

1 HB358
2 217133-1
3 By Representatives Coleman and Rafferty
4 RFD: Judiciary
5 First Read: 15-FEB-22

SYNOPSIS: Under existing law, a civil action for an injury to a person that involves certain sex offenses, must be brought within six years.

This bill would expand the statute of limitations for certain sex offenses.

A BILL
TO BE ENTITLED
AN ACT

Relating to commencement of actions; to amend Section 6-2-8, Code of Alabama 1975, to further provide for the statute of limitations for civil actions involving certain sex offenses and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-2-8, Code of Alabama 1975, is amended to read as follows:

"§6-2-8.

"(a) If anyone entitled to commence any of the actions enumerated in this chapter, to make an entry on land,

1 or enter a defense founded on the title to real property ~~is~~,
2 at the time the right accrues, is below the age of 19 years,
3 or insane, he or she shall have three years, or the period
4 allowed by law for the commencement of an action if it be less
5 than three years, after the termination of the disability to
6 commence ~~an~~ the action, make entry, or defend. No disability
7 shall extend the period of limitations so as to allow an
8 action to be commenced, entry made, or defense made after the
9 lapse of 20 years from the time the claim or right accrued.
10 Nothing in this section shall be interpreted as denying any
11 imprisoned person the right to commence an action enumerated
12 in this chapter and to make any proper appearances on his or
13 her behalf in such actions.

14 "(b) If anyone entitled to commence any of the
15 actions enumerated in this chapter ~~is~~, at the time the right
16 accrues, is below the age of 19 years, or insane, and the
17 injury upon which the action is based arises from a sex
18 offense as described in Section 15-20A-5, he or she shall have
19 ~~six~~ 36 years after the termination of the disability to
20 commence the action. This subsection shall apply retroactively
21 to sex offenses that occurred prior to the effective date of
22 the act adding this amendatory language, irrespective of any
23 statute of limitation in effect at the time the abuse
24 occurred.

25 "(c) When both disabilities coexist at the time the
26 claim accrued, the limitation does not attach until both are
27 removed.

1 "(d) A disability which did not exist when a claim
2 accrued does not suspend the operation of the limitation
3 unless the contrary is expressly provided."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.