

HOUSE BILL NO. 202

INTRODUCED BY S. MORIGEAU

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO STATUTES OF LIMITATION AND PROVIDING THAT THERE IS NO STATUTE OF LIMITATIONS IN CIVIL CASES REGARDING CHILDHOOD SEXUAL ABUSE; AMENDING SECTION 27-2-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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) An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of childhood sexual abuse ~~must be commenced not later than:~~

- ~~_____ (a) 3 years after the act of childhood sexual abuse that is alleged to have caused the injury; or~~
- ~~_____ (b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of childhood sexual abuse.~~
- ~~_____ (2) It is not necessary for a plaintiff to establish which act, in a series of acts of childhood sexual abuse, caused the injury that is the subject of the suit. The plaintiff may compute the period referred to in subsection (1)(a) from the date of the last act by the same perpetrator. may be commenced at any time.~~

~~(3)(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, 45-5-602, 45-5-603, 45-5-625, 45-5-704, 45-5-705, or prior similar laws in effect at the time the act occurred.

~~(4) The provisions of 27-2-401 apply to this section."~~

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies to all causes of action now pending or commenced on or after [the effective date of this act], regardless of when the cause of action arose,



1 as well as to previously filed actions that have been dismissed on the basis of an expired statute of limitations.

2 To this extent, [this act] applies retroactively, within the meaning of 1-2-109.

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