



## *Synopsis of House Committee Amendments\**

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### **Sub. S.B. 17**

126th General Assembly  
(H. Judiciary)

#### **Statute of limitations and expired causes of action for childhood sexual abuse**

Changes the limitations period for bringing civil actions based on childhood sexual abuse from 20 years after the cause of action accrues, as provided in Senate-passed version, to 12 years after the cause of action accrues.

Adds a provision that, in civil cases based on childhood sexual abuse that occurred on or after the bill's effective date, the running of the limitations period is tolled if the defendant has fraudulently concealed from the plaintiff facts that form the basis of the claim until the plaintiff discovers or in the exercise of due diligence should have discovered those facts.

Eliminates from Senate-passed version provisions reviving, for a period of one or two years, causes of action for childhood sexual abuse that expired before the bill's effective date if the alleged abuse occurred within 35 years before the bill's effective date.

Adds provisions allowing victims of childhood sexual abuse whose causes of action were barred by the statute of limitations before the bill's effective date to notify the Attorney General and designated county prosecuting attorneys of the alleged abuse; authorizes the Attorney General or prosecuting attorney to commence an action for a declaratory judgment finding the alleged abuser liable for childhood sexual abuse; authorizes the victim to bring the action if neither the Attorney General nor the prosecuting attorney acts within 90 days.

#### **Registration of persons found liable in declaratory judgment actions for childhood sexual abuse**

Adds the following new provisions:

Requires a court in a declaratory judgment action that finds a person liable for childhood sexual abuse to order that the defendant be listed on a civil registry established by the Attorney General if it finds by clear and convincing evidence that the defendant

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\* This synopsis does not address amendments that may have been adopted on the House floor.

committed the abuse; authorizes the court to remove the person from the civil registry after six years if it finds by clear and convincing evidence that the defendant has not again been found liable for childhood sexual abuse, has not been required to register under the Sex Offender Registration and Notification (SORN) Law, and is not likely to commit sexual abuse in the future.

Requires that a person found liable for childhood sexual abuse in a declaratory judgment action register with the sheriff, authorizes the sheriff to confirm the person's address, and requires the sheriff to provide community notification, all in a manner similar to registration, confirmation, and notification under the SORN Law.

Requires the Attorney General to maintain on the Internet a civil registry of persons found liable for childhood sexual abuse in a declaratory judgment action including names, addresses, and photographs; to adopt rules and prescribe forms for the implementation of the registration system; and to assist sheriffs who request help in setting up local databases of registrants.

Provides that registration information pertaining to persons found liable for childhood sexual abuse in declaratory judgment actions and placed on the Internet civil registry or in possession of the sheriff is a public record.

Prohibits as a fifth-degree felony the failure of a person who is required to register after being found liable for childhood sexual abuse in a declaratory judgment action to register, provide required notices, or verify an address and prohibits such persons from living within 1,000 feet of school premises.

Provides immunity from civil liability to officials and to persons from whom a sheriff seeks confirmation of verification for good-faith actions taken pursuant to the statutes establishing the registration system for persons found liable in a declaratory judgment action for childhood sexual abuse.

Requires occupational and professional licensing boards to consider a person's listing on the civil registry of persons found liable in declaratory judgment actions for childhood sexual abuse when making occupational licensing decisions.

Requires a sheriff to notify the executive director of the local public children services agency of the residential address of every sex offender who registers with the sheriff.

### **SORN Law amendments**

Adds the following new provisions:

Prohibits sex offenders who are now prohibited from living within 1,000 feet of school premises also from living within 1,000 feet of the residential premises of their victims.

Requires that the sheriff with whom a sex offender registers notify the executive director of the local public children services agency of the offender's residential address even if the offender has not been adjudicated a predator or habitual offender or the offense is not an aggravated sexually oriented offense.

**Definition of cleric**

Adds Christian Science practitioners to the definition of cleric in the Senate-passed version, making the provisions on testimonial privilege and the reporting of child abuse or neglect that apply to clerics applicable to Christian Science practitioners.

**Reporting of child abuse or neglect by clerics**

Exempts clerics from the general requirement that persons rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion report known or suspected child abuse or neglect.

Changes the trigger for mandatory reporting of child abuse or neglect by clerics from reasonable cause to suspect that abuse or neglect has occurred as in the Senate-passed version to reasonable cause to believe that abuse or neglect has occurred.

Adds that a cleric who fails to make a mandatory report of child abuse or neglect commits a misdemeanor of the first rather than the fourth degree if the cleric knows that the abuse or neglect has occurred, the cleric knows that the abuser is a cleric, and the abuser belongs to the same church, religious society, or faith as the person required to report.