

CARDOZO LAW

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

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February 2, 2015

Hon. Vice-Chairman Barry Fleming
Judiciary Committee
Georgia House of Representatives
18 Capitol Square
401-H Coverdell Legislative Office Building
Atlanta, GA 30334

RE: The Hidden Predator Act, H.B. 17; Hearing: February 2, 3:00PM

Dear Vice-Chairman Fleming and Honorable Members of the Committee:

I commend the Committee for taking up The Hidden Predator Act, H.B. 17, which would extend the civil statute of limitations from age 23 to age 53 and revive for a period of two (2) years all other actions for which the statute of limitations (“SOL”) had previously lapsed. Statute of limitations reform is the one tried and true means that will identify the many hidden child predators who are grooming children in Georgia right now and will shift the cost of abuse from the victims to those who caused it.

This bill is a sunshine law for children. There is an epidemic of child sex abuse around the world: at least one in four girls is sexually abused and about one in five boys. Historically, 90% of child victims never go to the authorities and the vast majority of claims expire before the victims are capable of getting to court.

By way of introduction, I hold the Paul R. Verkuil Chair in Public Law at the Benjamin N. Cardozo School of Law, Yeshiva University. My book, *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press 2008, 2012) makes the case for statute of limitations reform in the child sex abuse arena. I am the leading expert on the history and constitutionality of retroactive statutes of limitations with respect to child sex abuse and have advised many child sex abuse victims on constitutional issues, and testified in numerous states where SOL reform is being considered. I also track the SOL movement in all 50 states on my website, www.sol-reform.com.

There are three compelling public purposes served by the removal of SOLs for child sexual abuse:

- (1) It identifies previously unknown child predators to the public so children will not be abused in the future;
- (2) It gives child sex abuse survivors a fair chance at justice; and
- (3) It cures the injustice wreaked by the current unfairly short statute of limitations that protect child predators and silence child sex abuse victims


Typically, it takes years—on average to age 42--for the victim to come forward. Significant numbers endure addictions, Post-Traumatic Stress Disorder, and numerous other effects from the abuse, which impede their ability to pursue justice.

The movement to increase access to justice for child sex abuse victims is vibrant across the United States. Georgia, unfortunately, is one of the worst 5 states in terms of access to civil justice. Because Georgia only recently loosened the criminal SOLs, and expired criminal SOLs cannot be revived, the only venue left for justice and identifying perpetrators for the vast majority of Georgia's victims are the civil courts.

H.B. 17 would be a huge step forward for Georgia's past, present, and future children. Some may attempt to argue that the retroactive revival of expired SOLs is unconstitutional, but it is not under Georgia case law. *Vaughn v. Vulcan Materials Co.*, 465 S.E.2d 661, 662 (Ga. 1996) ("There is no vested right in a statute of limitations and a legislature may revive a claim which would have been barred by a previous limitations period by enacting a new statute of limitations, without violating our constitutional prohibition against retroactive laws.")

Once again, I applaud you and the Committee for considering this legislation which will help childhood sexual abuse victims. Georgia's children deserve the passage of statute of limitations reform to identify current and past child predators, and to achieve justice for the many victims suffering now in silence. Please do not hesitate to contact me if you have questions regarding statute of limitations reform, or if I can be of assistance in any other way.

Sincerely,

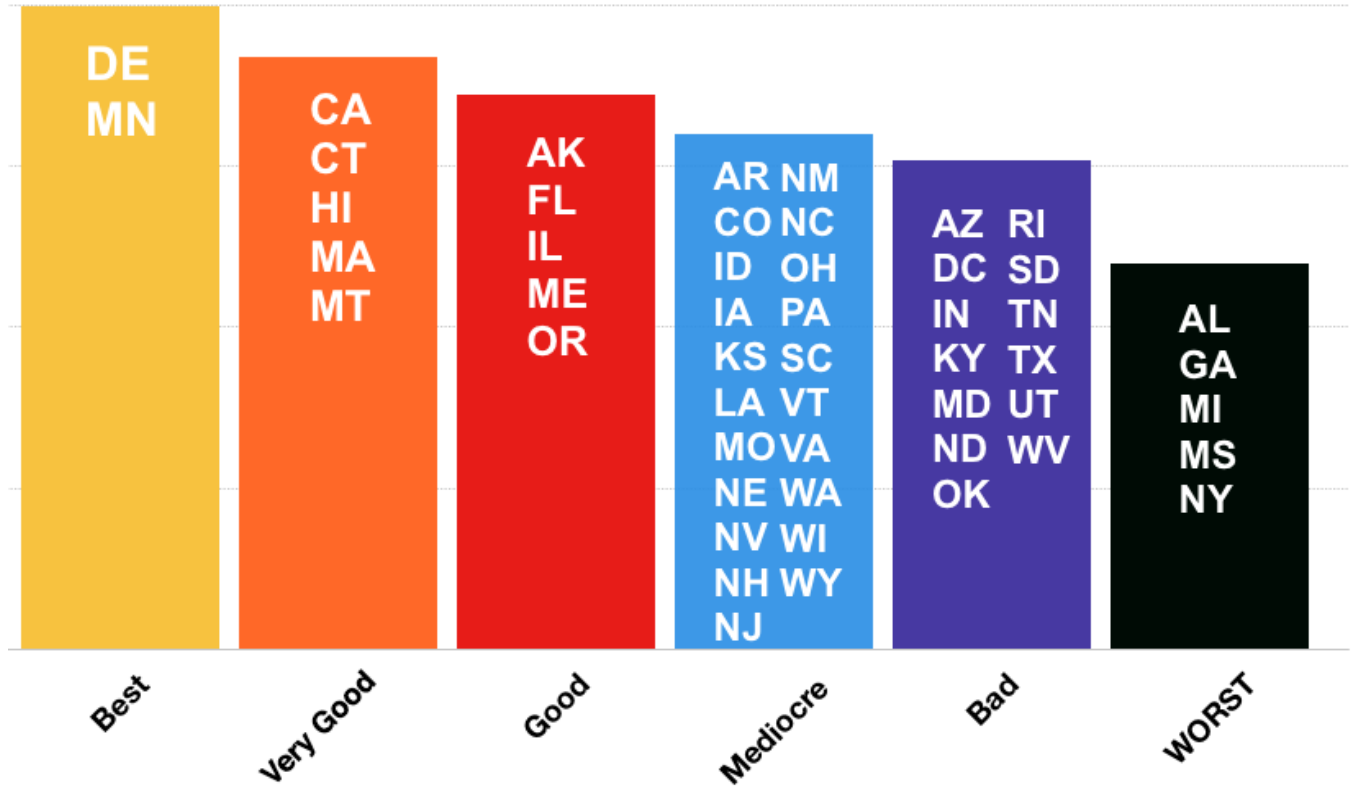


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CC: Hon. Chairman Wendell Willard
Judiciary Committee
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Summary of Statutes of Limitations Reform Across the United States February 2, 2015

Survey of Civil Statutes of Limitations Across the United States



SOURCE: www.sol-reform.com