

SENATE BILL NO. 157

INTRODUCED BY NATHE, REGAN, ECK

IN THE SENATE

JANUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1989	PRINTING REPORT.
FEBRUARY 3, 1989	SECOND READING, DO PASS.
FEBRUARY 4, 1989	ENGROSSING REPORT.
FEBRUARY 6, 1989	THIRD READING, PASSED. AYES, 47; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 8, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 82; NOES, 12.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Sen. Bill No. 157*  
2 INTRODUCED BY *Wm. E. Eck*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A STATUTE OF  
5 LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES FOR INJURY  
6 SUFFERED AS A RESULT OF CHILDHOOD SEXUAL ABUSE; AMENDING  
7 SECTION 27-2-204, MCA; AND PROVIDING A RETROACTIVE  
8 APPLICABILITY DATE."  
9

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

11 **Section 1.** Section 27-2-204, MCA, is amended to read:  
12 "27-2-204. Tort actions -- general and personal  
13 injury. (1) The Except as provided in [section 2], the  
14 period prescribed for the commencement of an action upon a  
15 liability not founded upon an instrument in writing is  
16 within 3 years.

17 (2) The period prescribed for the commencement of an  
18 action to recover damages for the death of one caused by the  
19 wrongful act or neglect of another is within 3 years.

20 (3) The period prescribed for the commencement of an  
21 action for libel, slander, assault, battery, false  
22 imprisonment, or seduction is within 2 years."

23 **NEW SECTION. Section 2.** Tort actions -- childhood  
24 sexual abuse. (1) An action based on intentional conduct  
25 brought by a person for recovery of damages for injury

1 suffered as a result of childhood sexual abuse must be  
2 commenced not later than:

3 (a) 3 years after the act of childhood sexual abuse  
4 that is alleged to have caused the injury or condition; or

5 (b) 3 years after the plaintiff discovers or  
6 reasonably should have discovered that the injury or  
7 condition was caused by the act of childhood sexual abuse.

8 (2) It is not necessary for a plaintiff to establish  
9 which act, in a series of acts of childhood sexual abuse,  
10 caused the injury or condition that is the subject of the  
11 suit. The plaintiff may compute the period referred to in  
12 subsection (1)(a) from the date of the last act by the same  
13 perpetrator.

14 (3) As used in this section, "childhood sexual abuse"  
15 means any act committed against a plaintiff who was less  
16 than 18 years of age at the time the act occurred and that  
17 would have been a violation of 45-5-502, 45-5-503, 45-5-504,  
18 45-5-505, 45-5-507, 45-5-625, or prior similar laws in  
19 effect at the time the act occurred.

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

21 **NEW SECTION. Section 3.** Codification instruction.  
22 [Section 2] is intended to be codified as an integral part  
23 of Title 27, chapter 2, part 2, and the provisions of Title  
24 27, chapter 2, part 2, apply to [section 2].

25 **NEW SECTION. Section 4.** Severability. If a part of

LC 0834/01

1 [this act] is invalid, all valid parts that are severable  
2 from the invalid part remain in effect. If a part of [this  
3 act] is invalid in one or more of its applications, the part  
4 remains in effect in all valid applications that are  
5 severable from the invalid applications.

6 NEW SECTION. **Section 5. Retroactive applicability.**  
7 [This act] applies to all causes of action commenced on or  
8 after October 1, 1989, regardless of when the cause of  
9 action arose. To this extent, [this act] applies  
10 retroactively, within the meaning of 1-2-109.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 157

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(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years."

**NEW SECTION. Section 2.** 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-condition~~; or

(b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury ~~or condition~~ 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 ~~or-condition~~ 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.

(3) 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, 45-5-505, 45-5-507, 45-5-625, or prior similar laws in effect at the time the act occurred.

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SB 0157/02

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