue more than 10 years' after the defendant's last harmful act"); *Doe v. Catawba College*, 796 S.E.2d 822 (N.C. Ct. App. 2017) (Table).
[692] *See State v. Johnson*, 167 S.E.2d 274, 279 (N.C. 1969) (concluding that, "[i]n this State[,] no SOLs bars the prosecution of a felony"); N.C. GEN. STAT. § 15-1 (2002) (misdemeanor SOLs).
[693] N.C. GEN. STAT. § 15-1 (2019) (misdemeanor SOLs); S. 199, 2019 Leg., Reg. Sess. (N.C. 2019).
[694] *See* N.D. CENT CODE ANN. § 32-12.2-02; *Burr v. North Dakota State Bd. of Dental Examiners*, 955 N.W.2d 112, 116 (N.D. 2021) (explaining when discretionary immunity is applicable in action against the state).
[695] N.D. CENT. CODE ANN. § 32-23.3-04. *But see State v. Paulson*, 625 N.W.2d 528 (N.D. 2001) (holding that failure of minor's parents to file a notice of claim within 180 days did not preclude the minor's tort claim against the state).
[696] N.D. CENT. CODE ANN. § 32-12.2-02(2).
[697] N.D. CENT. CODE 32-03.3-02 (2007) (stipulating, "[a] charitable organization may be only held liable for money damages for a personal injury or property damage proximately caused by the negligence or wrongful act or omission of an employee acting within the employee's scope of employment.").
[698] *Id.*
[699] N.D. CENT. CODE ANN. § 28-01-24 (establishing that a plaintiff may bring an action within 1 year from the time (s)he discovers, or might have discovered in the exercise of diligence, that the defendant prevented him/her from obtaining knowledge of a claim for relief); *Krueger v. St. Joseph's Hosp.*, 305 N.W.2d 18, 23 (N.D. 1981).
[700] N.D. CENT. CODE ANN. §§ 28-01-18 (2002) (two-year SOL), 28-01-25 (2002) (majority tolling). *See also Dunford v. Tryhus*, 776 N.W.2d 539, 541 (N.D. 2009) (affirming the district court's grant of summary judgment to defendant on SOLs grounds, and finding that repressed memory was not included in the list of statutory disabilities and therefore did not extend the two-year SOLs) (citing *Wall v. Lewis*, 393 N.W.2d 758, 761 (N.D. 1986)); *Peterson v. Huso*, 552 N.W.2d 83, 85–86 (N.D. 1996); *Osland v. Osland*, 442 N.W.2d 907, 909 (N.D. 1989) (recognizing common law discovery rule).
[701] N.D. CENT. CODE ANN. § 12.1-41-15 (2015) (majority tolling).
[702] *Osland, supra* note 694, at 909.
[703] *Dunford, supra* note 694, at 542 (citing *Wall, supra* note 694). *See also Peterson, supra* note 694, at 85–86.
[704] *Dunford, supra* note 694, at 542 (citing *Erickson v. Scotsman, Inc.*, 456 N.W.2d 535, 539 (N.D. 1990)).
[705] N.D. CENT. CODE ANN. § 28-01-25.1 (2011) (emphasis added).

[706] N.D. CENT. CODE ANN. § 28-01-25.1 (2021).
[707] N.D. CENT. CODE ANN. § 29-04-04.
[708] N.D. CENT. CODE ANN. §§ 29-04-03.1 (2002) (SOL), 29-04-03.2 (2002) (minority tolling). *See also State v. Goebel*, 725 N.W.2d 578, 585 (N.D. 2007) (holding that "if the victim is under the age of fifteen at the time of the offense, the SOL does not begin to run until the victim reaches the age of fifteen, which extends the initial seven-year limitation period until the victim reaches the age of twenty-two").
[709] N.D. CENT. CODE ANN. §§ 29-04-02 (2002), 29-04-03 (2002), 29-04-03.2 (2002) (majority tolling).
[710] N.D. CENT. CODE ANN. §§ 29-04-02 (2015), 29-04-03 (2015), 29-04-03.2 (2015) (majority tolling).
[711] N.D. CENT. CODE ANN. §§ 29-04-02.1 (2015) (human trafficking) & 29-04-03.2 (2015) (tolling for under age fifteen).
[712] N.D. CENT. CODE ANN. § 29-04-03.1 (2019) (SOL).
[713] OHIO REV. CODE ANN. § 3743.02.
[714] OHIO REV. CODE ANN. § 2743.16(A), (D).
[715] *R.J. Wildner Contracting Co., Inc. v. Ohio Turnpike Comm'n*, 913 F.Supp. 1031 (N.D. Ohio 1996) (holding the state is not liable for punitive damages); *James H. v. State, Dept. of Mental Health & Mental Retardation*, 439 N.E.2d 437 (Ohio Ct. App. 1980) (finding that when "state employees are motivated by actual malice or other such reasons giving rise to punitive damages . . . their conduct may be outside the scope of their state employment.").
[716] *Albritton v. Neighborhood Ctrs. Ass'n for Child Dev.*, 466 N.E.2d 867, 868 (Ohio 1984) (determining that "[i]t is, therefore, the proper province of this court to correct judicially created doctrines if they are no longer grounded in good morals and sound law… For these reasons, this court now concludes that the doctrine of charitable immunity is hereby abolished. A charitable organization is subject to liability in tort to the same extent as individuals and corporations."). *See also* OHIO REV. CODE ANN. § 2305.38 (stipulating, "[t]he immunities conferred upon volunteers in this section are not intended to affect the liability of a charitable organization in a civil action for injury, death, or loss to person or property.").
[717] OHIO REV. CODE ANN. § 2305.111(C) (establishing that if the defendant has fraudulently concealed from the victim the facts that form the basis of the claim, the limitations period is tolled until the time the victim discovers or in the exercise of due diligence should have discovered those facts); *Pratte v. Stewart*, 929 N.E.2d 415, 424 (Ohio 2010) (holding that the fraudulent concealment provision does not apply in cases where a victim represses memories of their CSA).
[718] *Doe v. Archdiocese of Cincinnati*, 880 N.E.2d 892 (Ohio 2008) (holding that the archdiocese was not equitably estopped from asserting the SOL as defense to complaint in which parishioner alleged that she became pregnant by priest and was coerced and intimidated into giving the child up for adoption; although archdiocese did not want the identity of child's father to become public at the time of the adoption, archdiocese did not prevent parishioner from filing a timely lawsuit and no member of the archdiocese contacted parishioner after she gave the child up for adoption).
[719] *Byrd v. Faber*, 565 N.E.2d 584 (Ohio 1991). *But see Cramer v. Archdiocese of Cincinnati*, 814 N.E.2d 97 (Ohio Ct. App. 2004) (finding that at the time parishioners reached adulthood, they already knew that the sexual assaults had occurred, that the assaults had occurred on church property, and that the archdiocese had employed the priest) *rejected on other grounds*, *Doe v. Archdiocese of Cincinnati*, No. 17-04-10, 2005 WL 517345 (Ohio Ct. App. March 7, 2005), and *abrogated on other grounds*, *Archdiocese of Cincinnati*, 849 N.E.2d 268 (Ohio 2006).
[720] OHIO REV. CODE ANN. § 2305.111(C) (2002) (twelve-year SOL).
[721] OHIO REV. CODE ANN. § 2305.111(C) (2006) (twelve-year SOL).
[722] *See Ault v. Jasko*, 637 N.E.2d 870, 873 (Ohio 1994), *superseded by statute as stated in Pratte v. Stewart*, 929 N.E.2d 415, 417 (Ohio 2010).
[723] *Doe v. Archdiocese of Cincinnati*, *supra* note 713, at 273–74.
[724] *Pratte*, *supra* note 716, at 423.
[725] OHIO REV. CODE ANN. § 2305.111(C) (2021).
[726] OHIO REV. CODE ANN. § 2901.13. *See also State v. Bess*, 933 N.E.2d 1076 (Ohio 2010) (holding that the manifest purpose of the tolling statute is to prevent the accused from benefiting from the SOL when he or she has purposely acted to avoid being prosecuted).
[727] OHIO REV. CODE ANN. § 2901.13 (2002) (SOL).
[728] OHIO REV. CODE ANN. § 2901.13 (2015) (SOL).

[729] *See* OKLA. STAT. tit. 51, § 155; *Najera v. Independent Sch. Dist. of Stroud No. 1-54 of Lincoln Cnty.*, 60 F.Supp.3d 1202 (W.D. Okla. 2014) (concluding that discretionary function exemption did not bar high school student's negligence claim against school district for failure to prevent softball coach's continued sexual assault of student).
[730] OKLA. STAT. tit. 51, § 156(B). *See Johns ex rel. Johns v. Wynnewood School Bd. of Educ*., 656 P.2d 248 (Okla. 1982) (finding that time limitations apply to minors, notwithstanding OKLA. STAT. tit. 12, section 96).
[731] *Gable v. Salvation Army*, 100 P.2d 244, 248 (Okla. 1940) (stating, "[w]e are of the opinion, and hold, that charitable corporations are not immune from liability for torts by reason of any exemption accorded them on the basis of the purposes for which they were incorporated.").
[732] *Waugh v. Guthrie Gas, Light, Fuel & Improvement Co.*, 131 P. 174, 174 (Okla. 1913) (recognizing fraudulent concealment as "an implied exception to the SOLs, and a party who wrongfully conceals material facts, and thereby prevents a discovery of his wrong, or the fact that a cause of action has accrued against him, is not allowed to take advantage of his own wrong by pleading the statute, the purpose of which is to prevent wrong and fraud.").
[733] OKLA. STAT. tit. 51, § 154(A)(2), (C).
[734] OKLA. STAT. ANN. § 95 (2002) (SOL).
[735] OKLA. STAT. ANN. § 95 (2004) (SOL).
[736] OKLA. STAT. ANN. § 95 (2017) (SOL).
[737] *See, e.g., Lovelace v. Keohane*, 831 P.2d 624, 629 (Okla. 1992).
[738] OKLA. STAT. ANN. tit. 12, § 95 (1992).
[739] *Id*.
[740] OKLA. STAT. ANN. tit. 12, § 95 (2021).
[741] OKLA. STAT. ANN. tit. 22, § 153. *See also Crain v. State*, 104 P.2d 450 (Okla. Crim. App. 1940) (holding that the SOL did not run during the time in which the defendant was not an "inhabitant of or usually resident within the state."); *Coleman v. Territory, Okla.*, 47 P. 1079 (Okla. 1897) (explaining that "usually resident" as used in the statute, meant that defendant should have had within the territory a fixed, permanent and established home, where his personal presence might reasonably be known).
[742] OKLA. STAT. ANN. tit. 22, § 152 (2002) (SOL) (stating, "[a]s used in paragraph 1 of subsection C of this section, "discovery" means the date that a physical or sexually related crime involving a victim under the age of eighteen (18) years of age is reported to a law enforcement agency, up to and including one (1) year from the eighteenth birthday of the child.").
[743] OKLA. STAT. ANN. 22, § 152 (H) (2002) (three-year SOL).
[744] OKLA. STAT. ANN. tit. 22, § 152 (L) (2005) (stipulating, "[a]s used in paragraph 1 of subsection C of this section, "discovery" means the date that a physical or sexually related crime involving a victim under the age of eighteen (18) years of age is reported to a law enforcement agency, up to and including one (1) year from the eighteenth birthday of the child.").
[745] OKLA. STAT. ANN. tit. 22, § 152 (C)(1) (2008) (trafficking SOL).
[746] OKLA. STAT. ANN. tit. 22, § 152 (2015) (SOL).
[747] OKLA. STAT. ANN. 22, § 152 (2017) (SOL).
[748] OR. REV. STAT. ANN. § 30.265. *See Jones-Clark v. Severe*, 846 P.2d 1197 (Or. Ct. App. 1993) (concluding parole officer was not entitled to discretionary immunity in negligence action alleging failure to supervise parolee who sexually abused minor, but was entitled to judiciary immunity).
[749] OR. REV. STAT. ANN. § 30.269(1).
[750] OR. REV. STAT. ANN. § 30.271(2)–(3).
[751] *Hungerford v. Portland Sanitarium & Benev. Ass'n, Or.,* 384 P.2d 1009 (Or. 1963); *Wicklander v. Salem Memorial Hosp.*, 385 P.2d 617 (Or. 1963).
[752] *Chaney v. Fields Chevrolet Co*., 503 P.2d 1239 (Or. 1972).
[753] *Fearing v. Bucher*, 977 P.2d 1163, 1167 (Or. 1999); *Lourim v. Swensen*, 977 P.2d 1157, 1160 (Or. 1999); *M.K. Plaintiff v. The Archdiocese of Portland*, 228 F.Supp.2d 1168, 1171–72 (D. Or. 2002); *Sapp v. The Roman Catholic Archbishop of Portland*, 2008 WL 1849915, *13 (D. Or. Apr. 22, 2008).
[754] OR. REV. STAT. ANN. § 12.117 (2002) (age forty SOL).
[755] OR. REV. STAT. ANN. § 12.117 (2010) (age forty SOL).
[756] *See* OR. REV. STAT. ANN. § 12.117 (revival up to age forty); *Sherman v. State ex rel. Dep't of Hum. Services*, 492 P.3d 31, 39–41 (Or. 2021) (holding revival applies to CSA claims against the government); *Doe v. Silverman*, 401

P.3d 793, 796 (Or. 2017) (concluding that "the legislature intended that the new SOL would apply to all applicable causes of action, no matter when they arose, except those for which judgment already had been entered").
[757] *White v. Gurnsey*, 618 P.2d 975, 977 (Or. Ct. App. 1980).
[758] OR. REV. STAT. ANN. § 12.117 (1991).
[759] OR. REV. STAT. ANN. § 12.117 (1993).
[760] OR. REV. STAT. ANN. § 12.117 (2021).
[761] *Doe v. Silverman*, 401 P.3d 793, 796 (Or. Ct. App. 2017)*; P.H. v. F.C.*, 873 P.2d 465, 465 (Or. Ct. App. 1994); *A.K.H. v. R.C.T.*, 822 P.2d 135, 137 (Or. 1991).
[762] *Sherman, supra* note 750; *Lourim v. Swensen*, 977 P.2d 1157, 1161–62 (Or. 1999).
[763] OR. REV. STAT. ANN. §§ 131.145(2)(a), 131.155. *See also Rhoton v. Mendenhall*, 20 P. 49 (Or. 1888) (explaining that the word "conceal" as used in the statute, means some affirmative act done in the state, such as passing under an assumed name, change of occupation, or acts by the defendant which tend to prevent the community in which he lives from knowing who he is or from where he came).
[764] OR. REV. STAT. ANN. § 131.125 (2002) (SOL).
[765] OR. REV. STAT. ANN. §§ 163.266 (2007) & 131.125(8)(a) (2007).
[766] OR. REV. STAT. ANN. § 131.125 (2009) (SOL).
[767] OR. REV. STAT. ANN. § 131.125 (2015) (SOL).
[768] 42 PA. CONS. STAT. § 8522(b)(10).
[769] 42 PA. CONS. STAT. § 5522(c).
[770] 42 PA. CONS. STAT. § 8528(d).
[771] *Nolan v. Tifereth Israel Synagogue, Inc.*, 227 A.2d 675 (Pa. 1967) (holding "unequivocally that the doctrine of immunity of charitable institutions from liability in tort no longer exists in the Commonwealth of Pennsylvania.").
[772] *Rice v. Diocese of Altoona-Johnstown*, 255 A.3d 237 (Pa. 2021) (finding that parishioner failed to engage in the requisite reasonable diligence to discover both an injury and its causes in order to apply the fraudulent concealment doctrine to toll the SOL for her claims against diocese and bishops for fraud, constructive fraud, and civil conspiracy to protect their reputations and that of her childhood priest who was alleged abuser, notwithstanding any misrepresentations or silence by diocese and bishops; parishioner not only had a reason but a duty to investigate diocese and bishops based on her knowledge of what priest allegedly did); *Fine v. Checcio*, 870 A.2d 850, 860 (Pa. 2005) (reiterating that the doctrine of fraudulent concealment provides that a defendant may not invoke the SOL, if through fraud or concealment, he causes the plaintiff to "relax his vigilance or deviate from his right of inquiry into the facts."); *Meehan v. Archdiocese of Philadelphia*, 870 A.2d 912 (Pa. Super. Ct. 2005) (finding Priest's disguise of alleged sexual abuse as sanctioned by God did not constitute fraudulent concealment) *appeal denied*, 885 A.2d 43 (Pa. 2005); *Aquilino v. Philadelphia Catholic Archdiocese*, 884 A.2d 1269 (Pa. Super. Ct. 2005) (determining fraudulent concealment did not apply where alleged abuser was transferred out of country, but victim never made any inquires to archdiocese or parish regarding priest's current location or history with church, and victim did not alleged that archdiocese or parish responded to victim by misleading him into foregoing his suit against them); *Baily v. Lewis*, 763 F.Supp. 802 (E.D. Pa. 1991) (acknowledging that a party may be estopped from asserting the SOL because of fraud or concealment but refusing to apply this rule where a man, as a teenager, had been sexually abused by one who used his position of trust and guidance to make his wrongful acts with the plaintiff seem normal and healthy. The court explained that mere general reassurances would fail to satisfy the burden of showing facts establishing fraudulent concealment). *See also Fife v. Great Atl. and Pac. Tea Co.*, 52 A.2d 24, 27 (Pa. 1947) (concluding that a civil conspiracy is "a combination of two or more persons to do an unlawful or criminal act or to do a lawful act by unlawful means or for an unlawful purpose."); *Baker v. Rangos*, 324 A.2d 498, 510 (Pa. Super. Ct. 1974) (holding that where "there are continuous and repetitious acts or trespasses as a part of a continuous conspiracy," the SOL "does not begin to run until after the commission of the last act of the conspiracy.").
[773] 42 PA. CONS. STAT. § 5533 (age twenty SOL).
[774] 42 PA. CONS. STAT. § 5533 (age thirty SOL).
[775] 42 PA. CONS. STAT. §§ 5533 (age fifty-five SOL), 5522 (government immunity), 8522(b)(1) (sexual abuse exception to sovereign immunity); 2019 Pa. Legis. Serv. Act 2019-87 (H.R. 962). *See also J.C. v. Horizon Med. Corp., P.C.*, No. 20 CV 1222, 2021 WL 4730410, at *1 (Pa. Ct. Common Pleas Oct. 8, 2021) (ruling section 5533 SOL applies "not only to individual offenders, but also to their institutional enablers and principals").
[776] H.B. 963, 2019 Leg., Gen. Assemb. (Pa. 2019); H.B. 962, 2019 Leg., Gen. Assemb. (Pa. 2019).

[777] Angela Columbus, *A Pa. Dept. of State error means some sex-abuse victims will again have to wait for justice*, SPOTLIGHT PA (Feb. 1, 2021), available at https://www.inquirer.com/politics/pennsylvania/spl/kathy-boockvar-resign-pennsylvania-election-official-constitutional-amendment-20210201.html.
[778] In addition to the first diocesan grand jury reports, see *Reports of Attorneys General, Grand Juries, Individuals, Commissions, and Organizations*, BISHOPACCOUNTABILITY.ORG, http://www.bishop-accountability.org/AtAGlance/reports.htm (last visited Sept. 26, 2019). *See also Sandusky Presentment*, NPR, https://www.npr.org/assets/news/2011/11/sandusky_presentment.pdf; COMMONWEALTH OF PA., OFF. OF THE BUCKS CNTY. DIST. ATT'Y, *Grand Jury Report on Solebury School Sexual Abuse Released*, BUCKSCOUNTY.ORG (Feb. 1, 2017), http://www.buckscounty.org/about/trail-study-lower-bucks-news/2017/02/01/grand-jury-report-on-solebury-school-sexual-abuse-released; Ed Mahon, *Six dioceses now under investigation in Pa.*, YORK DAILY RECORD (Sept. 16, 2016, 9:16 P.M), https://www.ydr.com/story/news/2016/09/16/some-hope-harrisburg-diocese-investigation-gives-answers/90510824/.
[779] H.B. 14, 2021 Leg., Gen. Assemb. (Pa. 2021), https://www.legis.state.pa.us/cfdocs/billInfo/bill_history.cfm?syear=2021&sind=0&body=H&type=B&bn=14.
[780] *Rice, supra* note 766, at 249 (explaining Pennsylvania's inquiry notice approach to its discovery rule effectively runs the SOL clock against perpetrators and "other potentially liable actors" like the Diocese, from the time of abuse). *See also Dalrymple v. Brown*, 701 A.2d 164, 170 (Pa. 1997); *E.J.M. v. Archdiocese of Philadelphia*, 622 A.2d 1388, 1394 (Pa. Super Ct. 1993).
[781] *See* 42 PA. CONS. STAT. § 5533.
[782] 42 PA. CONS. STAT. § 5554(1) (1998). *See also United States ex rel. Kelley v. Rundle*, 242 F.Supp. 708, 712 (E.D. Pa.), *aff'd* 353 F.2d 214 (3rd Cir. 1965); *Commonwealth v. Weber*, 103 A. 348 (Pa. 1918); *Commonwealth v. Lightman*, 489 A.2d 200 (Pa. Super. Ct. 1985) (finding that the tolling provision while a defendant is absent from the state is not violative of either equal protection or due process); *Commonwealth v. Cohen*, 199 A.2d 139, 154–55 (Pa. Super. Ct. 1964), *cert. denied* 379 U.S. 902 (1964).
[783] 42 PA. CONS. STAT. § 5552 (2002) (SOL).
[784] 42 PA. CONS. STAT. § 5552 (2005) (SOL).
[785] 42 PA. CONS. STAT. § 5552 (2014) (SOL).
[786] 42 PA. CONS. STAT. § 5552 (2019) (SOL).
[787] 9 R.I. GEN. LAWS § 9-1-20; *Haley v. Town of Lincoln*, 611 A.2d 845, 848 (R.I. 1992) (explaining that when state engages in activity typically performed by private individual, standard of reasonable care is used in negligence analysis, whereas if activity is not typically performed by private person, plaintiff must establish state owed special duty). *But see J.R. v. Gloria*, 593 F.3d 73 (1st Cir. 2010) (concluding that social worker was immune from negligence claim arising from placement of minors in foster home where they were sexually abused because a special duty did not exist between social worker and the minors).
[788] 9 R.I. GEN. LAWS §9-1-25(b).
[789] 9 R.I. GEN. LAWS § 9-31-2.
[790] *Hodge v. Osteopathic General Hosp.*, 265 A.2d 733 (R.I. 1970); *Basabo v. Salvation Army*, 85 A. 120 (R.I. 1912); *Glavin v. Rhode Island Hosp.*, 12 R.I. 411 (R.I. 1879).
[791] 9 R.I. GEN. LAWS § 9-1-20; *Ryan v. Roman Catholic Bishop of Providence*, 941 A.2d 174, 182–83 (R.I. 2008) (determining that "[t]he [Plaintiffs] have not pointed to any evidence which would show that any of the instant defendants misled them into believing that the sexual assault did not occur, that [perpetrator] did not in fact commit that assault, or that plaintiffs had suffered no injuries as a result of the assault. In sum, there is no evidence in the record that actual misrepresentations were made by the instant defendants with regard to the [Plaintiffs] potential civil claims."). *See also Kelly v. Marcantonio*, 187 F.3d 192, 200–01 (1st Cir. 1999) (finding "appellants do not allege that the hierarchy defendants' silence misled them into believing that the alleged sexual abuse did not occur, that it had not been committed by the priests, or that it had not resulted in injury to plaintiff-appellants. In other words, the hierarchy defendants never concealed from any of the plaintiff-appellants the fact of the injury itself. Rather, the essence of plaintiff-appellants' fraudulent concealment argument is that the hierarchy defendants' silence concealed from them an additional theory of liability for the alleged sexual abuse. This argument misses the mark. For a cause of action to accrue, the entire theory of the case need not be immediately apparent. Once injured, a plaintiff is under an affirmative duty to investigate diligently all his potential claims. In this case, as soon as plaintiff-appellants became aware of the alleged abuse, they should also have been aware that the hierarchy defendants, as the priests' 'employers,' were potentially liable for that abuse.").

[792] *Doe v. Portsmouth Abbey Sch. et al.*, No. 1:20-cv-00500 (D.R.I Aug. 18, 2021) (denying motion to dismiss on SOL grounds to determine whether Portsmouth Abbey was equitably estopped from asserting an SOL defense due to allegations it knew plaintiff had a case against it that was within the SOL and led her to attorneys who slow walked her case until the SOL expired), https://www.pacermonitor.com/public/case/37320607/Doe_v_Portsmouth_Abbey_School_et_al.
[793] 9 R.I. GEN. LAWS § 9-1-51 (1993) (SOL) & § 9–1–14(b) (1993) (institutional defendant SOL).
[794] 9 R.I. GEN. LAWS § 9-1-51 (2019) (SOL).
[795] 9 R.I. GEN. LAWS § 9-1-51 (2019) (revival up to age fifty-three); 2019 R.I. Pub. Laws Ch. 19-83 (19-H 5171B).
[796] *Doe v. La Brosse*, 588 A.2d 605, 605 (R.I. 1991); *Doe v. LaBrosse*, 625 A.2d 222, 222 (R.I. 1993).
[797] 9 R.I. GEN. LAWS § 9-1-51 (1992); *Kelly v. Marcantonio*, 678 A.2d 873, 876–77 (R.I. 1996); *Smith v. O'Connell*, 997 F.Supp. 226, 232 (D.R.I. 1998), *aff'd sub nom. Kelly v. Marcantonio*, 187 F.3d 192 (1st Cir. 1999).
[798] *O'Connell*, *supra* note 791, at 231.
[799] *Ryan v. Roman Catholic Bishop of Providence*, 941 A.2d 174, 184 (R.I. 2008).
[800] 9 R.I. GEN. LAWS § 9-1-51 (2021).
[801] 12 R.I. GEN. LAWS § 12-12-17.
[802] 12 R.I. GEN. LAWS § 12-12-17 (1985) (no SOL).
[803] 12 R.I. GEN. LAWS § 12-12-17 (1985) (no SOL).
[804] 11 R.I. GEN. LAWS § 11-67.1-12 (2017) (SOL for trafficking, forced labor, sexual servitude, and patronizing a minor for commercial sexual activity).
[805] *See* S.C. CODE ANN. §§ 15-78-60(17) & (25); *Doe v. Greenville County Sch. Dist*., 651 S.E.2d 305, 310 (S.C. 2007) (holding that School District could be held liable for gross negligence in failing to protect student from sexual assault by substitute teacher).
[806] S.C. CODE ANN. § 15-78-110; *Doe v. City of Duncan*, 789 S.E.2d 602 (S.C. Ct. App. 2016) (concluding that claim against city for negligent supervision arising out of sexual abuse did not begin to run until plaintiff reached age eighteen).
[807] S.C. CODE ANN. § 15-78-120(a)(2) & (b).
[808] *Hasell v. Medical Soc. of South Carolina*, 342 S.E.2d 594 (S.C. 1986).
[809] S.C. CODE ANN. § 33-56-180.
[810] S.C. CODE ANN. § 15-78-120.
[811] *Strong v. Univ. of South Carolina Sch. of Med.*, 447 S.E. 2d 850, 852 (S.C. 1994).
[812] *Doe v. Bishop of Charleston*, 754 S.E.2d 494 (S.C. 2014) (finding plaintiff's claims against diocese arising out of alleged sexual abuse by priest were not barred by the three-year SOL, where plaintiffs alleged diocese's systematic practice of secrecy and concealment of knowledge of sexual abuse by priests, including plaintiff's perpetrator).
[813] S.C. CODE ANN. § 15-3-555 (2001) (age twenty-seven SOL).
[814] S.C. CODE ANN. § 15-3-530(5) (2012) (three-year SOL for injury to person or rights of another) & § 16-3-2060(C) (2012) (human trafficking statute).
[815] S.C. CODE ANN. § 15-3-555 (2012) (SOL for sexual abuse or incest).
[816] *Moriarty v. Garden Sanctuary of God*, 534 S.E.2d 672, 676–79 (S.C. 2000).
[817] S.C. CODE ANN. § 15-3-555 (2021).
[818] *Doe v. Crooks*, 613 S.E.2d 536, 538 (S.C. 2005).
[819] *Bishop of Charleston*, *supra* note 806, at 500.
[820] *K.C. v. SCDSS*, No. 3:15-04670, 2016 WL 640669, *1 (D. S.C. Feb 18, 2016).
[821] *Crooks*, *supra* note 812.
[822] S.C. CODE ANN. § 16-3-2060(E).
[823] *See* S.C. CODE ANN. §§ 16-3-2010(6) & 16-3-2020(A).
[824] S.C. CODE ANN. §§ 16-3-655 (2002) (criminal sexual conduct) and 16-3-2020 (2002) (trafficking). Unlike many states, South Carolina's criminal code does not include a SOL for prosecuting criminal cases.
[825] S.D. CODIFIED LAWS §§ 21-32-16–17.
[826] S.D. CODIFIED LAWS § 3-21-4.
[827] *Stratmeyer v. Stratmeyer*, 567 N.W.2d 220, 221 (S.D. 1997) (recognizing trial court found fraudulent concealment and confidential relationship as genuine issue of material fact but affirmed on other grounds); *Green v. Siegel, Barnett & Schutz*, 557 N.W.2d 396, 399 (S.D. 1996). *But see Eagleman v. Diocese of Rapid City*, 862 N.W.2d 839, 856 (S.D. 2015) (finding no evidence that religious societies that operated parochial school had, at or near the time the alleged

events occurred, information that they then fraudulently concealed by act or silence from former students, who alleged that they were sexually abused in the 1950s through the early 1970s by priests, brothers, nuns, and others at the school, such that the SOL would have been tolled due to societies' fraudulent concealment); *Baye v. Diocese of Rapid City*, 630 F.3d 757 (8th Cir. 2011) (applying South Dakota law) (finding that fraudulent concealment did not toll the SOL applicable to parishioners claims against diocese for sexual abuse perpetrated by parish priest absent evidence that diocese knew or should have known about priests sexual abuse).

[828] *See Overall v. Estate of Klotz*, 52 F.3d 398, 404, (2d Cir.1995) (noting that a plaintiff must "demonstrate some threats or abuse during the limitations period" for duress tolling to be appropriate). *See also One Star v. Sisters of St. Francis, Denver, Colo*, 752 N.W.2d 668 (S.D. 2008) (finding that plaintiff did not allege, either in their complaint or affidavits, that any threats continued during the fifty years after plaintiff left St. Francis. "Consequently, even if we recognized the exception, Plaintiffs did not make their responsive showing necessary to satisfy this exception to the SOLs."); *Zephier v. Catholic Diocese of Sioux Falls*, 752 N.W.2d 658 (S.D. 2008) (finding that the doctrine of estoppel by duress did not toll the SOL on parishioners claims against diocese for sexual abuse even if priest, during and immediately after assault, told parishioner that her children would die and go to hell if she told anyone of rape, absent showing that diocese or priest continuously threatened or abused parishioner during limitations periods).

[829] S.D. CODIFIED LAWS § 26-10-25 (three-year SOL).

[830] *See Robinson-Podoll v. Harmelink, Fox & Ravnsborg Law Off.*, 939 N.W.2d 32, 47 (S.D. 2020); *Kurylas, Inc. v. Bradsky*, 452 N.W.2d 111, 114 (S.D. 1990); *Alberts v. Giebink*, 299 N.W.2d 454, 455 (S.D. 1980).

[831] S.D. CODIFIED LAWS § 26-10-25 (2021); *Iron Wing v. Catholic Diocese of Sioux Falls*, 807 N.W.2d 108, 112 (S.D. 2011); *Rodriguez v. Miles*, 799 N.W.2d 722, 725 (S.D. 2011); *One Star, supra* note 822 at 675.

[832] *Stratmeyer, supra* note 821, at 223–24.

[833] S.D. CODIFIED LAWS § 26-10-25 (2021); *Bernie v. Blue Cloud Abbey*, 821 N.W.2d 224, 228–29 (S.D. 2012).

[834] *Blue Cloud Abbey, supra* note 827, at 231; *DeLonga v. Diocese of Sioux Falls*, 329 F.Supp.2d 1092, 1104 (D. S.D. 2004) (holding that "the discovery SOLs . . . applies to all the Defendants in all of Plaintiff's causes of action.").

[835] S.D. CODIFIED LAWS § 23A-42-5.

[836] S.D. CODIFIED LAWS §§ 23A-42-1 (2002) (no SOL), 22-22-1 (2002) (rape SOL).

[837] S.D. CODIFIED LAWS § 22-22-1 (2002) (rape SOL), 22–22–7 (2002) (sexual contact with minors), and 22–22–19.1 (2002) (incest).

[838] S.D. CODIFIED LAWS §§ 23A-42-2 (2002) (seven-year SOL), 22-49-1 (2002) (trafficking).

[839] S.D. CODIFIED LAWS §§ 23A-42-1 (2005) (no SOL), 22-22-1 (2005) (rape SOL).

[840] S.D. CODIFIED LAWS § 22-22-1 (2012) (rape SOL).

[841] S.D. CODIFIED LAWS § 22-22-7.8 (2021) (position of authority SOL).

[842] TENN. CODE ANN. § 9-8-307; *Byrd v. State*, 150 S.W.3d 414, 421 (Tenn. Ct. App. 2004) (concluding that the State could be held liable for negligent deprivation of statutory right for claimant's malicious harassment in violation of the Human Rights Act); *Vetrano v. State*, no. M2015-02474-COA-R3, 2017 WL 3411921 (Tenn. Ct. App., Aug. 8, 2017 at *4 (finding the State can be held liable for claims "arising out of or resulting from" willful, malicious, or criminal acts of state employees).

[843] *Hammond Post, Am. Legion v. Willis*, 165 S.W.2d 78 (Tenn. 1942). *See also O'Quin v. Baptist Memorial Hosp.*, 201 S.W.2d 694 (Tenn. 1947); *Baptist Memorial Hospital v. Couillens*, 140 S.W.2d 1088 (Tenn. 1940).

[844] *Redwing v. Catholic Bishop for Diocese of Memphis*, 363 S.W.3d 436, 466 (Tenn. 2012) (determining that "the allegation that the Diocese misled Mr. Redwing and his family could be construed to mean that at some point, Mr. Redwing or his family asked the Diocese about its knowledge of Fr. Guthrie's conduct and that the Diocese's response misled them. The Court of Appeals has correctly recognized that this circumstance could amount to fraudulent concealment" but that "[t]he factual allegations in Mr. Redwing's amended complaint are inconsistent with an equitable estoppel claim . . . Mr. Redwing did not know that he had a claim against the Diocese until after the SOLs ran on his claim. This lack of knowledge, while not inconsistent with a fraudulent concealment claim, undermines his equitable estoppel claim because knowledge of a claim against the defendant prior to the running of the SOLs is a necessary ingredient of an equitable estoppel claim."). *See also, Fahrner v. SW Mfg., Inc.*, 48 S.W.3d 141, 145 (Tenn. 2001) (explaining that in order to successfully toll the SOL under the doctrine of equitable estoppel, the plaintiff must demonstrate that the defendant induced him to put off filing suit by identifying "specific promises, inducements, suggestions, representations, assurances, or other similar conduct" by the defendant that the defendant knew, or reasonably should have known, would cause the plaintiff to delay filing suit).

[845] TENN. CODE ANN. § 28-3-104 (2002) (SOL).

[846] TENN. CODE ANN. § 28-3-116 (2019) (SOL).
[847] *Potts v. Celotex Corp.*, 796 S.W.2d 678, 680 (Tenn. 1990).
[848] *Hunter v. Brown*, 955 S.W.2d 49, 51 (Tenn. 1997); *Doe v. Catholic Bishop for Diocese of Memphis*, 306 S.W.3d 712, 728 (Tenn. Ct. App. 2008); *Doe v. Coffee Cty. Bd. of Educ.*, 852 S.W.2d 899, 904 (Tenn. Ct. App. 1992).
[849] TENN. CODE ANN. § 28-3-116(b)(2)(B) (2021).
[850] TENN. CODE ANN. § 28-3-116(a)(2) (2021).
[851] TENN. CODE ANN. § 28-3-116(e) (2021).
[852] TENN. CODE ANN. § 40-2-103 (1997). *See also State v. Henry*, 834 S.W.2d 273 (Tenn. 1992) (holding that parental control alone was not equivalent to "concealment" and could not toll the four-year SOL for incest prosecution)*; State v. Davidson*, 816 S.W.2d 316 (Tenn. 1991) (finding claim that victim of CSA had been coerced into not reporting crime by influence exerted upon her by alleged perpetrator insufficient to constitute "concealment" of crime for purposes of extending the SOL); *State v. Tidwell*, 775 S.W.2d 379 (Tenn. Crim. App. 1989) (holding that the presentment though it alleged sufficient facts which, if proven, would toll the SOL, the state failed to established that the accused in fact concealed crimes where minor victims of accused's alleged criminal sexual conduct failed to alert authorities despite opportunity to do so and despite absence of any threats by the accused).
[853] TENN. CODE ANN. § 40-2-101 (2002) (felonies).
[854] TENN. CODE ANN. § 40-2-101 (2006) (felonies).
[855] TENN. CODE ANN. § 40-2-101 (2007) (felonies).
[856] TENN. CODE ANN. § 40-2-101 (2012) (felonies).
[857] TENN. CODE ANN. § 40-2-101 (2013) (felonies).
[858] TENN. CODE ANN. § 40-2-101 (2014) (felonies).
[859] TENN. CODE ANN. § 40-2-101 (2015) (felonies).
[860] TENN. CODE ANN. § 40-2-101 (2016) (felonies).
[861] TENN. CODE ANN. § 40-2-101 (2019) (felonies).
[862] TENN. CODE ANN. § 40-2-101 (2021) (felonies); 2021 Tenn. Pub. Acts Ch. 363 (S.B. 1115).
[863] *See* TEX. CIV. PRAC. & REM. CODE ANN. § 101.057; *Russell v. City of Houston*, 808 F.Supp.2d 969 (S.D. Tex. 2011) (determining that city could be held liable for negligence in claim arising out of arrestee's sexual assault by police officer); *Limon v. City of Balcones Heights*, 485 F.Supp.2d 751 (W.D. Tex. 2007) (finding that a claim for negligence will not be barred by sovereign immunity if it arises out of an employee's negligence that allows the assault to occur).
[864] TEX. CIV. PRAC. & REM. CODE ANN. § 101.101(a); *State v. Kreider*, 44 S.W.3d 258, 264 (Tex. Ct. App. 2001) (holding that minors must fully comply with the six-month notice requirement).
[865] TEX. CIV. PRAC. & REM. CODE ANN. § 101.023.
[866] *Howle, v. Camp Amon Carter*, 470 S.W.2d 629 (Tex. 1971).
[867] TEX. CIV. PRAC. & REM. §§ 84.001–84.008. *See* TEX. CIV. PRAC. & REM. § 84.003 (stipulating that to qualify for protection under the statute, an organization must either be a homeowners association, or a registered tax-exempt organization under the applicable provisions of the Internal Revenue Code, or an organization that provides charitable or religious services, prevents cruelty to animals or children, provides youth sports or recreation, neighborhood crime prevention or patrol, provides educational services, or generally operates exclusively for the promotion of social welfare by being primarily engaged in promoting the common good and general welfare of the people in the community).
[868] *Schouest v. Medtronic, Inc.*, 13 F.Supp.3d 692 (S.D. Tex. 2014) (articulating that the fraudulent concealment doctrine tolls the SOL where a defendant conceals the responsible party's identity, if there is a duty to disclose, until the cause of action is, or in the exercise of reasonable diligence should have been, discovered); *Tri v. J.T.T.*, 162 S.W.3d 552 (Tex. 2005) (finding victims of sexual assault committed by Buddhist monk were not entitled to recover against owner of Buddhist temple and other monks for civil conspiracy, where civil conspiracy instruction did not require jury to find that defendants had meeting of minds to accomplish sexual assaults and impermissibly allowed jury to find conspiracy on the basis of defendants' negligence in allowing assaults to occur); *Johnson & Higgins of Tex., Inc. v. Kenneco Energy, Inc*., 962 S.W.2d 507, 515–16 (Tex. 1998) (noting that equitable estoppel requires: (1) a false representation or concealment of material facts; (2) made with knowledge, actual or constructive, of those facts; (3) with the intention that it should be acted on; (4) to a party without knowledge or means of obtaining knowledge of the facts; (5) who detrimentally relies on the representations); *Slay v. Burnett Trus*t, 187 S.W.2d 377, 385 (Tex. 1945) (reiterating that a person to whom a fiduciary duty is owed is relieved of the obligation of diligent inquiry into the

fiduciary's conduct until the fact of misconduct becomes so apparent it can no longer be ignored, regardless of the nature of the relationship); *Doe v. Roman Catholic Archdiocese of Galveston-Houston ex rel. Dinardo*, 362 S.W.3d 803 (Tex. Ct. App. 2012) (refusing to apply doctrine of equitable estoppel to defer accrual of limitations period based on church's alleged failure as a fiduciary to inform former parishioner of possible claims he may have against it, in action brought by former parishioner against church and priest alleging negligence, breach of fiduciary duty, fraud, and conspiracy, related to CSA by a priest, where parishioner admitted having knowledge of the facts giving rise to his claims, i.e., that he had been abused and that he was suffering from psychological problems); *Doe v. Catholic Diocese of El Paso*, 362 S.W.3d 707 (Tex. Ct. App. 2011) (holding that estoppel did not apply where the alleged abuser claimed that he was God, and a supervisory priest warned that the altar boy victim would get in trouble if he did not keep quiet about being sexually abused by the visiting priest, and where the altar boy admitted that he had knowledge of the facts giving rise to his claims; also explaining that for equitable estoppel to apply, these threats must have related to a civil action, redress, or compensation); *Marshall v. First Baptist Church of Houston*, 949 S.W.2d 504, 508 (Tex. Ct. App. 1997) (explaining that the estoppel effect ends when the plaintiff learns of facts, conditions, or circumstances which would lead a reasonably prudent person to inquire and thereby discover the cause of action).

[869] TEX. CIV. PRAC. & REM. CODE ANN. § 16.00(a)(2) (unsound mind tolling); *Rollins v. Pressler*, 623 S.W.3d 918, 931 (Tex. Ct. App. 2021), *review denied* (Apr. 1, 2022).

[870] TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045 (2002) (five-year SOL).

[871] TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045 (2007) (five-year SOL).

[872] TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045 (2011) (five-year SOL).

[873] TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045 (2015) (fifteen-year SOL).

[874] TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045 (2019) (thirty-year SOL).

[875] *Doe v. St. Stephen's Episcopal Sch.*, 382 F.Appx. 386, 388 (5th Cir. 2010) (noting that "[t]he Texas Supreme Court has not directly addressed the question of whether all sexual abuse cases are inherently undiscoverable, but other Texas courts have found that the discovery rule does not apply uniformly to these cases"); *S.V. v. R.V.*, 933 S.W.2d 1, 25–26 (Tex. 1996) (concluding that the legislature did not prescribe application of the discovery rule in sexual abuse cases). *But see Rollins*, *supra* note 863 (questioning the accuracy of the scientific opinion on repressed memories which *S.V. v. R.V.* was predicated on).

[876] *Dinardo*, *supra* note 862, at 810 (citing *L.W. v. L.S*, No. 03-96-00535, 1997 WL 634343, at *3 (Tex. Ct. App. Oct. 16, 1997)).

[877] *Doe v. Linam*, 225 F.Supp.2d 731, 735 (S.D. Tex. 2002).

[878] TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045(d) (2021).

[879] *King-White v. Humble Indep. Sch. Dist.*, 803 F.3d 754, 760–61, 764 (5th Cir. 2015).

[880] TEX. CODE CRIM. PROC. ANN. §12.05(a) (1977).

[881] TEX. CODE CRIM. PROC. ANN. § 12.01 (2002).

[882] TEX. CODE CRIM. PROC. ANN. § 12.02 (2002) (two-year SOL).

[883] TEX. CODE CRIM. PROC. ANN. § 12.01 (2007).

[884] TEX. CODE CRIM. PROC. ANN. § 12.01 (2011).

[885] TEX. CODE CRIM. PROC. ANN. § 12.01 (2015).

[886] UTAH CODE ANN. §§ 63G-7-401(b); 63G-7-402.

[887] UTAH CODE ANN. §§ 63G-7-603(1)(A), 63G-7-604.

[888] UTAH CODE ANN. § 78-19-3.

[889] *Russell Packard Dev., Inc. v. Carson*, 108 P.3d 741 (Utah 2003). *See also Colosimo v. Roman Catholic Bishop of Salt Lake City*, 156 P.3d 806 (Utah 2007) (affirming the decision below because the SOL on former parochial school students' multiple claims against church diocese, archdiocese, religious order and parochial school, arising out of alleged CSA by school teacher, were not tolled by under a theory of fraudulent concealment until students learned of teacher's history of abuse, as students had sufficient knowledge to bring claims within the limitations period; even if defendants concealed their knowledge of teacher's history of abuse, students knew of teacher's relationship to defendants when abuse took place and were required after turning eighteen-years-old to exercise reasonable diligence in discovering the facts that gave rise to their causes of action.).

[890] *Russell*, *supra* note 883, at 742; *Burkholz v. Joyce*, 972 P.2d 1235, 1237 (Utah 1998) (articulating that in order for the exceptional circumstances doctrine of the discovery rule to apply, an initial showing must be made that the plaintiff did not know and could not reasonably have discovered the facts underlying the cause of action in time to commence an action within the limitations period).

[891] UTAH CODE ANN. § 78B-2-308 (2002) (SOL).
[892] *Mitchell v. Roberts*, 469 P.3d 901 (Utah 2020), *reh'g denied* (July 13, 2020).
[893] UTAH CODE ANN. §§ 63G-7-201 (2019) (government immunity), 63G-7-403(2)(b) (2019) (SOL); 63G-7-401(1)(b) (2019) (discovery rule).
[894] UTAH CODE ANN. § 78B-2-308 (2016) (revival); 2016 Utah Laws Ch. 379 (H.B. 279).
[895] *Mitchell v. Roberts*, 469 P.3d 901 (Utah 2020), *reh'g denied* (July 13, 2020) (holding that the Utah legislature was constitutionally prohibited from retroactively reviving a time-barred claim which essentially deprived defendants of a vested SOLs defense).
[896] *Olsen v. Hooley*, 865 P.2d 1345, 1348 (Utah 1993). *See generally Klinger v. Knightly*, 971 P.2d 868, 869 (Utah 1990); *Myers v. McDonald*, 635 P.2d 84, 86–87 (Utah 1981); *Foil v. Ballinger*, 601 P.2d 144, 147 (Utah 1979).
[897] *O'Neal v. Division of Fam. Servs., State of Utah*, 821 P.2d 1139, 1143 (Utah 1991).
[898] UTAH CODE ANN. §§ 78B-2-308(2)(b); 78–12–25.1 (1992). *See also Roark v. Crabtree*, 893 P.2d 1058, 1060 (Utah 1995).
[899] UTAH CODE ANN. §§ 78B-2-308(3)(a)–(b) (2021).
[900] UTAH CODE ANN. §§ 63G-7-201 (government immunity), 63G-7-403(2)(b) (SOL); 63G-7-401(1)(b) (discovery rule).
[901] UTAH CODE ANN. § 76-1-304(2) provides that if defendant entered into a plea agreement and later successfully invalidates his conviction, the period of limitation is suspended between the two events. *See also State v. Canton*, 308 P.3d 517 (2013) (explaining that "out of state" as used in the tolling provision, focuses on the question of a person's physical presence within the state's territorial boundaries, as opposed to an abstract construct of "legal presence"); *State v. Outzen*, 408 P.3d 334 (Utah 2017) (articulating that rational basis is the appropriate standard of review of whether the tolling provision violates defendant's state constitutional right to the uniform operation of laws and finding no violation of defendant's equal protection or due process rights).
[902] UTAH CODE ANN. § 76-1-304(2) provides that if defendant entered into a plea agreement and later successfully invalidates his conviction, the period of limitation is suspended between the two events. *See also Canton, supra* note 894; *Outzen, supra* note 895.
[903] UTAH CODE ANN. § 76-1-302 (2002) (SOL).
[904] UTAH CODE ANN. § 76-1-303 (2002) (Repealed) (limitations for fraud) (stipulating that f the SOL "has expired, a prosecution may nevertheless be commenced for . . . rape of a child, object rape of a child, sodomy upon a child, or sexual abuse of a child within four years after the report of the offense to a law enforcement agency."); *State v. Toombs*, 380 P.3d 390, 394 (Utah Ct. App. 2016) (concluding that a neighbor's communication with law enforcement alleging abuse was not sufficiently detailed to amount to a report of the offense and as such, failed to trigger the four-year SOLs period).
[905] UTAH CODE ANN. § 76-1-302 (1)(b) (2002) (misdemeanors).
[906] UTAH CODE ANN. § 76-1-302 (2005) (SOL).
[907] UTAH CODE ANN. § 76-1-301 (2013) (no SOL).
[908] UTAH CODE ANN. § 76-1-302 (2019) (SOL).
[909] UTAH CODE ANN § 76-1-301.1 (2020) (age twenty-eight SOL).
[910] VT. STAT. ANN. tit. 12, §§ 5601(a), (e)(1), (e)(6). *See Earle v. State*, 910 A.2d 841, 848–51 (Vt. 2006) (concluding that the Vermont Department of Social and Rehabilitation Services (SRS) was immune from liability for sexual assaults that occurred after plaintiff first reported the sexual assault because the SRS's decision to remove the abuser from foster home was a policy judgment that fell within scope of discretionary function exemption).
[911] *Earle v. State*, 743 A.2d 1101 (Vt. 1999) (finding negligence cause of action against state for allowing plaintiff to be sexually abused by an older boy in foster care fell under six-year SOL applying to child sex abuse claims).
[912] VT. STAT. ANN. tit. 12, § 5601(b).
[913] *Foster v. Roman Catholic Diocese of Vermont*, 70 A.2d 230 (Vt. 1950) (noting, "[t[he fact that this defendant is a privately conducted religious and charitable institution does not entitle it to any exemption or immunity from liability for injury caused by negligence.").
[914] *Allen v. Dairy Farmers of America, Inc*., 748 F.Supp.2d 323 (D. Vt. 2010) (explaining that to establish fraudulent concealment, a plaintiff must show that the defendant concealed her cause of action, that she remained ignorant to the same within four years of the commencement of her action, and that her continuing ignorance was not attributable to lack of diligence on her part).

[915] *See, e.g., Lewis v. Bellows Falls Congregation of Jehovah's Witnesses*, 95 F.Supp.3d 762 (D. Vt. 2015) (finding that church's alleged conduct in permitting minister to hold himself out to congregant as minister of church did not create fiduciary relationship between church and congregant, under Vermont law, as required to support congregant's breach of fiduciary duty claim against church based on allegation that minister sexually abused her when she was a young child, absent specific allegations as to unique ties between congregant, minister, and church, and church's knowledge and sponsorship of that relationship.).
[916] VT. STAT. ANN. tit. 12, § 522 (1989) (age twenty-four SOL).
[917] VT. STAT. ANN. tit. 12, § 522 (2019) (no SOL); 2019 Vt. Legis. Serv., No. 37 (H. 330).
[918] VT. STAT. ANN. tit. 12, § 522 (2019) (revival); 2019 Vt. Legis. Serv., No. 37 (H. 330).
[919] *Clarke v. Abate*, 80 A.3d 578, 581 (Vt. 2013).
[920] VT. STAT. ANN. tit. 12, § 522 (1989).
[921] *Sabia v. State*, 669 A.2d 1187, 1198 (Vt. 1995) (concluding that "nothing in the statutory language suggest[s] that the Legislature intended to exclude non-perpetrators from the reach of the statute."), *superseded by statute as stated in Stocker v. State*, No. 20-081, 2021 WL 4032835 (Vt. Sept. 3, 2021).
[922] VT. STAT. ANN. tit. 12, § 522 (2021).
[923] *Id.*
[924] VT. STAT. ANN. tit. 13, § 4501 (1994) (SOL).
[925] *Id*.
[926] VT. STAT. ANN. tit. 13, § 4501 (2009) (SOL).
[927] VT. STAT. ANN. tit. 13, § 4501 (2011) (SOL).
[928] VT. STAT. ANN. tit. 13, § 4501 (2013) (SOL).
[929] VT. STAT. ANN. tit. 13, § 4501 (2017) (SOL).
[930] VT. STAT. ANN. tit. 13, § 4501 (2019) (SOL).
[931] *See* VA. CODE ANN. § 8.01-195.3; *Frazier v. Collins*, 538 F.Supp. 603, 606–08 (E.D. Va. 1982) (noting that, "[i]n Virginia, a state employee who acts wantonly or in a grossly negligent manner cannot don the cloak of sovereign immunity" but that "simple negligence" is "another matter," and that "[s]overeign immunity does not extend to a state official otherwise liable for an intentional tort.").
[932] VA. CODE ANN. §§ 8.01-195.6; 8.01-229(2)(a).
[933] VA. CODE ANN., § 8.01-195.3.
[934] *Radosevic v. Virginia Intermont College*, 633 F.Supp. 1084 (W.D. Va. 1986); *Councill v. Damascus Volunteer Fire Dep't, Inc.*, 109 F.Supp.3d 907, 909 (W.D. Va. 2015).
[935] *Infant C. v. Boy Scouts of Am.*, 391 S.E.2d 322 (Va. 1990).
[936] *Straley v. Urbanna Chamber of Commerce*, 413 S.E.2d 47 (Va. 1992); *Thrasher v. Winand*, 389 S.E.2d 699 (Va. 1990); *Cowan v. Hospice Support Care, Inc*., 603 S.E.2d 916 (Va. 2004).
[937] *Cowan, supra* note 930.
[938] *McConville v. Rhoads*, No. L04-422, 2005 WL 1463850, at *4 (Va. Cir. Ct. June 8, 2005). *See also* VA. CODE ANN. § 8.01-2229(D).
[939] *Kopalchick v. Catholic Diocese of Richmond*, 645 S.E.2d 439, 442-43 (Va. 2007).
[940] VA. CODE ANN. §§ 8.01-243 (2002) (two-year SOL), 8.01-229 (2002) (tolling), 1-204 (2002) (age of majority), 8.01-249 (2002) (accrual). In 2007, the Virginia Supreme Court explained that the discovery rule in § 8.01-249 only applies to actions against individual persons and not institutions. *Kopalchick, supra* note 933, at 442-43. The current civil SOL for claims against institutional defendants is age twenty (age of majority, eighteen, plus two years) with no discovery rule.; VA. CODE ANN. § 19.2-8 (SOL).
[941] VA. CODE ANN. §§ 8.01-243 (2011) (two-year SOL), 8.01-229 (2011) (tolling), 1-204 (2011) (age of majority), 8.01-249 (2011) (accrual). In 2007, the Virginia Supreme Court explained that the discovery rule in § 8.01-249 only applies to actions against individual persons and not institutions. *Kopalchick, supra* note 933. The current civil SOL for claims against institutional defendants is age twenty (age of majority, eighteen, plus two years) with no discovery rule.
[942] *Starnes v. Cayouette*, 419 S.E.2d 669, 671 (Va. 1992) (determining that "[a] personal injury cause of action 'shall be deemed to accrue and the prescribed limitation period shall begin to run from the date the injury is sustained . . . and not when the resulting damage is discovered.'") (quoting VA. CODE ANN. §8.01-230)), *superseded by constitutional amendment as stated in Kerns v. Wells Fargo Bank, N.A.*, 818 S.E.2d 779 (Va. 2018).
[943] VA. CODE ANN. § 8.01-249 (1991); *Kopalchick, supra* note 933.

[944] VA. CODE ANN. § 8.01-249 (1995).
[945] VA. CODE ANN. § 8.01-249(6) (2021); VA. CODE ANN. § 8.01-243(D) (2021); *Graham v. City of Manassas Sch. Bd.*, 390 F.Supp.3d 702, 710 (E.D. Va. 2019).
[946] VA. CODE ANN. § 8.01-249(6) (2021); V A. CODE ANN. § 8.01-243(D) (2021).
[947] VA. CODE ANN. §§ 19.2-8, 19.2-9.
[948] *Anderson v. Commonwealth*, 634 S.E.2d 372, 375 (Va. Ct. App. 2006) (holding, "[c]onsistent with the common law, Virginia has no general SOL on felonies.").
[949] VA. CODE ANN. § 19.2-8 (2016) (SOL).
[950] VA. CODE ANN. § 19.2-8 (2020) (SOL).
[951] WASH. REV. CODE ANN. § 4.92.090; *Washburn v. City of Fed. Way*, 310 P.3d 1275, 1287 (Wash. 2013) (holding that governmental entities are liable for tortious conduct to the same extent as a private person or private entity, and thus a plaintiff may recover for government entity's negligence).
[952] *Hunter v. North Mazon High Sch.*, 539 P.2d 845 (Wash. 1975) (concluding that claims must be presented and actions commenced within the same period for actions against private parties).
[953] WASH. REV. CODE ANN. § 4.92.090.
[954] *Friend v. Cove Methodist Church, Inc.*, 396 P.2d 546 (Wash. 1964).
[955] *See Robinson v. City of Seattle*, 830 P.2d 318, 345 (Wash. 1992). *See also J.C. v. Society of Jesus*, 457 F.Supp.2d 1201 (W.D. Wash. 2006) (finding material issues of fact as to whether church was on notice of priest's criminal conduct and failed to disclose what it knew and whether equitable estoppel or fraudulent concealment prevented church's SOLs defense precluded grant of summary judgment to church on damages claim brought by victim, who alleged that priest sexually abused him when he was a minor); *C.J.C. v. Corporation of the Catholic Bishop of Yakima*, 985 P.2d 262, 270 (Wash. 1999).
[956] WASH. REV. CODE ANN. § 4.16.340 (1991) (SOL).
[957] *Tyson v. Tyson*, 727 P.2d 226, 230 (Wash. 1986) (refusing to apply discovery tolling in case of repressed memories of child sex abuse), *superseded by* WASH. REV. CODE ANN. § 4.16.340 (1991); *Funkhouser v. Wilson*, 950 P.2d 501, 512 (Wash. Ct. App. 1998) (finding common law discovery tolling applicable to negligence claims against church for child sex abuse); *Raymond v. Ingram*, 737 P.2d 314, 317 (Wash. Ct. App. 1987) (refusing to apply discovery tolling in case of delayed discovery of the causal connection between injury and child sex abuse), *superseded by* WASH. REV. CODE ANN. § 4.16.340 (1991).
[958] WASH. REV. CODE ANN. § 4.16.340(1)(b)–(c). *See Korst v. McMahon*, 148 P.3d 1081, 1084 (Wash. Ct. App. 2006).
[959] *Hollman v. Corcoran*, 949 P.2d 386, 392 (Wash. Ct. App. 1997).
[960] *C.J.C.*, *supra* note 949, at 268–70. *See K.C. v. State*, No. 51400-1-II, 2019 WL 4942457, *8 (Wash. Ct. App. Oct. 8, 2019); *KC v. Johnson*, No. 48029-8-II, 2017 WL 888600, at *5 (Wash. Ct. App. Feb. 28, 2017).
[961] WASH. REV. CODE ANN. § 9A.04.080(2) (2000).
[962] WASH. REV. CODE ANN. § 9A.04.080 (2002) (SOL).
[963] WASH. REV. CODE ANN. § 9A.04.080 (2009) (SOL).
[964] WASH. REV. CODE ANN. § 9A.04.080 (2013) (SOL).
[965] WASH. REV. CODE ANN. § 9A.04.080 (2017) (SOL).
[966] WASH. REV. CODE ANN. § 9A.04.080 (2019) (SOL).
[967] *See* W. VA. CODE ANN. § 29-12A-5; *Zirkle v. Elkins Road Pub. Serv. Dist*., 655 S.E.2d 155, 160 (W. Va. 2007) (concluding that the state is immune from claims of intentional acts but may be held liable for negligence).
[968] W. VA. CODE ANN. § 29-12A-6(a). *But see Whitlow v. Board of Educ. Kanawha Cnty.*, 438 S.E.2d 15 (W. Va. 1993) (finding that section 29-12A-6 "violates the Equal Protection Clause found in . . . the West Virginia Constitution to the extent that it denies to minors the benefit of the SOLs provided in the general tolling statute, W. VA. CODE 55-2-15.").
[969] W. VA. CODE ANN. § 29-12A-7(a)–(b). *See Arbaugh v. Board of Educ., Cnty. of Pendleton*, 329 F.Supp.2d 762 (N.D. W. Va. 2004) (holding that grade school principal was not subject to punitive damages for failure to prevent teacher from sexually abusing his students, where principal acted at all relevant times within the scope of his employment).
[970] *Adkins v. St. Francis Hosp.*, 143 S.E.2d 154 (W. Va. 1965).
[971] *Trafalgar House Const., Inc. v. ZMM, Inc.*, 567 S.E.2d 294, 300 (W. Va. 2002); *E.K. v. W.V. Dept. of Health*, No. 16-0773, 2017 WL 5153221, at *6 (W. Va. Nov. 7, 2017) (tolling the SOL because "fraudulently concealed facts . . .

prevented [him] from discovering or pursuing the potential cause of action") (citing *Dunn v. Rockwell*, 689 S.E.2d 255, 258 (W. Va. 2009)).

[972] *Jane Doe-1 v. Corporation of President of The Church of Jesus Christ of Latter-day Saints*, 801 S.E.2d 443, 473 (W. Va. 2017) (finding that plaintiffs alleged a conspiracy to commit intentional torts and to accomplish the unlawful purpose of concealing and harboring a "sex offender" that resulted in harm to them. Thus, a jury could conclude that the defendants' conduct "in ignoring, minimizing, trivializing and denying the abuse; actively concealing and keeping silent about the abuse; promoting and misrepresenting [the perpetrator] as an exemplary and trustworthy member of the Church; promoting and misrepresenting him as fit to babysit for or live in a house with young children; and facilitating the abuse by engaging in the foregoing and placing him in homes with young children as a babysitter or boarder, were taken in furtherance of the conspiracy's unlawful purposes.").

[973] W. VA. CODE ANN. §§ 55-2-12 (2002) (general SOL), 2-3-1 (2002) (tolling provision), and 55-2-15 (2002) (majority tolling).

[974] W. VA. CODE ANN. § 55-2-15 (a) (2016) (CSA SOL).

[975] W. VA. CODE ANN. § 55-2-15(a) (2020) (CSA SOL).

[976] W. VA. CODE ANN. § 55-2-15(a) (2020) (age thirty-six revival); 2020 W. Va. Acts Ch. 2 (H.B. 4559).

[977] *Merrill v. West Virginia Dep't of Health & Human Res*., 632 S.E.2d 307, 312 (W. Va. 2006) (quoting *Gaither v. City Hosp., Inc.*, 487 S.E.2d. 901, 903 (W. Va. 1997)). *See* W. VA. CODE ANN. § 55-2-21(d).

[978] *E.K. v. W.V. Dept. of Health*, *supra* note 965, at *6 (citing *Dunn*, *supra* note 965).

[979] *See Merrill*, *supra* note 971, at 312; *Albright v. White*, 503 S.E.2d 860, 870 (W. Va. 1998); *Miller v. Monongalia Cnt.y Bd. of Educ.*, 556 S.E.2d 427, 432 (W. Va. 2001), *overruled on other grounds by Dunn*, *supra* note 965.

[980] W. VA. CODE ANN. § 55-2-15 (2016).

[981] W. VA. CODE ANN. § 55-2-15 (2020).

[982] W. VA. CODE ANN. § 61-11-9.

[983] *State v. King*, 84 S.E.2d 313, 316 (W. Va. 1954) (noting "the felony charged in the indictment is subject to no limitation."); W. VA. CODE ANN. §§ 61-11-9 (1954) (SOL); 61-8D-3(d) (1954) (CSA).

[984] *See* WIS. STAT. ANN. § 893.80; *Baumgardt v. Wasau Sch. Dist. Bd. of Educ*., 475 F.Supp.2d 800, 811–13 (W.D. Wis. 2007) (applying the ministerial act and known danger exceptions to immunity in claim against high school officials who failed to report to the police that teacher was sexually assaulting female student despite having actual knowledge of the assaults).

[985] *Lodl v. Progressive N. Ins. Co*., 646 N.W.2d 314, 321 (Wis. 2002) (noting that there is no immunity for "1) the performance of ministerial duties imposed by law; 2) known and compelling dangers that give rise to ministerial duties on the part of public officers or employees . . . and 4) acts that are malicious, willful, and intentional.").

[986] WIS. STAT. ANN. §§ 898.80; 893.82(3); *Weis v. Board of Regents of the Univ. of Wis. System*, 837 F.Supp.2d 971 (E.D. Wis. 2011) (holding that the time to file a notice of claim runs from the date of injury, not the date on which the claimant discovers the injury); *Weinberger v. State of Wis.*, 105 F.3d 1182 (Wis. 1997) (concluding that a complaint that does not comply with statutory notice provision fails to state a claim upon which relief can be granted).

[987] WIS. STAT. §§ 893.80(3); 893.82(6).

[988] *Widell v. Holy Trinity Catholic Church*, 121 N.W.2d 249 (Wis. 1963).

[989] WIS. STAT. ANN. § 893.93(1)(m)(b); *John Doe 1 v. Archdiocese of Milwaukee*, 734 N.W.2d 827, 846–47 (Wis. 2007).

[990] *Gieringer v. Silverman*, 539 F.Supp. 498, 502 (E.D. Wis. 1982) (explaining that the "doctrine of equitable tolling applies where, after a cause of action accrues, a defendant takes further steps to conceal the cause of action with the result that the plaintiff remains in ignorance of his rights through no fault of his own . . . . The doctrine does not apply where the actions creating the claim are completed, and the defendant takes no further steps to conceal his past actions.").

[991] *Bonchek v. Nicolet Unified Sch. Dist.*, No. 19-CV-425, 2019 WL 7049803, at *13 (E.D. Wis. Dec. 23, 2019).

[992] WIS. STAT. ANN. §§ 893.16 (2002) (majority tolling), 893.54 (2002) (three-year SOL), 893.57 (2002) (three-year SOL), 893.93 (2002) (SOL); 2002 Wis. Sess. Laws Act. 16 (S.B. 55). *See Bonchek*, *supra* note 985, at *10 (concluding that negligence claims are derivative of the sexual assault and so accrued the later of negligence SOL which is three-years after the abuse or the age twenty). *See also Doe v. Archdiocese of Milwaukee*, 565 N.W.2d 94, 96 (Wis. 1997) (holding, "[c]onsequently, each plaintiff should have filed his or her action within the applicable statutory period of one or two years after reaching majority").

[993] *Id*; S.B. 207, 2003 Leg., Reg. Sess. (Wis. 2003), available at https://docs.legis.wisconsin.gov/2003/related/acts/279. *See also John Doe 1, supra* note 983, at 845 (noting, "[the Wisconsin statute] demonstrates that the legislature's public policy is to toll the SOLs for . . . claims [of sexual assault, incest, or sexual exploitation] no later than their 35th birthday").
[994] *Hammer v. Hammer*, 418 N.W.2d 23, 26–27 (Wis. Ct. App. 1987) (recognizing discovery rule for incest claims).
[995] *Archdiocese of Milwaukee*, *supra* note 986; *Pritzlaff v. Archdiocese of Milwaukee*, 533 N.W.2d 780, 787 (Wis. 1995); *Bonchek*, *supra* note 985, at *11. *See also John Doe 1, supra* note 983, at 836 (noting that "[i]n Wisconsin, accrual of a cause of action is not dependent upon knowing the full extent of one's injuries").
[996] WIS. STAT. ANN. § 893.587 (1994). *See also Pritzlaff, supra* note 989.
[997] WIS. STAT. ANN. § 893.587 (2001).
[998] WIS. STAT. ANN. § 893.587 (2021).
[999] WIS. STAT. ANN. § 939.74(3) (2002). *See also State v. Sher*, 437 N.W.2d 878 (Wis. 1989) (holding that the tolling provision does not violate the privileges and immunities clause nor the equal protection clause of the U.S. Constitution); *State v. Whitman*, 160 Wis. 2d 260, 466 N.W.2d 193 (Wis. Ct. App. 1990) (articulating that a person is not "publicly a resident" of the state when living outside the state but retaining state residence for voting and tax purposes).
[1000] WIS. STAT. ANN. § 939.74(4). *See also State v. Miller*, 650 N.W.2d 850 (Wis. Ct. App. 2002).
[1001] WIS. STAT. ANN. § 939.74 (2002) (SOL); *State v. MacArthur*, 750 N.W.2d 910, 915 (Wis. 2008) (determining that the 1997 amendment increased SOL for prosecution to time that "victim reaches the age of 31").
[1002] WIS. STAT. ANN. § 939.74 (2002) (SOL); 2003 Wis. Sess. Laws Act 279, available at https://docs.legis.wisconsin.gov/2003/related/acts/279.
[1003] WIS. STAT. ANN. § 939.74 (2005) (SOL); 2005 Wis. Sess. Laws Act 276, available at https://docs.legis.wisconsin.gov/2005/related/acts/276.
[1004] WIS. STAT. ANN. § 939.74 (2005) (SOL); 2005 Wis. Sess. Laws Act 277, available at https://docs.legis.wisconsin.gov/2005/related/acts/277.
[1005] WIS. STAT. ANN. § 939.74 (2007) (SOL); 2007 Wis. Sess. Laws Act 116, available at https://docs.legis.wisconsin.gov/2007/related/acts/116.
[1006] [1006] WIS. STAT. ANN. § 939.74 (2009) (SOL); 2009 Wis. Sess. Laws Act 203; available at https://docs.legis.wisconsin.gov/2009/related/acts/203.
[1007] WIS. STAT. ANN. § 939.74 (2011) (SOL); 2011 Wis. Sess. Laws Act 282, available at https://docs.legis.wisconsin.gov/2011/related/acts/282.
[1008] WIS. STAT. ANN. § 939.74 (2017) (SOL); 2017 Wis. Sess. Laws Act 128, available at https://docs.legis.wisconsin.gov/2017/related/acts/128.
[1009] *See* WYO. STAT. ANN. § 1-39-104(b); *Jung-Leonczynska v. Steup*, 782 P.2d 578, 582–83 (Wyo. 1989) (noting that the question of whether an employee is acting within the scope of their duties when committing an intentional tort is "normally one for the trier of fact and becomes one of law when only one reasonable inference can be drawn from the evidence.").
[1010] WYO. STAT. ANN. § 1-39-113(a).
[1011] *Alewine v. State, Dept. of Health and Soc. Servs., Div. of Pub. Assistance and Soc. Servs*., 803 P.2d 1372 (Wyo. 1991) (finding that delaying the two-year notice of claim requirement until parent or guardian discovers the minor's injury is to safeguards minors' rights). *See also Dye by Dye v. Fremont Cnty. Sch. Dist. No. 24*, 820 P.2d 982 (Wyo. 1991) (concluding that when parents fail to timely file a notice of claim on minor's behalf, the parents have not adequately represented their child, and therefore, the time for filing a notice of claim begins to run when a guardian ad litem is appointed by the court; however, any disability for failing to file disappears when the child reaches majority).
[1012] WYO. STAT. ANN. § 1-39-118(a)(i), (d).
[1013] *Lutheran Hospitals & Homes Soc'y of Am. v. Yepsen*, 469 P.2d 409 (Wyo. 1970).
[1014] *Id. See also* WYO. STAT. ANN. § 1-1-125(d) (indicating that a nonprofit is liable for the negligent acts of its volunteers, stating, "[i]n any suit against a nonprofit organization or a volunteer fire department for civil damages based upon the negligent act or omission of a volunteer, proof of the act or omission shall be sufficient to establish the responsibility of the organization or department under the doctrine of *respondeat superior*, notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (b) of this section.").

[1015] WYO. STAT. ANN. § 1-1-129(f). (Noting that these facilities are liable "only in the circumstances and to the extent the facility is required by statute to maintain liability coverage.").
[1016] WYO. STAT. ANN. § 1-3-105 (1993) (general SOL).
[1017] *McCreary v. Weast*, 971 P.2d 974, 979–81 (Wyo. 1999).
[1018] WYO. STAT. ANN. § 1-3-105 (2021).
[1019] *McCreary*, *supra* note 1011, at 981.
[1020] *Story v. State*, 721 P.2d 1020, 1026 (Wyo. 1986) (determining that "[a]t common law there is no limitation period for the prosecution of any criminal offense.").
[1021] AM. SAMOA CODE ANN. § 43.1203(a), (b)(5).
[1022] *See* AM. SAMOA CODE ANN. §§ 43.1204, 43.1205; *Utu v. National Pac. Ins. Co.*, 9 Am. Samoa 2d 88 (Am. Samoa 1988) (finding that a minor's claim against the government is not barred if the action commences within one year of reaching majority or of the appointment of a guardian ad litem, notwithstanding the two-year SOL otherwise applicable to actions against the government).
[1023] AM. SAMOA CODE ANN. § 43.1212.
[1024] AM. SAMOA CODE ANN. § 43.0121 (stipulating, "[i]n actions for relief on the ground of fraud or mistake . . . the cause of action shall not be deemed to have accrued until the fraud, mistake, or trespass complained of shall have been discovered by the party aggrieved.").
[1025] AM. SAMOA CODE ANN. §§ 43.0120(2) (2002) & 43.0126 (2002) (majority tolling). The territory has not amended its SOL since 1962.
[1026] AM. SAMOA CODE ANN. §46.3106 (2004), available at https://asbar.org/code-annotated/46-3106-time-limitations/#:~:text=(a)%20A%20prosecution%20for%20any,be%20commenced%20at%20any%20time.
[1027] Research by CHILD USA did not locate the criminal SOL prior to 2004, though it appears from the Annotated Code that the criminal SOL has been in place, but not been amended, since 1979. *See* AM. SAMOA CODE ANN. § 46.3106 (2004), available at https://asbar.org/code-annotated/46-3106-time-limitations/#:~:text=(a)%20A%20prosecution%20for%20any,be%20commenced%20at%20any%20time.
[1028] AM. SAMOA CODE ANN. §§ 46.3106(a) (2004) (SOL), 46.3604 (2004) (rape), 46.3611 (2004) (sodomy), 46.3618 (2004) (child molesting).
[1029] AM. SAMOA CODE ANN. § 46.3106(a)(2) (2004).
[1030] AM. SAMOA CODE ANN. §§ 46.3106(a) (2014) (SOL) & 46.5003 (2014) (trafficking).
[1031] 5 GUAM CODE ANN. § 6105.
[1032] 5 GUAM CODE ANN. §§ 6106, 6201.
[1033] 5 GUAM CODE ANN. § 6301(b).
[1034] *See* 7 GUAM CODE ANN. § 11403 (defendant absence tolling); *Dewitz v. TeleGuam Holdings, LLC*, No. CV 11-00036, 2014 WL 1389326, at *6 (D. Guam Apr. 9, 2014) finding that even if defendant made a misrepresentation, plaintiff did not reasonably rely upon it, therefore finding that equitable estoppel does not apply. The court also clarified that equitable estoppel in the limitations setting is sometimes called fraudulent concealment), *report and recommendation adopted*, No. 1:11-CV-00036, 2014 WL 3028660 (D. Guam July 3, 2014).
[1035] 7 GUAM CODE ANN. §§ 11306 (2002) (two-year SOL), 11404 (2002) (majority tolling).
[1036] 7 GUAM CODE ANN § 11301.1(a) (2016) (no SOL).
[1037] 7 GUAM CODE ANN. § 11306 (2011) (two-year window); Pub. L. No.31-06 (2011), available at https://www.guamlegislature.com/Public_Laws_31st/P.L.%2031-07%20Bill%20No.%2034-31.pdf.
[1038] 7 GUAM CODE ANN. § 11301.1(b) (2016) (permanent window); Bill No. 326-33, I Liheslaturan Guahan, 2016 Reg. Sess. (May 23, 2016); Pub. L. 33–187:2 (Sept. 23, 2016), available at https://www.guamlegislature.com/Public_Laws_33rd/P.L.%20No.%2033-187.pdf. See *also* Shawn Raymundo, *Law limits sexual abuse charges*, PACIFIC DAILY NEWS (May 23, 2016), available at https://www.guampdn.com/story/news/2016/05/22/law-limits-sexual-abuse-charges/84640416/.
[1039] 7 GUAM CODE ANN. § 11301.1(b) (2021).
[1040] 8 GUAM CODE ANN. § 65.55.
[1041] 8 GUAM CODE ANN. § 10.50.
[1042] 8 GUAM CODE ANN. § 10.15 (1992) ("a prosecution for felony criminal sexual conduct involving a person under the age of consent may be commented up to three (3) years after the minor reaches the age of consent"); *People v. Taitano*, 2015 Guam 33 (Guam 2015) (finding "sex crimes involving a minor may be prosecuted up to three years

after the victim has reached the age of consent (for crimes committed prior to July 14, 2009) or the age of majority (for crimes committed on or after July 14, 2009).").
[1043] 8 GUAM CODE ANN. §§ 10.20 (1992) (felonies SOL), 10.30 (1992) (misdemeanors SOL).
[1044] 8 GUAM CODE ANN. § 10.15, amended by Pub. L. 30–049:1 (July 14, 2009), available at https://www.guamlegislature.com/Public_Laws_30th/P.L.%2030-49%20-%20Bill%20No.%2090%20(COR).pdf; 19 GUAM CODE ANN. § 1101 (2009) (age of majority); 9 GUAM CODE ANN. § 25.01 (2009) (age of majority).
[1045] 9 GUAM CODE ANN. § 26.08 (2009) (trafficking SOL).
[1046] 7 GUAM CODE ANN. § 10.16 (2011) (no SOL); Pub. L. 31–006:2 (Mar. 9, 2011) available at https://guamlegislature.com/Public_Laws_31st/P.L.%2031-06%20Bill%20Nlo.%2033-31.pdf.
[1047] *See* 7 N. MAR. I. CODE § 2922.
[1048] *See* 7 N. MAR. I. CODE §§ 2202(a), 2204(b).
[1049] 7 N. MAR. I. CODE § 2202(b).
[1050] 7 N. MAR. I. CODE § 2202(a)(1)-(2).
[1051] 7 N. MAR. I. CODE § 2503 (permitting an action to be commenced within prescribed time limits "after the person who is entitled to bring the same shall discover or shall have had reasonable opportunity to discover" that a defendant fraudulently concealed the cause of action from the person entitled to bring it); *Soloviev v. Markoff*, No. 1:14-CV-00019, 2015 WL 1746242, at *9 (D. N. Mar. I. Apr. 13, 2015) ("the concealment defense, unlike a fraud claim, may be based on even an unintentional deception.").
[1052] 7 N. MAR. I. CODE §§ 2503(a) (2002) (two-year SOL); 2506 (2002) (minority tolling), available at https://cnmilaw.org/pdf/cmc_section/T7/2503.pdf and https://cnmilaw.org/pdf/cmc_section/T7/2506.pdf.
[1053] 2021 N.M.I. Pub. L. No. 22-12 (H.B. 22-2, SDI), available at https://cnmileg.net/documents/laws/public/22/PL22-12.pdf.
[1054] 7 N. MAR. I. CODE § 2515 (2021).
[1055] *See In re Buckingham*, No. 2012-SCC-0028, 2012 WL 6044832, at *5 (N. Mar. I. 2012) (reiterating that fugitive status is a question of fact involving two elements: 1) absence from the jurisdiction and 2) intent to avoid arrest or prosecution; mere absence from the Commonwealth does not necessarily make the defendant a fugitive and therefore does not automatically toll the SOL).
[1056] 6 N. MAR. I. CODE §107(b) & (d), as amended by Pub. L. 12-82 (Jan. 7, 2002), available at https://www.cnmilaw.org/pdf/public_laws/12/pl12-82.pdf. A majority tolling provision for CSA was added for the first time in 2002.
[1057] *Id*. (2002).
[1058] 6 N. MAR. I. CODE §107(a) (2016) (no SOL), available at https://cnmilaw.org/pdf/cmc_section/T6/107.pdf, as amended by Pub. L. No. 19-72 (Nov. 17, 2016), available at https://www.cnmilaw.org/pdf/public_laws/19/pl19-72.pdf.
[1059] PR. LAWS. ANN. tit. 32, §§ 3077, 3081(d), 3088(a) & (c).
[1060] *Perez Aguirre v. E.L.A.*, 148 P.R. Dec. 161 (P.R. 1999) (finding that "the procedural requirement obligating minors to file claims within ninety days cannot prevail over the substantive disposition of [PR. LAWS. ANN. title 32, section 254], which establishes that the prescription does not run during a person's minority").
[1061] PR. LAWS. ANN. tit. 32, § 3077(a).
[1062] *Tavarez v. San Juan Lodge*, 68 P.R. 681 (1948); *Gas & Coke Co. v. Frank Rullan & Associates*, 189 F.2d 397 (1st Cir. 1951).
[1063] *Lalo's Cash & Carry, Inc. v. Scotiabank de Puerto Rico*, No. K DP2012-0789, 2016 WL 1359461, at *7 (P.R. Cir. Feb. 18, 2016) (explaining that this doctrine may be invoked to prevent one party "from benefiting from their fraudulent acts," and to prevent a plaintiff from being "required to exercise their cause of action within the prescriptive term.").
[1064] P.R. LAWS ANN. tit. 31, § 5298(2) (2002) (one-year SOL) & P.R. LAWS ANN. tit. 32 § 254(1) (2002) (majority tolling). *See also Rodriguez Aviles v. Rodriguez Beruff*, 117 P.R. Dec. 616 (P.R. 1986) (confirming the "SOLs does not run against minors"); *Ortiz-Marrero, et al. v. Prepa, et al.*, No. 07-1649, 2009 WL 1607866 (D. P.R. June 4, 2009) (explaining the SOL is tolled until minor reaches age twenty-one).
[1065] P.R. LAWS ANN. tit. 31, § 5298 (2021).
[1066] *Sanchez, et al. v. A.E.E.*, 142 P.R. Dec. 880, (P.R. 1997) (citing *Vega v. J. Perez & Cia., Inc.*, 135 P.R. Dec. 746 (P.R. 1994)).
[1067] P.R. LAWS ANN. tit. 33, §§ 4727(b) (2002) (five-year SOL), 4729 (2002) (majority tolling).

[1068] P.R. LAWS ANN. tit. 33, §§ 4727(b) (2002) (five-year SOL), 4781 (2002) (trafficking), 4786 (2002) (CSAM).
[1069] P.R. LAWS ANN. tit. 33, § 5133 (2018) (no SOL).
[1070] P.R. LAWS ANN. tit. 33, §§ 5132 (2018) (SOL), 5134 (2018) (majority tolling).
[1071] V.I. CODE ANN. tit. 33, § 3408(b).
[1072] V.I. CODE ANN. tit. 33, § 3409(c).
[1073] V.I. CODE ANN. tit. 33, § 3411(c).
[1074] *Soto v. Bradshaw*, 351 F.Supp. 602 (D. V.I. 1972); *Joseph v. Church of God (Holiness)*, No. CIV. 338/2001, 2006 WL 1459505 (V.I. May 12, 2006).
[1075] V.I. CODE ANN. tit. 27, § 166 (SOL). *See also Frederick v. Ellet*, No. ST-11-CV-381, 2014 WL 785051, at *2 (V.I. Feb. 14, 2014) (explaining that it must determine that the defendant "took affirmative steps to conceal the wrongful conduct, and whether there was actual concealment," before applying the fraudulent concealment doctrine to toll an SOL.).
[1076] V.I. CODE ANN. tit. 5, §§ 31(5)(a) (2002) (two-year SOL), 36(a)(1) (2002) (majority tolling). *See also Cintron v. Bermudez*, 6 V.I. 692, 693 (D. V.I. 1968) (citing Virgin Islands Code instituting a two-year limitation period for wrongful death actions).
[1077] *Santiago v. Virgin Islands Hous. Auth.*, 57 V.I. 256, 273 (V.I. 2012); *Joseph v. Hess Oil*, 867 F.2d 179, 182 (3d Cir. 1989).
[1078] V.I. CODE ANN. tit. 5 § 3541(b), (c).
[1079] V.I. CODE ANN. tit. 5, § 3541(a)(1) (2002) (no SOL).
[1080] V.I. CODE ANN. tit. 5, §§ 3541(a)(2) (2002) (three-year SOL) & (a)(3) (2002) (one-year SOL).
[1081] *See* D.C. CODE ANN. § 2-402; *District of Columbia v. Chinn*, 839 A.2d 701, 702–3 (D.C. 2003) (noting that D.C. may be held vicariously liable for negligence by its officers acting within the scope of employment); *Wade v. District of Columbia*, 310 A.2d 857, 863 (D.C. 1973) (concluding that D.C. "may be sued under the common law doctrine of *respondeat superior* for the intentional torts of its employees acting within the scope of their employment.").
[1082] D.C. CODE ANN. §12-309(a). *See also R. v. District of Columbia*, 370 F.Supp.2d 267 (D. D.C. 2005) (holding that a police report detailing sexual assault of minor at a camp owned and operated by D.C. satisfied the notice requirement).
[1083] *Butera v. District of Columbia*, 235 F.3d 637 (D.C. Cir. 2001) (concluding that D.C., as a municipal corporation, is immune from punitive damages under section 1983).
[1084] *President and Directors of Georgetown Coll v. Hughes*, 130 F.2d 810, 811 (D. D.C. 1942).
[1085]*Cevenini v. Archbishop of Wash.*, 707 A.2d 768 (D.C. 1998) (explaining that appellants only asserted that the Archdiocese failed to disclose information to them and that Archdiocese's policy of transferring an abusive priest from one parish to another operated to conceal prior allegations of abuse rather than alleging affirmative acts of concealment by the Archdioceses; the court suggests that had appellants requested information about the priests background from the Archdiocese and been refused access to it, that their decision might be different); *Estate of Chappelle v. Sanders*, 442 A.2d. 157, 158 (D.C. 1982) (citations omitted) (explaining that the running of the SOL is tolled when a defendant engages in affirmative acts to fraudulently conceal either the existence of plaintiff's claim or the facts forming the basis of plaintiff's cause of action). *See also Doe v. Kipp DC Supporting Corp*., 373 F.Supp.3d 1 (D. D.C. 2019) (holding that the lulling doctrine did not apply to toll the SOL governing former students claims against teacher, school principal, and schools for assault and battery, arising out of teacher's sexual abuse of student while student was minor, absent any allegation that defendants did anything that would tend to lull student into inaction in pursuing claim).
[1086] D.C. CODE ANN. §§ 12-301 (2002) (SOL), 12-302 (2002) (majority tolling).
[1087] D.C. CODE ANN. §§ 12-301 (2009) (SOL), 12-302 (2009) (majority tolling).
[1088] D.C. CODE § 12-301 (2018) (SOL); 2018 D.C. Sess. L. Serv. 22-311 (Act 22-593).
[1089] D.C. CODE §§ 12-301 (2019) (revival window); 2018 D.C. Sess. L. Serv. 22-311 (Act 22-593).
[1090] *Farris v. Compton*, 652 A.2d 49, 49 (D.C. 1994) (recognizing the discovery rule).
[1091] *Id. See Kipp DC Supporting Corp., supra* note 1079, at 10–11.
[1092] *Cevenini*, *supra* note 1079, at 771 (holding that "if the date of accrual was more than three years before they filed their respective complaints, then the Archbishop is 'entitled to a judgment as a matter of law'").
[1093] D.C. CODE ANN. § 12-301(11) (2009). *See also Kipp DC Supporting Corp., supra* note 1079, at 10.
[1094] D.C. CODE ANN. § 12-301(11) (2021).
[1095] *Id.*; *Kipp DC Supporting Corp., supra* note 1079, at 10–11.

[1096] D.C. CODE ANN. § 23-113.
[1097] D.C. CODE ANN. § 23-113 (2002) (SOL).
[1098] D.C. CODE ANN. § 23-113 (2019) (SOL).
[1099] 20 U.S.C. § 1681 (sex); *Bougher v. University of Pittsburgh*, 882 F.2d 74, 77 (3d Cir. 1989) (determining that "[w]e therefore must 'borrow' the state SOLs in the cause of action most similar to the plaintiff's Title IX claim").
[1100] *See* 28 U.S.C.A. § 1346; *Doe v. United States*, 381 F.Supp.3d 573 (M.D. N.C. 2019) (holding that certain claims against military elementary school officials for CSA were barred by the intentional tort exception to the Federal Tort Claims Act, while other claims were barred because there was no analogous duty established in North Carolina state law; however, allegation of failure to report, which violated the child abuse reporting statute, could support a Federal Tort Claims Act claim because of North Carolina's analogous state law requiring school principals to report abuse to law enforcement).
[1101] 28 U.S.C.A. § 2401. *See Brown v. United States*, 353 F.2d 578, 579–80 (9th Cir. 1965) (noting that "minority does not toll the limitations period prescribed in the Federal Tort Claims Act."); *Booth v. United States*, 914 F.3d 1199, 1207 (9th Cir. 2019) (concluding that "minority alone does not merit equitable tolling of the FTCA's SOLs.").
[1102] *See, e.g.*, *Rotella v. Wood*, 528 U.S. 549, 560–61 (2000) (concluding, "[i]n rejecting pattern discovery as a basic rule, we do not unsettle the understanding that federal statutes of limitations are generally subject to equitable principles of tolling . . . ." (internal citation omitted)); *Klehr v. A.O. Smith*, 521 U.S. 179, 194 (1997) (discussing collection of cases); *Evans v. Ariz. Cardinals Football Club*, LLC, 761 F. App'x 701, 703–04 (9th Cir. 2019) (noting, "[t]o establish equitable tolling, a plaintiff must plead with particularity that the defendant actively misled her, and that she had neither actual nor constructive knowledge of the facts constituting her [ ] claim despite her due diligence in trying to uncover those facts.") (citing *Grimmett v. Brown*, 75 F.3d 506, 514 (9th Cir. 1996)); *Crowe v. Servin*, 723 F. App'x 595, 597 (10th Cir. 2018) (holding the district court did not "abuse its discretion in refusing to equitably toll the SOLs[,]" but noting that "[a] litigant seeking equitable tolling must show '(1) that [s]he has been pursuing [her] rights diligently, and (2) that some extraordinary circumstances stood in [her] way.'") (quoting *Barnes v. United States*, 776 F.3d 1134, 1150 (10th Cir. 2015)); *Forbes v. Eagleson*, 228 F.3d 471, 486–87 (3d Cir. 2000) (holding that "plaintiff has the burden of proving fraudulent concealment. . . . The plaintiff must show active misleading by the defendant . . . and must further show that he exercised reasonable diligence in attempting to uncover the relevant facts.") (internal citations omitted); *J. Geils Band Emp. Benefit Plan v. Smith Barney Shearson, Inc*., 76 F.3d 1245, 1252–55 (1st Cir. 1996); *Supermarket of Marlinton, Inc. v. Meadow Gold Dairies, Inc.*, 71 F.3d 119, 122 (4th Cir. 1995) (comparing the "affirmative acts[,]" "self-concealing[,]" and "separate and apart" standards for establishing fraudulent concealment). *See also Gilley v. Dunaway*, 572 F. App'x 303, 306, 309 (6th Cir. 2004) (recognizing equitable tolling applies if school "failed to report numerous incidents of sexual abuse," "concealed secret files," and "failed to inform students . . . of any of these facts"); *Magnum v. Archdiocese of Philadelphia*, No. 06-CV-2589, 2006 WL 3359642, at *12 (E.D. Pa. Nov. 17, 2006), *aff'd*, 253 F. App'x 224 (3d Cir. 2007); *Redwing v. Catholic Bishop for Diocese of Memphis*, 363 S.W.3d 436, 465 (Tenn. 2012) (finding equitable tolling plausible where complaint alleges plaintiff was "misled by the Diocese with regard to the Diocese's knowledge of [priest's] history and propensity for committing sexual abuse").
[1103] 18 U.S.C. § 2255 (1986) (civil remedy).
[1104] 18 U.S.C. § 2255 (1998) (civil remedy).
[1105] 18 U.S.C. § 2255 (2006) (civil remedy). *See also* James Marsh, *Masha's Law: A Federal Civil Remedy for Child Pornography Victims*, 61 SYRACUSE L. REV. 459 (2011).
[1106] 18 U.S.C. § 2255 (2013) (civil remedy).
[1107] 18 U.S.C. § 2255 (2018) (civil remedy).
[1108] *Stephens v. Clash*, 796 F.3d 281, 284–88 (3d Cir. 2015) (stating, "[g]iven that Congress intended § 2255 to create a remedy for [victims of child pornography], the structure and text of § 2255 supports recognition of the discovery rule for § 2255 claims," but that "plaintiff's ignorance regarding the full extent of his injury is irrelevant to the discovery rule's application, so long as the plaintiff discovers or should have discovered that he was injured."). District Courts in other Circuits have also discussed this issue. Second Circuit: *Singleton v. Clash*, 951 F.Supp.2d 578, 586–87 (S.D.N.Y. 2013) (concluding that Congress's inclusion of a three-year disability tolling exception, "combined with Congress's failure to adopt a discovery rule in the face of statutes with explicit discovery rules and state sexual abuse statutes providing for application of a discovery rule, indicate that Congress did not provide for a discovery rule under Section 2255, and none should be implied."); Seventh Circuit: *Purvis v. Indiana Dept. of Child Servs.*, No. 1:15-cv-00563, 2017 WL 2172095, at *3 (S.D. Ind. May 17, 2017) (declining to apply federal discovery rule to section 2255

claim, rejecting plaintiff 's repressed memory argument); Eleventh Circuit: *Amy v. Anderson*, No. 5:16-CV-212, 2017 WL 1098823, at *7–*8 (M.D. Ga. Mar. 23, 2017) (concluding that the federal discovery rule applies to section 2255 claims because it is a "much broader effort by Congress to impose stiff penalties and sanctions on child pornographers," and "the effect of child sex exploitation on minors is the motivating force behind Congress's broad-based and systematic effort to bring the industry to its knees.").

[1109] *Amy v. Anderson, supra* note 1102.

[1110] 18 U.S.C.A. § 3290. *See also Wallace v. Hunter*, 149 F.2d 59 (10th Cir. 1945); *Forthoffer v. Swope*, 103 F.2d 707 (9th Cir. 1939); *U.S. ex rel. Demarois v. Farrell*, 87 F.2d 957 (8th Cir. 1937) (defining a fugitive, in part, as one who departs his usual place of abode and conceals himself within the district), *motion denied*, 302 U.S. 683 (1937), *reh'g denied* 302 U.S. 775 (1937); *McGowen v. U.S.*, 105 F.2d 791 (D.C. Cir. 1939) (articulating that to be a "fugitive from justice" it is not necessary that the accused should have left the jurisdiction in which the crime was allegedly committed) *cert. denied* 308 U.S. 552 (1939); *U.S. v. Dooley*, 11 F.2d 428 (E.D. N.Y. 1926); *U.S. v. Greene*, 146 F. 803, 889 (S.D. Ga. 1906), *aff'd* 154 F. 401 (1907), *cert. denied* 207 U.S. 596 (1907); *U.S. v. O'Brian*, 27 F.Cas. 212 (C.C.D. Kan. 1873) (No. 15,908) (requiring a leaving of one's home, residence, or place of abode within the district, or a concealing of oneself therein, to avoid detection or punishment for some offense against the United States, to constitute a "fleeing from justice."); *U.S. v. White*,689 A.2d 535 (D.C. 1997).

[1111] 18 U.S.C. § 3283 (ten-year SOL).

[1112] *Id.* (no SOL during life of child).

[1113] 18 U.S.C. § 3299 (no SOL).

[1115] *Stephens v. Clash*, 796 F.3d 281, 284–88 (3d Cir. 2015) (stating, "[g]iven that Congress intended § 2255 to create a remedy for [victims of child pornography], the structure and text of § 2255 supports recognition of the discovery rule for § 2255 claims," but that "plaintiff's ignorance regarding the full extent of his injury is irrelevant to the discovery rule's application, so long as the plaintiff discovers or should have discovered that he was injured."). District Courts in other Circuits also discussed this issue. Second Circuit: *Singleton v. Clash*, 951 F.Supp.2d 578, 586–87 (S.D.N.Y. 2013) (concluding that Congress's inclusion of a three-year disability tolling exception, "combined with Congress's failure to adopt a discovery rule in the face of statutes with explicit discovery rules and state sexual abuse statutes providing for application of a discovery rule, indicate that Congress did not provide for a discovery rule under Section 2255, and none should be implied."); Seventh Circuit: *Purvis v. Indiana Dept. of Child Servs.*, No. 1:15-cv-00563, 2017 WL 2172095, at *3 (S.D. Ind. May 17, 2017) (declining to apply federal discovery rule to section 2255 claim, rejecting plaintiff 's repressed memory argument); Eleventh Circuit: *Amy v. Anderson*, No. 5:16-CV-212, 2017 WL 1098823, at *7–*8 (M.D. Ga. Mar. 23, 2017) (concluding that the federal discovery rule applies to section 2255 claims because it is a "much broader effort by Congress to impose stiff penalties and sanctions on child pornographers," and "the effect of child sex exploitation on minors is the motivating force behind Congress's broad-based and systematic effort to bring the industry to its knees.").

[1116] *Id*.

[1117] *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting) (stating that a "state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.").

[1118] *See Child USA 2021 SOL Tracker* for full SOL legislative activity this year at https://www.childusa.org/2021sol. For previous years, *see Child USA 2020 SOL Tracker*, available at https://www.childusa.org/2020sol; *Child USA 2019 SOL Tracker*, available at https://www.childusa.org/2019sol; *Child USA 2018 SOL Tracker*, available at https://www.childusa.org/2018sol.

[1119] *See Child USA 2021 SOL Tracker* for full SOL legislative activity this year at https://www.childusa.org/2021sol.

[1120] States and Territories that eliminated at least some criminal SOLs for felonies, and/or misdemeanors since 2002: AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, MA, MI, MN, MO, MS, MT, NE, NY, OR, TN, TX, UT, VT, WA, WI, and American Samoa, DC, Guam, NMI, PR and the Federal Government.

[1121] States that have extended at least some criminal SOLs:
AK, AR, CA, FL, HI, IL, IA, IN, KS, KY, LA, ME, MN, MO, MT, NC, NE, NV, NH, NY, ND, OH, OK, OR, PA, TN, TX, UT, VT, VA, WA, WI.

[1122] Twenty-two states that both extended and eliminated criminal SOLs:
AK, AR, CA, FL, HI, IA, IL, IN, KS, MN, MO, MT, NE, NY, OR, PA TN, TX, UT, VT, WA, WI.

[1123] Six states that have not yet eliminated criminal SOLs: NV, NH, ND, OH, OK, OR.

[1124] States and Territories that eliminated at least some civil SOLs: AK, AZ, CO, CT, DE, FL, IL, LA, ME, MN, NE, NV, NH, UT, VT, and Guam and NMI.
[1125] States that extended civil SOLs: AL, AK, AR, AZ, CA, CT, FL, GA, HI, IA, ID, IL, IN, KY, MD, MA, MI, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, TN, TX, UT, VA, WV, WI, and D.C.
[1126] States that extended and eliminated some civil SOLs: AK, AZ, CT, FL, IL, NE, NV, NH, UT.
[1127] States and Territories that revived civil SOLs: AZ, AR, CA, CO, CT, DE, GA, HI, KY, LA, ME, MA, MI, MN, MT, NV, NJ, NY, NC, OR, RI, UT, VT, WV, and D.C., Guam, NMI. Note Utah's revival window was invalidated.
[1128] The five states that did not make changes to their **criminal** SOLS after 2002: MD, NJ, SC, WV, WY.
[1129] The four states that did not make changes to their **civil** SOLS after 2002: KS, MS, WA, WY.
[1130] State SOL amendments for each year included in these pace-of-change graphs are limited to the following types of SOL reform: criminal elimination, criminal age extension, civil elimination, civil age extension, civil discovery rule extension and civil revival law/window. DNA/evidence provisions and very minor changes have been excluded.
[1131] MINN. STAT. § 541.073.
[1132] *See* FLA. STAT. ANN. § 95.11; 1992 Fla. Sess. Law Serv. Ch. 92-102 (CSSB 1018); MO. REV. STAT. § 537.046; 1990 Mo. Legis. Serv. H.B. 1370, 1037 & 1084; VA. CODE ANN. § 8.01-249; 1991 Va. Legis. Serv. Ch. 674 (H.B. 1287).
[1133] *Mitchell v. Roberts*, 469 P.3d 901 (Utah 2020), *reh'g denied* (July 13, 2020).
[1134] This list does not include revival via delayed discovery rule or criminal conviction revival provisions.
[1135] ARIZ. REV. STAT. ANN. § 12-514; "ARIZONA CHILD PROTECTION ACT," H.B. 2466, 54th Leg., 1st Reg. Sess. (Ariz. 2019).
[1136] ARK. CODE ANN. § 16-118-118. "JUSTICE FOR VULNERABLE VICTIMS OF SEXUAL ABUSE ACT," S.B. 676, 93rd Gen. Assemb., Reg. Sess. (Ark. 2021).
[1137] CAL. CIV. PROC. CODE § 340.1 (2020); "CHILD VICTIMS ACT," 2019 Cal. Legis. Serv. Ch. 861 (A.B. 218).
[1138] CAL. CIV. PROC. CODE § 340.1 (2002); 2002 Cal. Legis. Serv. Ch. 149 (S.B. 1779).
[1139] "CHILD SEXUAL ABUSE ACCOUNTABILITY ACT," S.B. 21-088, 73rd Gen. Assemb., 1st Reg. Sess. (Colo. 2021) (effective, January 1, 2022).
[1140] CONN. GEN. STAT. § 52-577d; 2002 Conn. Legis. Serv. P.A. 02-138 (S.H.B. 5680).
[1141] DEL. CODE tit. 18, § 6856; 2010 Del. Laws Ch. 384 (H.B. 326).
[1142] DEL. CODE tit. 10, § 8145; "CHILD VICTIM'S ACT," 2007 Del. Laws Ch. 102 (S.B. 29).
[1143] GA. CODE ANN. § 9-3-33.1; "HIDDEN PREDATOR ACT," 2015 Ga. Laws Act 97 (H.B. 17).
[1144] 7 GUAM CODE ANN. §§ 11306, 11301.1(b); Pub. L. No. 33–187:2 (2016).
[1145] 7 GUAM CODE ANN. § 11306(2) (2011); Pub. L. No. 31-06 (2011).
[1146] HAW. REV. STAT. § 657-1.8; 2018 Haw. Sess. Laws 98 (S.B. 2719).
[1147] HAW. REV. STAT. § 657-1.8; 2014 Haw. Sess. Laws 112 (S.B. 2687).
[1148] HAW. REV. STAT. § 657-1.8; 2012 Haw. Sess. Laws 68 (S.B. 2588).
[1149] KY. REV. STAT. ANN. § 413.249; 2021 Ky Rev. Stat. & R. Serv. Ch. 89 (H.B. 472).
[1150] LA. STAT. ANN. § 9:2800.9; 2021 La. Sess. Law Serv. Act 322 (H.B. 492).
[1151] ME. STAT. tit. 14 § 752-C; 2021 Me. Legis. Serv. Ch. 301 (H.P. 432) (L.D. 589).
[1152] MASS. GEN. LAWS ch. 260, § 4C; "SEXUAL ABUSE OF MINORS," 2014 Mass. Legis. Serv. Ch. 145 (H.B. 4126).
[1153] MICH. COMP. LAWS § 600.5851b; 2018 Mich. Legis. Serv. P.A. 183 (S.B. 872).
[1154] MINN. STAT. ANN. § 541.073; 2013 Minn. Sess. Law Serv. Ch. 89 (H.F. 681).
[1155] MONT. CODE ANN. § 27-2-216; "TORT ACTIONS--CHILDHOOD SEXUAL ABUSE," 2019 Mont. Laws Ch. 367 (H.B. 640).
[1156] NEV. REV. STAT. ANN. §§ 11.215, 41.1396; 2021 Nev. Legis. Serv. Laws Ch. 288 (S.B. 203).
[1157] N.J. STAT. ANN. §§ 2A:14-2A & 2A:14-2B; 2019 N.J. Sess. Law Serv. Ch. 120 (S.B. 477).
[1158] N.Y.C. ADMIN. CODE § 10-1105; (Am. L.L. 2022/021, 1/9/2022, eff. 1/9/2022), available at https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCadmin/0-0-0-7248.
[1159] N.Y. C.P.L.R. § 214-g; "CHILD VICTIMS ACT," 2019 N.Y. Sess. Laws Ch. 11 (S. 2440); Executive Order No. 202.29 (2020); S.B. 7082, 2020 Leg., Reg. Sess. (N.Y. 2020).
[1160] *Id.*
[1161] N.C. GEN. STAT. ANN. § 1-17; 2019 N.C. Legis. Serv. 2019-245 (S.B. 199).
[1162] 2021 N. Mar. I. Pub. L. 22-12 (H.B. 22-2).
[1163] OR. REV. STAT. ANN. § 12.117; "CHILD ABUSE," 2009 Or. Legis. Serv. 879 (H.B. 2827).

[1164] R.I. GEN. LAWS ANN. § 9-1-51; 2019 R.I. Pub Laws 19-83 (19-H 5171B).
[1165] UTAH CODE ANN. § 78B-2-308; 2016 Utah Laws Ch. 379 (H.B. 279).
[1166] VT. STAT. ANN. tit. 12, § 522; 2019 Vt. Legis. Serv. No. 37 (H. 330).
[1167] W. VA. CODE ANN. §55-2-15; 2020 W. Va. Legis. Serv. Ch. 2 (H.B. 4559).
[1168] D.C. CODE ANN. § 12-301; 2018 D.C. Sess. Law Serv. 22-311 (Act 22-593).
[1169] *Stogner*, *supra* note 25.