

SB44 INTRODUCED



1 SB44
2 XD34SEZ-1
3 By Senator Coleman
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 08-Jan-26



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



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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, Code of Alabama 1975; to extend the statute of limitations for a civil action for child sexual abuse; to authorize civil actions against an organization for negligently preventing or responding to child sexual abuse; to provide that certain notice-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; and, contingent on the ratification of a constitutional amendment authorizing the Legislature to revive time-barred rights and remedies relating to child sexual abuse, to add



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2. The Legislature finds and declares the following:

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

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

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

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

(5) The statute of limitations for a civil action



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

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

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

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

d. Hold perpetrators of childhood sexual abuse accountable.

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

"§6-2-8

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

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

(2) When both disabilities coexist at the time the



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

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

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

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

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

b. The action is against either of the following:

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

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



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~~disability to commence the action.~~

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

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

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

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

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

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

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



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

(1) The investigation is closed.

(2) The criminal prosecution has concluded.

(3) All appeals have been exhausted.

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

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

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

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

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

§6-2-8.1.

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

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



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

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

b. The action is against either of the following:

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

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

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

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

(1) The investigation is closed.

(2) The criminal prosecution has concluded.

(3) All appeals have been exhausted.

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

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

(e) Notwithstanding any provision of law to the



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

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

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

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

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