

Latest Updates on National and International Child Sex Abuse Statutes of Limitation Reform



Prof. Marci A. Hamilton

Founder & CEO
CHILD USA

Professor of Practice
Department of Political Science
University of Pennsylvania

Curriculum

I. National SOL Reform

A. The States

B. Federal

II. International SOL Reform

III. Q & A



A. The States



2002 - 2023 SOL Reform: Pace of Change Civil Child Sex Abuse Statute of Limitation (SOL) Laws

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May 2023



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April 2023

Window Report Card

Window laws open access to justice for adult survivors of child sex abuse whose civil claims already expired. Survivors can sue while the window is open.

A	Maine, Vermont, Guam, & N. Mariana Islands	Window permanently open for claims against <u>all</u> types of defendants
A-	Maryland	Window permanently open for claims against <u>all</u> types of defendants, but has exclusion for deceased victims and damage caps
B	Arkansas, California, Delaware, Hawaii, Louisiana, New Jersey, & New York	Window for 2 or more years for claims against <u>all</u> types of defendants
C	Arizona, Colorado, Kentucky, Minnesota, Montana, North Carolina, & Washington D.C.	Window, but not explicitly for claims against all types of defendants
D	Georgia, Michigan, Nevada, & Utah*	Window, but explicitly limited to claims against perpetrators only or for physician abuse only
F	Massachusetts, Pennsylvania, Rhode Island, & All Other States	No window, hidden predators are protected



 The Sean P. McInnis Statute of Limitations Research Institute

2023

Newly Introduced SOL Reform Bills for CSA in 37 States



19

**ELIMINATE
CRIMINAL SOL**

AK, FL, IA, IN, KS, ME, MA, MI, MO, MS, NJ, NM, NY, OH, OK, OR, RI, UT, WA

16

**EXTEND
CRIMINAL SOL**

AK, AR, IL, IN, MA, MN, MS, NV, NJ, NY, OK, OR, RI, SD, TX, WA

26

**ELIMINATE CIVIL
SOL**

AR, CA, CT, HI, IA, IL, KS, KY, ME, MA, MD, MN, MO, MS, MT, NE, NJ, NM, NY, PA, RI, TN, TX, UT, WA, Fed

15

**EXTEND CIVIL
SOL**

AL, CA, HI, IA, KS, MA, MI, MO, NE, NY, ND, OH, OK, OR, SC

21

**WINDOW/OTHER
REVIVAL LAW**

AL, AR, CA, IA, IN, KS, MD, MA, MI, MN, MO, NM, NY, ND, OH, PA, RI, SC, TX, UT, WA

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2023

SOL Reform Laws for CSA *Going into Effect in 2023*

1

Eliminates Civil SOL & Opens 2-year Window

Arkansas SB204

Eliminates the civil SOL for sexual abuse of minors and adults with disabilities and opens a 2-year revival window. Signed into Law on April 11, 2023.



2023

SOL Reform Laws for CSA *Going into Effect* in 2023

2 Adds a crime

Arkansas SB 270

Adds the crime of misdemeanor sexual indecency with a child and sets the SOL at 1 year from the offense. Signed into Law on April 11, 2023.



2023

SOL Reform Laws for CSA *Going into Effect in 2023*

3

Extends Criminal SOL

Indiana SB48

Extends the criminal SOL for expired sex offenses against children by 5 years after discovery of DNA, recording, or confession evidence. Signed into law on April 5, 2023.



2023

SOL Reform Laws for CSA *Going into Effect in 2023*

4 Eliminates Criminal & Extends/Revives Civil SOL

Kansas SB317 & S. Sub. For HB2127

Eliminates the criminal SOL for CSA, trafficking, and CSAM crimes. Extends the civil SOL for CSA and CSAM to age 31 or 3 years after criminal conviction, and revives claims until age 31 or 3 years after criminal conviction. Also lifts sovereign immunity, the \$500k damages cap, and notice of claim requirements for CSA actions against the government. Signed into law on April 14, 2023.



2023

SOL Reform Laws for CSA *Going into Effect* in 2023

5

Eliminates Civil SOL
& Opens Perm.
Revival Window

Maryland HB1 & SB686

Eliminates the civil SOL for sexual abuse of a minor and opens a permanent revival window with damage caps of \$1.5 million for expired claims. Signed into law on April 11, 2023.



2023

SOL Reform Laws for CSA *Going into Effect* in 2023

6

Extends Criminal SOL

Mississippi SB2337

Extends the criminal SOL for conspiracy to commit CSA crimes to the SOL for the underlying crime. Signed into law on March 14, 2023.



2023

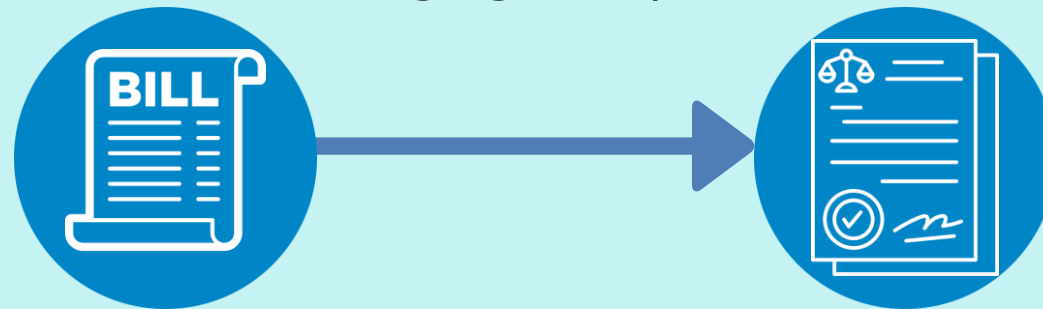
SOL Reform Laws for CSA *Going into Effect in 2023*

7

Extends Civil SOL

North Dakota SB 2282

Extends the civil SOL for CSA for minors abused while under age 15 to age 36, and for minors abused at age 15 or older to 21 years after the abuse. Also makes the SOL applicable to state entities and exempts CSA claims from the notice of claims requirement. Prior version would have opened a 2-year revival window for CSA and ASA, including against public schools. Signed into law on April 12, 2023.



2023

SOL Reform Laws for CSA *Going into Effect in 2023*

8

EXTEND
CRIMINAL
SOL

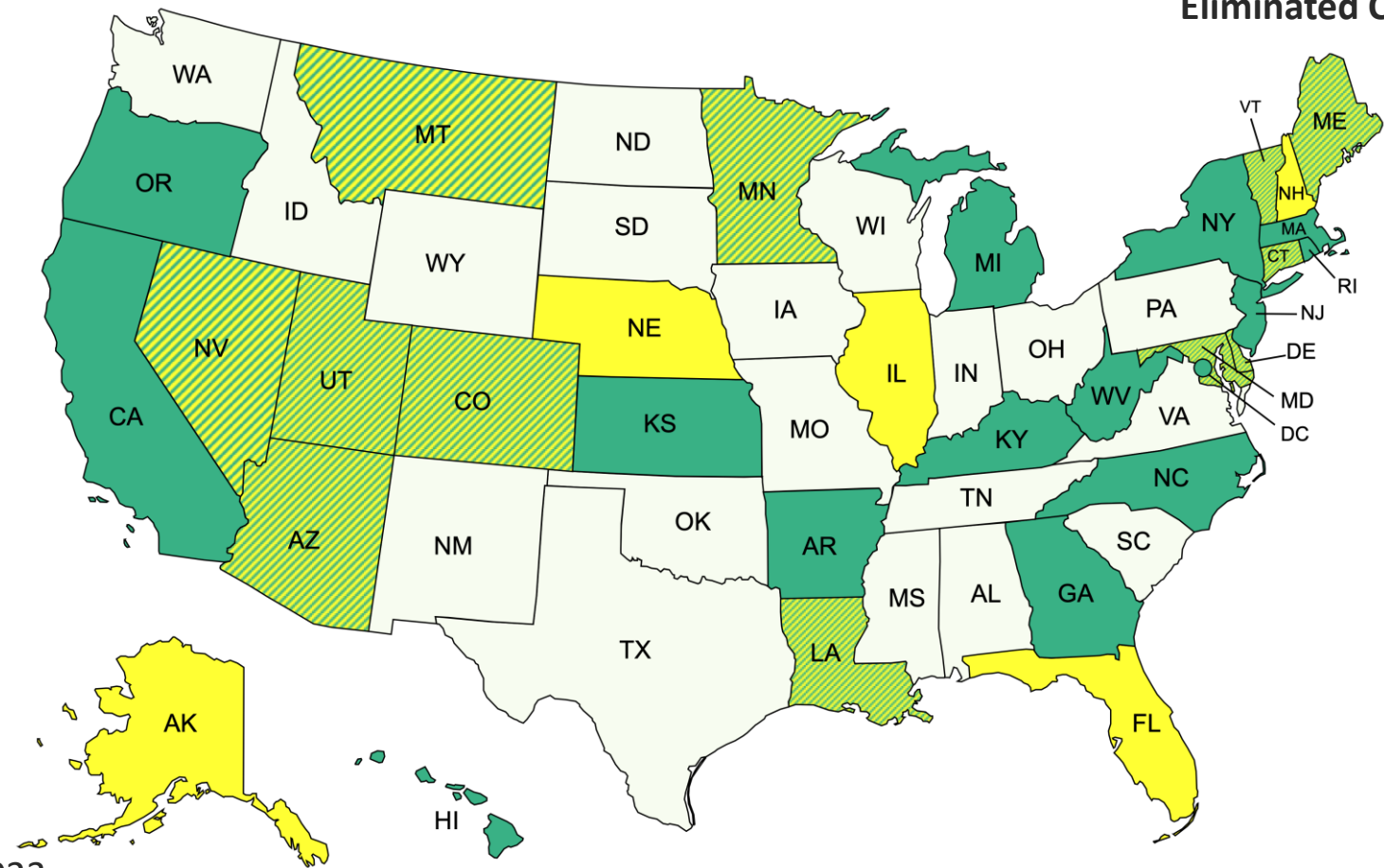
South Dakota SB91

Broadens the crime of rape to include rape without consent and rape of a victim at least 13 but under age 16 by a perpetrator at least 3 years older than the victim, and extends the SOL to the later of age 25 or 7 years from the offense. Signed into Law on March 20, 2023.



Since 2002: Civil CSA Laws in the United States

- Eliminated Civil SOL
- Implemented Revival Legislation
- Implemented Revival Legislation & Eliminated Civil SOL



THE BEST U.S. CHILD SEX ABUSE STATUTES OF LIMITATION BY JURISDICTION

50

U.S. Jurisdictions

NO CRIMINAL SOL FOR SOME OR ALL CSA CRIMES

44 States, 5 Territories, and the Federal Government eliminated criminal SOLs
No SOL in all *except* NV, NH, ND, OH, OK, OR & Puerto Rico

20

U.S. Jurisdictions

NO CIVIL SOL FOR SOME OR ALL CSA CLAIMS

17 States, 2 Territories, and the Federal Government eliminated civil SOLs
No SOL in AR, AK, AZ, CO, CT, DE, FL, IL, LA, ME, MD, MN, NE, NV, NH, UT, VT, Fed , NMI, & Guam

29

U.S. Jurisdictions

REVIVAL OR WINDOW LAW FOR EXPIRED CIVIL CLAIMS

26 States and 3 Territories revived claims: AZ, AR, CA, CO, CT, DE, GA, HI, KS, KY, LA, ME, MD, MA, MI, MN, MT, NV, NJ, NY, NC, OR, RI, UT*, VT, WV, DC, NMI, & Guam

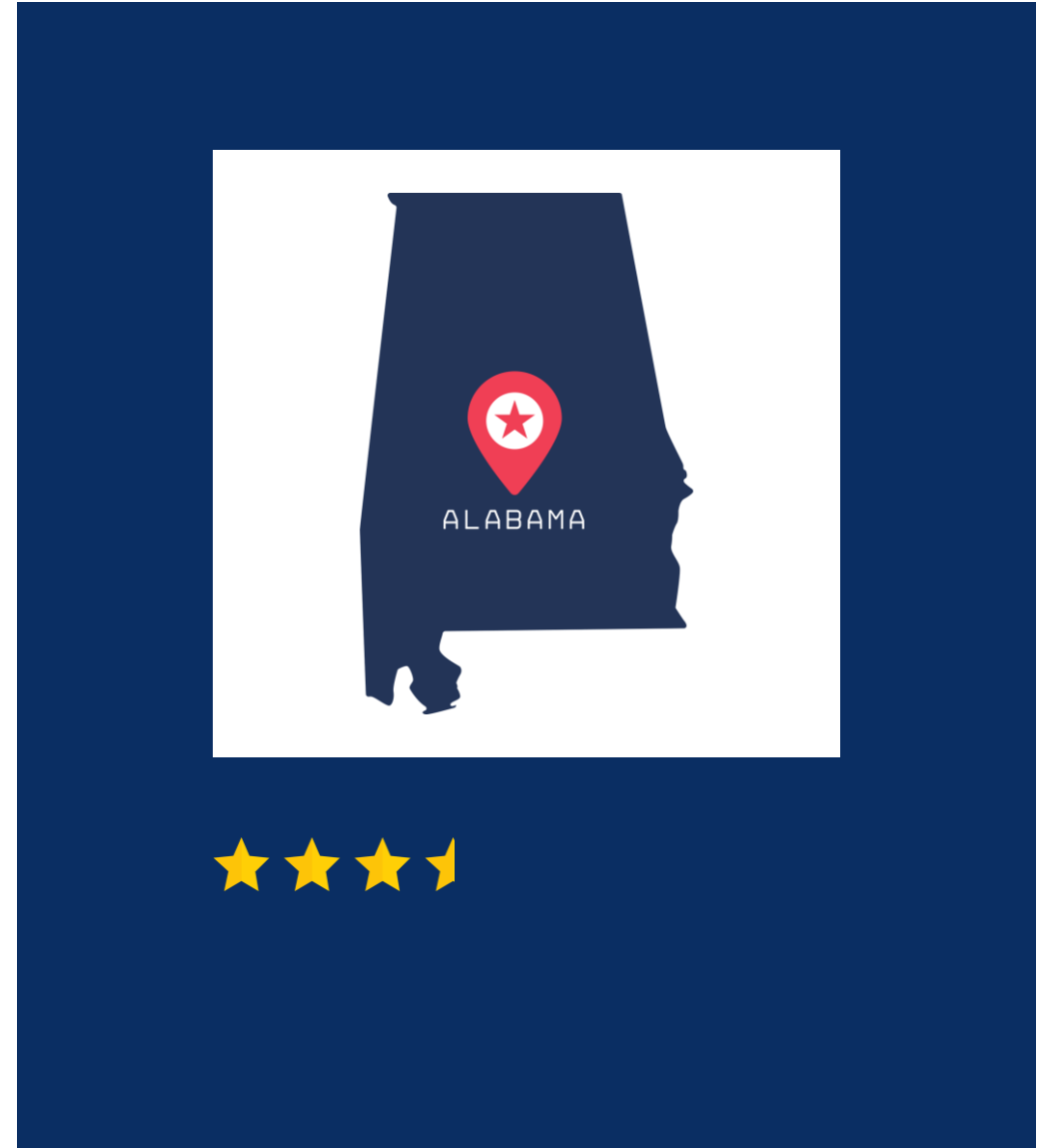
2023 Activity!

ALABAMA

SB 127 pending

Introduced by Senator Merika Coleman

Would extend and revive the civil SOL for all sex offenses against a person under 19 years of age up to age 55 (age 19, plus 36 years) and open a 2-year revival window for all expired claims, including for those age 55 and older.



KANSAS

HB 2169 and SB 95 pending

Introduced by Representative Schreiber
and Senator Holscher

Would eliminate the criminal and civil SOL
for child sexual abuse felonies and open a
permanent revival window for all claims for
abuse occurring on or after July 1, 1984



MAINE

LD 1312 pending

Introduced by Senator Donna Bailey

Would remove charitable immunity from liability for civil claims of sexual assault or exploitation of a minor.

Last Action: Hearing in the Joint Judiciary Comm., May 4, 2023.



MARYLAND

HB 1 and SB 686

Signed by Gov. Wes Moore on April 11, 2023

1. Permanent window
2. Prospective elimination
3. Non-economic caps: \$1.5 million per occurrence
4. State entity cap: \$850K per occurrence
5. Goes into effect Oct. 1, 2023
6. First case will test constitutionality



MICHIGAN

HB 4482, HB 4484, & HB 4485 pending

Sponsored by Reps: Julie Brixie, Noah Arbit, & Reggie Miller

1. Civil SOL extension: for CSA and ASA to age 52, 10 years from accrual, or 7 years after discovery
2. 2-Year Window: for CSA and ASA
3. Amend TCA: remove 1-year notice of claim and 3-year SOL for claims against the State
4. Criminal SOL elimination for 2nd and 3rd degree criminal sexual conduct



MASSACHUSETTS

SB 1038 and HB 1614 pending

Sponsored by Sen. Joan Lovely and
Rep. John Lawn

Would eliminate the civil SOL for child sex
abuse and open a permanent revival window
for all expired claims against all types of
defendants.



NEW YORK

1. CVA
2. Adult Survivors Act
(Nov. 24, 2022-Nov. 23, 2023)
3. NYC window
(Mar. 1, 2023- Mar. 1, 2025)
4. Permanent window introduced



PENNSYLVANIA

SB 1, SB 578, HB 1, HB 2 pending

Sponsored by Sen. Laughlin, Sen. Muth,
Rep. Gregory, Rep. Rozzi, and Rep. Nelson

- Constitutional amendment for 2-year CSA window, grouped with 2 other amendments (SB 1)
- Statutory 2-year window and civil SOL elimination for CSA and ASA (SB 578)
- Constitutional amendment for 2-year CSA window (HB 1)
- Statutory 2-year CSA window (HB 2)



RHODE ISLAND

H 5510 & S 817 pending

Sponsored by Rep. McEntee and Sen. DiMario

Would eliminate the civil SOL for childhood sexual abuse and open a permanent revival window for all expired claims against all defendants.



TEXAS

HB 206 & SB 751 pending

Introduced by Rep. Ann Johnson and
Senator Pete Flores

Would eliminate the civil SOL for child sex
abuse and trafficking and open a
permanent revival window for expired
claims.



Will likely be a multi-year effort:
lawmakers are trying to weaken
the bill

WASHINGTON

HB 1618 pending

Sponsored by Rep. Darya Farivar

Would eliminate the civil SOL for child sex abuse and open a permanent revival window for expired claims.

Passed in House, Mar. 2, 2023; Passed out of S. Law & Justice Comm. Mar. 22, 2023

Last Action: Hearing in the S. Ways & Means Comm., Mar. 30, 2023; Exec. Session scheduled, but no action taken April 4, 2023





I. National SOL Reform

Federal SOL Bill Became Law in 2022

S 3103, Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022

- Eliminated Federal Civil SOL for sex offenses against minors, including child sex abuse, sex trafficking, online exploitation, and child sexual abuse material under 18 U.S.C. § 2255
- Signed into law by President Biden, September 2022
- Sponsors: Senator. Marsha Blackburn (R., TN) and Senator Dick Durbin (D., IL),

Pending Federal SOL Bill

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Child Abuse Protection and Treatment Act to incentivize States to eliminate civil and criminal statutes of limitations and revive time-barred civil claims for child abuse cases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. WEXTON introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Child Abuse Protection and Treatment Act to incentivize States to eliminate civil and criminal statutes of limitations and revive time-barred civil claims for child abuse cases, and for other purposes.

HR, Statutes of Limitation for Child Sexual Abuse Reform Act

- Would incentivize states to eliminate criminal and civil SOLs for child sexual abuse and revive time-barred civil claims.
- Introduced 04/26/2023
- Sponsors: Reps. Jennifer Wexton (D-VA) & Maria Elvira Salazar (R-FL)

Pending CSAM Federal Bill

118TH CONGRESS
1ST SESSION

H. R. 2732

To protect victims of online child sexual abuse, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2023

Mrs. WAGNER (for herself, Ms. GARCIA of Texas, Mr. OWENS, Ms. JACKSON LEE, Mr. VALADAO, Mr. MOORE of Utah, Mr. DONALDS, Mr. SMITH of Missouri, and Mr. CALVERT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect victims of online child sexual abuse, and for other purposes.

HR 2732, EARN IT Act of 2023

- Would remove Section 230 immunity for internet providers if they violate state or federal CSAM laws and permit civil claims against providers with no SOL.
- Introduced 04/19/2023
- Sponsor: Rep. Ann Wagner (R-MO)

Pending CSAM Federal Bill

S. 1199, STOP CSAM Act of 2023

118TH CONGRESS
1ST SESSION

S. 1199

To combat the sexual exploitation of children by supporting victims and promoting accountability and transparency by the tech industry.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2023

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To combat the sexual exploitation of children by supporting victims and promoting accountability and transparency by the tech industry.

- Would remove section 230 immunity for online platforms and app stores for sexual abuse or exploitation of children by intentionally, knowingly, recklessly, or negligently promoting or facilitating online child sexual exploitation, and permit civil claims with no SOL.
- Introduced 04/19/2023
- Sponsor: Sen. Richard Durbin (D-IL)

Recommended Reforms to Federal Bankruptcy, Chapter 11, to Create Child Sex Abuse-Specific Procedures

Protecting Child Sex Abuse Victims in Chapter 11 Proceedings

RECOMMENDATION 1: Require consent for non-debtor releases in Chapter 11 proceedings involving CSA through the Creditors' Committee(s), and codify standards for courts in granting non-debtor releases

RECOMMENDATION 2: Exempt child sex abuse cases from the automatic stay requirement to expand the scope of discovery in Chapter 11 proceedings

RECOMMENDATION 3: Require an opportunity for public victim impact statements prior to the confirmation of a reorganization plan

RECOMMENDATION 4: No court order shall seal any evidence of crimes against children. Simple changes to 11 U.S. Code § 107, Bankruptcy Rule 9018, and FRCP Rule 26(c) will protect children, alert the public and allow prosecutable crimes against children to be exposed to the public and law enforcement.



THE FUTURE

SOL Reform is an incremental process
trending toward a zero-tolerance position on
CSA through complete civil and criminal elimination
and permanent window legislation.



II. International SOL Reform



Building the Global Dashboard for SOL Reform

Co-Chairs: Professor Marci A. Hamilton, CHILD Global
Dr. Miguel Angel Hurtado Calvo, Brave Movement

Global Task Force to Abolish Statutes of Limitation

Co-Chairs

Prof. Marci Hamilton, CEO & Founder, CHILD USA

Miguel Hurtado, Survivor and leader of Survivor Advocates Globally Empowered (SAGE), Spain

Charter Members:

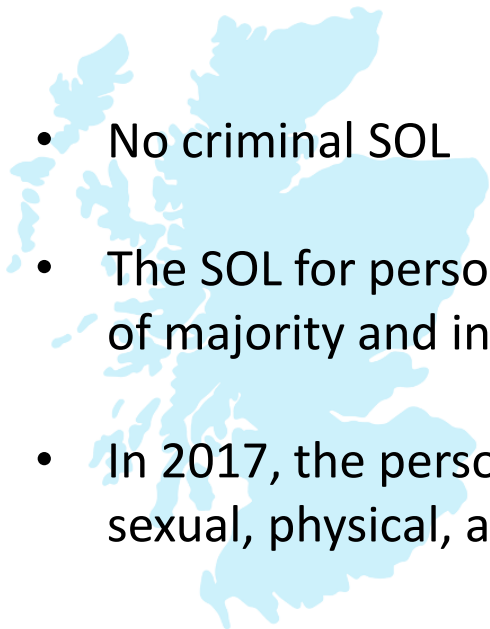
- **Brisa de Angulo, Esq.**, CEO & Founder, A Breeze of Hope, Bolivia
- **Anne Barrett Doyle**, Co-Director, BishopAccountability.org
- **Matthew McVarish**, Actor, Scotland
- **Vinka Jackson**, Psychologist, Chile
- **Jennifer Freeman**, Senior Counsel, Marsh Law Firm, U.S.
- **Dr. Ann Olivarius**, Chair of the Executive Committee, McAllister Olivarius, U.K.
- **Elyse Stolpe**, Assistant Commonwealth's Attorney, City of Waynesboro, U.S.

Argentina

- Senator Sigrid Kunath introduced the first Argentinian legislation reforming SOL for CSA
 - New law passed in 2015
 - SOL of 15 years, tolled when reported to law enforcement and when the victim reaches age 18
- Efforts to eliminate the SOL are ongoing



Scotland



- No criminal SOL
- The SOL for personal injury claims is 3 years from when the offense occurred, which tolls at the age of majority and includes a discovery rule
- In 2017, the personal injury SOL was amended to exclude claims related to child abuse, including sexual, physical, and emotional abuse, and neglect
- This law applies retroactively, which means there is no civil or criminal SOL for CSA

Chile

- Chile prospectively eliminated the civil and criminal SOLs in July 2019 for rape, sexual abuse, production of pornographic materials, and prostitution involving children and adolescents
 - Victims can sue individuals or institutions that covered up sex abuse crimes
 - It does not apply retroactively, *but a window may be possible under a new Constitution.*
- Ongoing efforts to eliminate SOL for adult victims
- Current government does not support SOL Reform and may repeal aspects



Spain

- Spain approved the Rhodes Law, its first child violence protection law, in May 2021, voting 297-52
- The Rhodes Law extends the criminal SOL for prosecuting physical or sexual abuse of children by 17 years to age 40-55, depending on the crime
- Creates a special court for cases involving violence against children
- Provides that children under age 14 only need to testify once, in order to avoid re-traumatization
- 2023: Proposals include civil and criminal SOL reform



Here is what you need to stay up to date on SOL reform



2023 SOL Tracker- Updated weekly



Annual SOL Reform Report: History in the States, Federal Government, and Territories Since 2002

- 2022 Report Coming in June
- If you need pre-2002 SOLs, reach out to info@childusa.org



Global SOL Reform Task Force

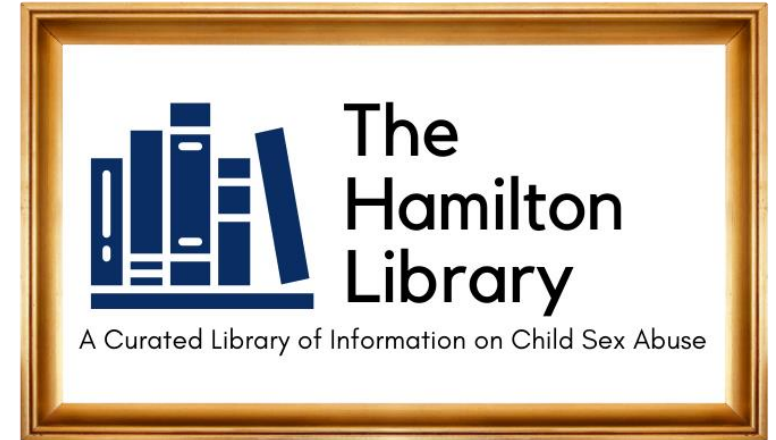
Q & A



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Visit our website for the most up-to-date information on the movement for children's rights, including SOL reform, vaccine avoidance, and educational neglect, and the Hamilton Library on child sex abuse.

For more information: info@childusa.org



 Scan to visit the
Hamilton Library