

SB18 INTRODUCED



1 SB18
2 ZHF7RKR-1
3 By Senator Coleman
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 17-Jan-24



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SYNOPSIS:

Under existing law, anyone entitled to commence a civil action based on an injury involving a sex offense against an individual 19 years of age or younger has until six years after the individual turns 19 to commence the action.

This bill would provide an exception to the statute of limitations for a civil action for injury resulting from a sex offense against a minor if the action is filed against a bankruptcy estate.

This bill would also provide for retroactive effect.

A BILL
TO BE ENTITLED
AN ACT

Relating to commencement of actions; to amend Section 6-2-8, Code of Alabama 1975; to provide a limited exception to the statute of limitations for certain actions for injury that result from a sex offense against a minor for the purposes of filing a claim against a bankruptcy estate; and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. This act shall be known and may be cited as
30 the Scout's Honor Law.

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

33 "§6-2-8

34 (a) If anyone entitled to commence any of the actions
35 enumerated in this chapter, to make an entry on land or enter
36 a defense founded on the title to real property is, at the
37 time the right accrues, below ~~the age of 19 years~~ 19 years of
38 age, or insane, he or she shall have three years, or the
39 period allowed by law for the commencement of an action if it
40 ~~be is~~ is less than three years, after the termination of the
41 disability to commence an action, make entry, or defend. No
42 disability shall extend the period of limitations so as to
43 allow an action to be commenced, entry made, or defense made
44 after the lapse of 20 years from the time the claim or right
45 accrued. Nothing in this section shall be interpreted as
46 denying any imprisoned person the right to commence an action
47 enumerated in this chapter and to make any proper appearances
48 on his or her behalf in such actions.

49 (b) (1) Except as provided in subdivision (2), if~~If~~
50 anyone entitled to commence any of the actions enumerated in
51 this chapter ~~is~~, at the time the right accrues, is below ~~the~~
52 ~~age of~~ 19 years of age, or insane, and the injury upon which
53 the action is based arises from a sex offense as described in
54 Section 15-20A-5, he or she shall have six years after the
55 termination of the disability to commence the action.

56 (2)a. An action under this subsection against a



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57 bankruptcy estate may be commenced at any time.

58 b. This subsection shall apply retroactively to actions
59 based on a sex offense that occurred prior to the effective
60 date of this act, including to actions that were previously
61 time-barred, irrespective of any statute of limitation in
62 effect at the time the offense occurred.

63 (c) When both disabilities coexist at the time the
64 claim accrued, the limitation does not attach until both are
65 removed.

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

69 Section 3. This act shall become effective immediately
70 following its passage and approval by the Governor, or its
71 otherwise becoming law.