

HB120 INTRODUCED



1 HB120
2 7BYHX2E-1
3 By Representative Givens
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 06-Jan-26



1
2
3

4 SYNOPSIS:

5 Under existing law, a civil action based on a
6 sex offense committed against an individual under 19
7 years of age must be brought within six years of that
8 individual's 19th birthday, or the action is
9 time-barred.

10 This bill would authorize a civil action based
11 on a sex offense committed against an individual under
12 19 years of age or of unsound mind to be brought 20
13 years after the individual turns 19 years of age or is
14 otherwise relieved of disability or two years after the
15 criminal conviction of the alleged perpetrator,
16 whichever is greater.

17 This bill would, contingent on the ratification
18 of a constitutional amendment authorizing the
19 Legislature to revive time-barred rights and remedies
20 relating to the sexual abuse of a minor, allow an
21 individual whose claim relating to child sexual abuse
22 is time-barred to commence a civil action not later
23 than January 1, 2029, or two years after the criminal
24 conviction or guilty plea of the alleged perpetrator,
25 whichever is later.

26 This bill would allow civil actions to be
27 brought against the alleged perpetrator of child sexual
28 abuse or against an organization that allegedly



HB120 INTRODUCED

negligently prevented or responded to the abuse.

This bill would provide that certain notice-of-claim requirements, damages caps, and immunity provisions do not apply to a claim of child sexual abuse.

This bill would also provide that the period to bring a civil action for child sexual abuse shall be tolled during a criminal investigation of the abuse, a final judgment is entered, and all appeals are exhausted.

A BILL

TO BE ENTITLED

AN ACT

Relating to child sexual abuse; to amend Section 6-2-8, of Alabama 1975; to extend the statute of limitations for action for child sexual abuse; to authorize civil suits against an organization for negligently preventing or failing to child sexual abuse; to provide that certain -of-claim requirements, damage caps, and immunity provisions do not apply to claims relating to child sexual abuse; to provide for the tolling of the statute of limitations during criminal investigations and proceedings; contingent on the ratification of a constitutional amendment authorizing the Legislature to revive time-barred and remedies relating to child sexual abuse, to add

HB120 INTRODUCED



57 Section 6-2-8.1 to the Code of Alabama 1975, to revive certain
58 time-barred civil claims for child sexual abuse.

59 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

60 Section 1. This act shall be known and may be cited as
61 the Hidden Predators Act.

62 Section 2. The Legislature finds and declares the
63 following:

64 (1) Child sexual abuse is a pervasive and devastating
65 crime that inflicts lifelong harm on survivors and causes
66 lasting damage to families and communities. Studies
67 demonstrate that approximately one in five girls and one in
68 thirteen boys in the United States experience sexual abuse
69 during childhood.

70 (2) Approximately one-third of victims of child sexual
71 abuse never disclose their abuse to anyone, ever. The
72 remaining two-thirds typically delay disclosure until
73 adulthood, often decades after the abuse occurred.

74 (3) Delayed disclosure is a well-documented and
75 predictable consequence of childhood sexual abuse.

76 (4) Existing law requires a civil action for an injury
77 arising from a sex offense to be brought not later than six
78 years after the survivor reaches 19 years of age or is
79 otherwise relieved of disability. The current legal barriers
80 preventing survivors of child sexual abuse from pursuing civil
81 claims, such as statutes of limitations and claim-presentation
82 deadlines, undermine the pursuit of truth and accountability
83 and deny survivors meaningful access to justice.

84 (5) The statute of limitations for a civil action



85 brought against the actual alleged perpetrator of child sexual
86 abuse or an organization alleged to be negligent in protecting
87 children under its care from sexual abuse should be extended
88 to:

89 a. Ensure that the laws of Alabama reflect modern
90 scientific understanding of trauma and delayed disclosures;

91 b. Provide survivors of child sexual abuse a fair
92 opportunity to be heard and to seek redress;

93 c. Promote accountability and protect children from
94 abuse in the future; and

95 d. Hold perpetrators of childhood sexual abuse
96 accountable.

97 Section 3. Section 6-2-8, Code of Alabama 1975, is
98 amended to read as follows:

99 "§6-2-8

100 (a) For the purposes of this section, the term "child
101 sexual abuse" refers to the commission of a sex offense under
102 Section 15-20A-5 against an individual under 19 years of age.

103 (b) (1) An individual ~~If anyone~~ entitled to: (i)
104 commence any of the actions enumerated in this chapter, ~~to;~~
105 (ii) make an entry on land; or (iii) enter a defense founded
106 on the title to real property, who is, at the time the right
107 accrues, below ~~the age of~~ 19 years of age or of unsound mind,
108 ~~or insane, he or she~~ shall have three years, or the period
109 allowed by law for the commencement of an action if ~~it be~~ less
110 than three years, after the termination of the disability to
111 commence an action, make entry, or defend.

112 (2) When both disabilities coexist at the time the



113 claim accrued, the limitation does not attach until both are
114 removed.

115 (3) No disability shall extend the period of
116 limitations so as to allow an action to be commenced, entry
117 made, or defense made after the lapse of 20 years from the
118 time the claim or right accrued.

119 (4) Nothing in this section shall be interpreted as
120 denying any imprisoned ~~person~~ individual the right to commence
121 an action enumerated in this chapter ~~and~~ or to make any proper
122 appearances on his or her behalf in such actions.

123 (c) (1) An individual ~~(b) If anyone~~ entitled to commence
124 any of the actions enumerated in this chapter who is, at the
125 time the right accrues, below ~~the age of~~ 19 years of age or of
126 unsound mind shall have either 20 years after the termination
127 of the disability or two years after the criminal conviction
128 of the alleged perpetrator occurred, whichever is greater, to
129 commence an action under this subsection, provided that, or
130 insane, and the:

131 a. The injury upon which the action is based arises
132 from a sex offense as described in Section 15-20A-5; and

133 b. The action is against either of the following:

134 1. The alleged perpetrator of a sex offense as
135 described in Section 15-20A-5.

136 2. An organization that employed, supervised, or had
137 responsibility for the care, custody, supervision, or control
138 of the individual at the time of the child sexual abuse and
139 allegedly negligently prevented or responded to the abuse, he
140 or she shall have six years after the termination of the



141 ~~disability to commence the action.~~

142 (2) Notwithstanding any law or requirement to the
143 contrary, no ante litem, notice-of-claim, or claim
144 presentation requirement shall apply to a civil action arising
145 from child sexual abuse that occurred on or after October 1,
146 2026.

147 (3) Notwithstanding any other law to the contrary, no
148 action under this subsection may be dismissed or limited
149 because of a notice-of-claim, immunity, or damages cap.

150 (4) Notwithstanding any provision of law to the
151 contrary, no constitutional, statutory, or common-law
152 doctrines of sovereign immunity, governmental immunity,
153 state-agent immunity, discretionary-function immunity, or
154 qualified immunity shall bar or limit either of the following:

155 a. Any claim arising from child sexual abuse of an
156 individual that occurred on or after October 1, 2026, brought
157 against a public entity.

158 b. Any claim arising from child sexual abuse that
159 occurred on or after October 1, 2026, brought against an
160 officer, employee, or agent of a public entity, whether in an
161 official or individual capacity.

162 (5) Notwithstanding any other provision of law to the
163 contrary, no statute or common-law doctrine affording immunity
164 to charitable organizations, religious organizations,
165 educational institutions, or their officers, directors,
166 employees, volunteers, or agents shall bar or limit any claim
167 arising from child sexual abuse.

168 (d) (e) The civil limitation periods provided in this



169 section shall be tolled during any criminal investigation and
170 the prosecution of the underlying offense. The tolling shall
171 begin on the date that the child sexual abuse is reported to a
172 law enforcement agency in the state and end on the date all of
173 the following occur:

- 174 (1) The investigation is closed.
- 175 (2) The criminal prosecution has concluded.
- 176 (3) All appeals have been exhausted.
- 177 (4) An entry of final judgment has been made.

178 ~~When both disabilities coexist at the time the claim~~
179 ~~accrued, the limitation does not attach until both are~~
180 ~~removed.~~

181 (e) ~~(d)~~ A disability ~~which that~~ did not exist when a
182 claim accrued does not suspend the operation of the limitation
183 unless the contrary is expressly provided.

184 (f) Nothing in this section shall impair or limit any
185 right of indemnification, contribution, or insurance coverage
186 that may be available to any defendant."

187 Section 4. Section 6-2-8.1 is added to the Code of
188 Alabama 1975, to read as follows:

189 §6-2-8.1.

190 (a) For the purposes of this section, the term "child
191 sexual abuse" refers to the commission of a sex offense under
192 Section 15-20A-5 against an individual under 19 years of age.

193 (b) (1) An individual of any age who was time barred
194 from filing a civil action for recovery of damages due to the
195 expiration of the statute of limitations in effect before
196 January 1, 2027, may commence a civil action under this



197 chapter not later than January 1, 2029, or two years after the
198 criminal conviction or guilty plea of the alleged perpetrator
199 occurred, whichever is later, if all of the following apply:

200 a. The injury upon which the action is based arises
201 from a sex offense as described in Section 15-20A-5.

202 b. The action is against either of the following:

203 1. The alleged perpetrator of a sex offense as
204 described in Section 15-20A-5.

205 2. An organization that employed, supervised, or had
206 responsibility for the care, custody, supervision, or control
207 of the individual at the time of the child sexual abuse and
208 allegedly negligently prevented or responded to the abuse.

209 (2) This subsection applies even if the individual
210 previously filed an action that was dismissed as time-barred.

211 (c) The civil limitation periods provided in this
212 section shall be tolled during any criminal investigation and
213 the prosecution of the underlying offense. The tolling shall
214 begin on the date that the child sexual abuse is reported to a
215 law enforcement agency in the state and end on the date all of
216 the following are true:

217 (1) The investigation is closed.

218 (2) The criminal prosecution has concluded.

219 (3) All appeals have been exhausted.

220 (4) An entry of final judgment has been made.

221 (d) Notwithstanding any other law to the contrary, no
222 action under this Section may be dismissed or limited because
223 of a notice-of-claim, immunity, or damages cap.

224 (e) Notwithstanding any provision of law to the



225 contrary, no constitutional, statutory, or common-law
226 doctrines of sovereign immunity, governmental immunity,
227 state-agent immunity, discretionary-function immunity, or
228 qualified immunity shall bar or limit either of the following:

229 (1) Any claim under this section arising from child
230 sexual abuse against a public entity.

231 (2) Any claim under this section arising from child
232 sexual abuse brought against an officer, employee, or agent of
233 a public entity, whether in an official or individual
234 capacity.

235 (f) Notwithstanding any other provision of law to the
236 contrary, no statute or common-law doctrine affording immunity
237 to charitable organizations, religious organizations,
238 educational institutions, or their officers, directors,
239 employees, volunteers, or agents shall bar or limit any claim
240 under this section arising from child sexual abuse.

241 Section 5. Sections 1, 2, and 3 of this act shall
242 become effective on October 1, 2026. Section 4 of this act
243 shall become effective on January 1, 2027, contingent on the
244 ratification of an amendment to the Constitution of Alabama of
245 2022, proposed in the 2026 Regular Session, authorizing the
246 Legislature to revive rights and remedies relating to child
247 sexual abuse.