## **ALABAMA**

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| **Current Civil SOL** |
| **Age Cap** | CSA: Age 25Trafficking: Age 25CSAM: Age 25 |
| **Revival Law** | Limited Window only for Boy Scout Survivors |
| **Discovery Tolling** | None |

**Summary: The SOL for CSA, trafficking, and CSAM claims against all defendants is age 25 when the victim is under age 19. A limited window opened on April 4, 2024, for expired claims against the bankruptcy estate of the Boy Scouts of America.**

*Liability Limitations*: The State of Alabama cannot be sued for CSA.[[1]](#endnote-1) Alabama courts generally repudiate the doctrine of charitable immunity,[[2]](#endnote-2) although some cases suggest that charities are immune from claims by beneficiaries.[[3]](#endnote-3)

*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.[[4]](#endnote-4) Alabama also recognizes a continuous violation doctrine which extends the SOL for claims arising under Title IX.[[5]](#endnote-5)

**Civil SOL History**

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| ***Age Cap*** |
| **2002** | CSA claims were governed by the personal injury SOL, which was age 21 or 22, and the assault and battery SOL, which was age 25 (age 19, plus 6 years)[[6]](#endnote-6) with a limit of 20 years from the date of accrual,[[7]](#endnote-7) meaning no later than 20 years from the last date of the abuse.[[8]](#endnote-8) |
| **2010** | Enacted its first human trafficking statute that tolled the civil SOL for sex trafficking claims for personal injury until age 21 (age 19, plus 2 years), and age 25 (age 19, plus 6 years) for assault, battery, or false imprisonment causes of action.[[9]](#endnote-9) |
| **2019** | Extended the SOL to age 25 for all sex offenses against a person under 19 years of age (age 19, plus 6 years), including CSA, trafficking, and CSAM offenses.[[10]](#endnote-10) |

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| ***Revival Law*** |

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| **2024** | On April 4, 2024, opened a limited revival window until December 31, 2026, for claims based on an injury involving a sex offense against an individual 19 years of age or younger against an entity initiating bankruptcy protection on February 18, 2020, *i.e.* the Boy Scouts of America.[[11]](#endnote-11) |

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| ***Discovery*** |

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| **Common Law** | No common law discovery rule applicable to CSA claims.[[12]](#endnote-12)  |
| **Statutory** | No statutory discovery rule applicable to general CSA claims.[[13]](#endnote-13) 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.”[[14]](#endnote-14) The discovery statute is applicable to claims against all defendants, except the State, which has sovereign immunity.[[15]](#endnote-15) |

**ALABAMA**

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| **Current Criminal SOL** |
| **CSA** | No SOL |
| **Trafficking** | No SOL (under age 16) |
| **CSAM** | No SOL (under age 16) |

**Summary:**

**CSA: There is no SOL for felony and misdemeanor sex offenses. There is an SOL of five years from the offense for other felonies and one year for misdemeanors.**

**Trafficking: There is no SOL for trafficking offenses against victims under age 16, and for victims ages 16 and 17 the SOL is age twenty-four.**

**CSAM: There is no SOL for CSAM offenses against victims under age 16, and for victims ages 16 and 17 the SOL is age twenty-four.**

*Tolling*: The SOL is tolled while an indictment is lost or destroyed, and a new indictment is issued.[[16]](#endnote-16) A defendant’s misrepresentation may be a continuous offense, extending the limitations period.[[17]](#endnote-17) Courts recognize that the issuance of a state-court arrest warrant will toll the SOL.[[18]](#endnote-18)

**Criminal SOL History**

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| ***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.[[19]](#endnote-19) The SOL for remaining felonies was 5 years after the commission of the offense and the SOL for misdemeanors was 1 year.[[20]](#endnote-20) |
| **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.[[21]](#endnote-21) |
| **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.[[22]](#endnote-22) |
| **2016** | Eliminated the SOL when victims are under age 16 for foster parent engaging in sex act.[[23]](#endnote-23)  |
| **2017** | Eliminated the SOL when victims are under age 16 for sexual extortion, directing a child to engage in a sex act.[[24]](#endnote-24) |
| **2018** | Extended the SOL for sex trafficking to age 24 (age 19, plus 5 years) or 5 years from reasonable discovery.[[25]](#endnote-25) |

1. 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. [↑](#endnote-ref-1)
2. *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). [↑](#endnote-ref-2)
3. *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). [↑](#endnote-ref-3)
4. 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.”). [↑](#endnote-ref-4)
5. *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). [↑](#endnote-ref-5)
6. Ala. Code §§ 6-2-38(l) (two years), 6-2-34(1) (six years), 6-2-8 (majority tolling). While a plain reading of Alabama’s majority tolling provision, § 6-2-8, supports that the personal injury SOL was tolled until age 21 (age 19, plus 2 years), caselaw has interpreted the statute as tolling the SOL until age 22 (age 19, plus 3 years). *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.”). [↑](#endnote-ref-6)
7. *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”). [↑](#endnote-ref-7)
8. *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”). [↑](#endnote-ref-8)
9. 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.”). [↑](#endnote-ref-9)
10. *Ziter*, 681 So.2d at 1355. *K.R. v. Backpage.com*, no 1:17-cv-299, 2017 WL 9471782 (M.D. Ala. June 26, 2017) (alleging CSAM violations of human trafficking statute based in part on abuser taking photographs of minor plaintiff and posting them “in the ‘adult’ advertisements” section on Backpage.com). [↑](#endnote-ref-10)
11. Ala. Code § 6-2-8(b)(2) (2024); S.B. 18, 2024 Leg., Reg. Sess. (Ala. 2024). [↑](#endnote-ref-11)
12. *Ziter,* 691 So.2d 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). [↑](#endnote-ref-12)
13. *Id*. [↑](#endnote-ref-13)
14. Ala. Code § 13A-6-158. [↑](#endnote-ref-14)
15. *See id.* at § 13A-6-158; Ala. Const. art. I, § 14. [↑](#endnote-ref-15)
16. Ala. Code § 15-3-6. [↑](#endnote-ref-16)
17. *State v. Steele*, 502 So. 2d 874 (Ala. Crim. App. 1987). [↑](#endnote-ref-17)
18. *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). [↑](#endnote-ref-18)
19. 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). [↑](#endnote-ref-19)
20. Ala. Code §§ 15-3-1 (five years), 15-3-2 (one year). [↑](#endnote-ref-20)
21. *Id.* at § 13A-6-158 (trafficking SOL). [↑](#endnote-ref-21)
22. *Id.* at §§ 15-3-5 (2011) (No SOL), 15-20A-5 (2011) (sex offense list). [↑](#endnote-ref-22)
23. *Id.* at §§ 15-3-5 (2016) (No SOL), 15-20A-5 (2016) (sex offense list). [↑](#endnote-ref-23)
24. *Id.* at §§ 15-3-5 (2017) (No SOL), 15-20A-5 (2017) (sex offense list). [↑](#endnote-ref-24)
25. *Id.* at § 13A-6-158 (trafficking SOL). [↑](#endnote-ref-25)