

117TH CONGRESS
1ST SESSION

H. R. 4860

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

JULY 29, 2021

Ms. WEXTON (for herself and Ms. SALAZAR) introduced the following bill;
which was referred to the Committee on Education and Labor

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Statutes of Limitation
5 for Child Sexual Abuse Reform Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Child sexual abuse is a pernicious crime
2 perpetrated through threats of violence, intimidation,
3 manipulation, and abuse of power.

4 (2) The prevalence of child sexual abuse is dif-
5 ficult to determine because it is often not reported;
6 however, data suggests that child sexual abuse is a
7 public health epidemic that affects 1 in 5 girls, and
8 1 in 13 boys in the Nation.

9 (3) The prevalence of child sex trafficking is
10 difficult to estimate, but NCMEC estimates that at
11 least 100,000 children are victims of trafficking,
12 with some estimates as high as 2 or 3 million chil-
13 dren.

14 (4) It is estimated that there are approximately
15 9 million cases of child abuse and exploitation re-
16 ported every year in the United States.

17 (5) Historically, 90 percent of child victims
18 never go to the authorities and the vast majority of
19 claims have expired before the victims were capable
20 of getting to court.

21 (6) Due to the subversive nature of this crime,
22 the average age of disclosure of child sexual abuse
23 does not occur until a victim is over 52 years old.

24 (7) Because many State statutes of limitations
25 applicable to laws involving child sexual abuse fail to

1 give victims adequate time to come forward and re-
2 port their abuse, numerous victims are unable to
3 seek fair and just remediation against their abusers.

4 (8) Due to the especially heinous nature of
5 child sexual abuse, it is imperative that perpetrators
6 of this crime are punished, prevented from re-
7 offending, and victims have the opportunity to see
8 their abusers brought to justice.

9 (9) The negative effects over a survivor's life-
10 time generate many costs that impact the Nation's
11 health care, education, criminal justice, and welfare
12 systems, with the economic burden of child sexual
13 abuse estimated at nearly \$2 trillion annually.

14 **SEC. 3. ELIMINATION OF STATE STATUTES OF LIMITATIONS**
15 **FOR CHILD ABUSE CASES.**

16 (a) CHILD ABUSE PREVENTION AND TREATMENT
17 ACT.—Section 107(e)(1) of the Child Abuse Prevention
18 and Treatment Act (42 U.S.C. 5106c(e)(1)) is amended—

19 (1) in subparagraph (B), by striking “and” at
20 the end;

21 (2) in subparagraph (C), by striking the period
22 at the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(D) elimination of State civil and criminal
25 statutes of limitations laws for child sexual

1 abuse, exploitation, and sex trafficking, and
 2 adoption of laws reviving previously time-barred
 3 civil claims for child sexual abuse, exploitation,
 4 and sex trafficking.”.

5 (b) SPECIAL RULE.—Section 111(b) of the Child
 6 Abuse Prevention and Treatment Act (42 U.S.C.
 7 5106g(b)) is amended by adding at the end the following:

8 “(3) CHILD SEXUAL ABUSE AND EXPLOI-
 9 TATION.—For purposes of section 107(e)(1)(D), the
 10 term ‘child sexual abuse and exploitation’ shall in-
 11 clude an act or a failure to act on the part of a par-
 12 ent, caretaker, or any other person.”.

13 **SEC. 4. GRANTS FOR ELIMINATING CERTAIN STATUTES OF**
 14 **LIMITATION.**

15 (a) AUTHORIZATION.—The Secretary of Health and
 16 Human Services may make grants to States that are eligi-
 17 ble to receive an award under section 107 of the Child
 18 Abuse Prevention and Treatment Act (42 U.S.C. 5106c)
 19 achieve one or more of the following reforms:

20 (1) The elimination of all State civil statutes of
 21 limitations for claims of, related to, or arising from,
 22 child sexual abuse, exploitation, and sex trafficking,
 23 against perpetrators, other individuals, and public
 24 and private entities.

1 (2) The elimination of all State criminal stat-
2 utes of limitations for all felony and misdemeanor
3 sex crimes against children, including sexual abuse,
4 exploitation, and trafficking, and for inchoate of-
5 fenses related to such sex crimes, including attempt,
6 conspiracy, solicitation, and aiding and abetting.

7 (3) The revival of previously time-barred civil
8 claims for child sexual abuse, exploitation, and sex
9 trafficking against perpetrators, other individuals,
10 and public and private entities, which, at a min-
11 imum, permits previously time-barred claims a 2-
12 year period or until a victim reaches age 55, which-
13 ever is longer.

14 (b) ALLOCATION.—Of the funds made available to
15 carry out this section—

16 (1) 25 percent shall be for States that achieve
17 one of the reforms described in paragraphs (1)
18 through (3) of subsection (a);

19 (2) 35 percent shall be for States that achieve
20 two of such reforms; and

21 (3) 40 percent shall be for States that achieve
22 three of such reforms.

23 An award under this section shall be in addition to any
24 funds for which the State is otherwise eligible to receive

1 under section 107 of the Child Abuse Prevention and
2 Treatment Act (42 U.S.C. 5106c).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$20,000,000 for each of fiscal years 2022 through 2029.

6 **SEC. 5. TECHNICAL CORRECTION.**

7 Section 1404A of the Victims of Crime Act of 1984
8 (34 U.S.C. 20103), by striking “section 109” and insert
9 “section 107”.

○