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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE NO. 1239

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to civil actions; clarifying and modifying the limitation period for civil
1.3 actions involving sexual abuse against a minor; amending Minnesota Statutes
1.4 2006, section 541.073.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 541.073, is amended to read:

1.7 541.073 ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE; SPECIAL
1.8 PROVISIONS.

1.9 Subdivision 1. Definition. As used in this section, "sexual abuse" means conduct
1.10 described in sections 609.342 to ~~609.345~~ 609.3451.

1.11 Subd. 2. Limitations period. (a) An action for damages based on personal injury
1.12 caused by sexual abuse committed against an adult must be commenced within six years
1.13 of the time the plaintiff knew or had reason to know that the injury was caused by the
1.14 sexual abuse.

1.15 (b) An action for damages based on personal injury caused by sexual abuse
1.16 committed against a minor must be commenced within the later of:

1.17 (1) six years of the age of majority of the victim; or

1.18 (2) six years of the time that the victim fully comprehends the causal connection
1.19 between the sexual abuse and the injury resulting from the abuse.

1.20 The time of comprehension must be determined by a jury based on medical or
1.21 psychological testimony.

1.22 (b) (c) The plaintiff victim need not establish which act in a continuous series of
1.23 sexual abuse acts by the defendant caused the injury.

1.24 (e) (d) The knowledge of a parent or guardian may not be imputed to a minor.

2.1 ~~(d)~~ (e) This section does not affect the suspension of the statute of limitations during
2.2 a period of disability under section 541.15.

2.3 Subd. 3. **Applicability.** This section applies to an action for damages commenced
2.4 against a person who caused the ~~plaintiff's~~ victim's personal injury either by (1)
2.5 committing sexual abuse against the ~~plaintiff~~ victim, or (2) negligently permitting sexual
2.6 abuse against the ~~plaintiff~~ victim to occur.

2.7 Sec. 2. **EFFECTIVE DATE; APPLICATION.**

2.8 (a) This act is effective the day following final enactment and applies to actions
2.9 pending on or commenced on or after that date.

2.10 (b) Notwithstanding any other provision of law, a minor victim whose claim would
2.11 be time-barred under section 1 or a previous version of Minnesota Statutes, section
2.12 541.073, or other applicable statute of limitations, has until August 1, 2010, to commence
2.13 an action for damages based on personal injury caused by sexual abuse.