

SENATE BILL NO. 312

INTRODUCED BY S. MORIGEAU, S. NOVAK, T. CROWE, C. NEUMANN, J. WEBER, W. CURDY, M.
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CRIME VICTIMS; REMOVING
THE STATUTE OF LIMITATIONS FOR CLAIMS OF CHILDHOOD SEXUAL ABUSE; AND AMENDING
SECTION 27-2-216, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-2-216, MCA, is amended to read:

"27-2-216. Tort actions -- childhood sexual abuse. (1) ~~Except as provided in subsection (4), an~~ An
action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result
of childhood sexual abuse against the individual who committed the acts ~~must~~ may be commenced: at any
time.

(a) ~~before the victim of the act of childhood sexual abuse that is alleged to have caused the injury~~
~~reaches 27 years of age; or~~

(b) ~~not later than 3 years after the plaintiff discovers or reasonably should have discovered that the~~
~~injury was caused by the act of childhood sexual abuse.~~

(2) As used in this section, "childhood sexual abuse" means any act committed against a plaintiff
who was less than 18 years of age at the time the act occurred and that would have been a violation of 45-5-
502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-625, 45-5-627, 45-5-702, 45-5-705, 45-5-706, 45-5-711, or
prior similar laws in effect at the time the act occurred.

(3) ~~Except as provided in subsection (5), in an action for recovery of damages for liability against~~
~~any entity that owed a duty of care to the plaintiff, where a wrongful or negligent act by an employee, officer,~~
~~director, official, volunteer, representative, or agent of the entity was a legal cause of the childhood sexual~~

1 abuse that resulted in the injury to the plaintiff, the action must be commenced:

2 (a) ~~before the victim of the act of childhood sexual abuse that is alleged to have caused the injury~~
3 ~~reaches 27 years of age; or~~

4 (b) ~~not later than 3 years after the plaintiff discovers or reasonably should have discovered that the~~
5 ~~injury was caused by the act of childhood sexual abuse.~~

6 (4) ~~A claim for damages described in subsection (1) that would otherwise be barred because the~~
7 ~~applicable statute of limitations has expired may be commenced within 1 year of May 7, 2019, if the individual~~
8 ~~who committed the act of childhood sexual abuse against the plaintiff is alive at the time the action proceeds or~~
9 ~~is commenced and:~~

10 (a) ~~has admitted to the commission of the act of childhood sexual abuse against the plaintiff in~~
11 ~~either a written and signed statement or a statement recorded by audio or video; or~~

12 (b) ~~(i) has made one or more statements admitting to the commission of the act of childhood~~
13 ~~sexual abuse against the plaintiff under oath or in a plea agreement; or~~

14 ~~(ii) has been convicted of an offense listed in subsection (2) in which the plaintiff was the victim.~~

15 (5) ~~(a) A claim for damages described in subsection (3) that would otherwise be barred because~~
16 ~~the applicable statute of limitations has expired must be revived if the court concludes that the entity against~~
17 ~~whom the action is commenced, based upon documents or admissions by employees, officers, directors,~~
18 ~~officials, volunteers, representatives, or agents of the entity, knew, had reason to know, or was otherwise on~~
19 ~~notice of any unlawful sexual conduct by an employee, officer, director, official, volunteer, representative, or~~
20 ~~agent and failed to take reasonable steps to prevent future acts of unlawful sexual conduct.~~

21 (b) ~~A cause of action in which allegations described in subsection (5)(a) are made but that would~~
22 ~~otherwise be barred by the statute of limitations in subsection (3) may be commenced within 1 year of May 7,~~
23 ~~2019.~~

24 (6) ~~As used in subsection (5), "admissions" include:~~

25 (a) ~~a criminal conviction of an employee, officer, director, official, volunteer, representative, or~~
26 ~~agent of the entity for an offense of childhood sexual abuse;~~

27 (b) ~~a written statement;~~

28 (c) ~~a documented or recorded oral statement; or~~

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