

**HOUSE . . . . . No. 1455**

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The Commonwealth of Massachusetts

PRESENTED BY:

*John J. Lawn, Jr. and Thomas M. Stanley*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the statute of limitations .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Michael Barrett</i>	<i>Third Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>

**HOUSE . . . . . No. 1455**

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By Messrs. Lawn of Watertown and Stanley of Waltham, a petition (accompanied by bill, House, No. 1455) of John J. Lawn, Jr., Thomas M. Stanley and others relative to the statute of limitations for certain sexual abuse crimes. The Judiciary.

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The Commonwealth of Massachusetts

An Act relative to the statute of limitations .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 4C of Chapter 260 of the General Laws, as appearing in the 2010

2 Official Edition, shall be amended by striking out the first paragraph thereof as so  
3 appearing,

4 and inserting in place thereof the following:

5 Any actions for assault and battery alleging the defendant sexually abused a minor, or for  
6 negligence alleging that the defendant negligently supervised a third person who sexually  
7 abused a minor, or that the defendant's conduct caused or contributed to the sexual abuse  
8 of a minor by a third person, may be commenced at any time before the victim reaches fifty-five  
9 years of age.

10 SECTION 2. The provisions of Section 1 shall apply to all claims under Section 4C of  
11 Chapter 260 which have accrued, and to all actions which are pending, on the date upon  
12 which it becomes effective.

13 SECTION 3. The provisions of Section 1 shall be deemed to be retroactive to the fullest  
14 extent permitted under the Constitution of the United States and the Declaration of Rights  
15 of the Commonwealth of Massachusetts.

16 SECTION 4. In all actions under Section 4C of Chapter 260 by a person over fifty-five  
17 years

18 of age, which are commenced within a ONE (1) year period after the effective date as set  
19 forth in Section 6, it shall not be a defense that such action is barred by any applicable  
20 statute  
21 of limitations.

22 SECTION 5. In all actions under Section 4C of Chapter 260 by a person over fifty-five  
23 years  
24 of age, which are pending on the effective date as set forth in Section 6, it shall not be a  
25 defense that such action is barred by any applicable statute of limitations.

26 SECTION 6. Sections 4 and 5 shall take effect three (3) months after passage,.

27 SECTION 7. All actions under Section 4C of Chapter 260 by a person over fifty-five  
28 years  
29 of age, in which the acts alleged occurred prior to the effective date as set forth in Section  
30 6, but which are commenced after the ONE year period set forth in Section 4, shall be  
31 governed by the provisions of Section 4C of Chapter 260 which were in effect prior to the  
32 enactment of this act.

33 SECTION 8. Section 4C of Chapter 260 of the General Laws, as appearing in the 2010  
34 Official Edition, shall be amended by inserting after the first paragraph thereof the  
35 following

36 paragraph: -

37 The determination of the time when the victim discovered that an emotional or  
38 psychological injury or condition was caused by sexual abuse shall be based upon the date when  
39 the victim first fully understood that the act caused the injury for which the claim was brought, or  
40 that he had been harmed by such conduct, whichever date is later.

41 SECTION 9. The provisions of Section 1 shall apply to all claims under Section 4C of  
42 Chapter 260 which have accrued, and to all actions which are pending, on the date upon  
43 which it becomes effective.

44 SECTION 10. The provisions of Section 1 shall be deemed to be retroactive to the fullest  
45 extent permitted under the Constitution of the United States and the Declaration of Rights

