Amendment #110 to S3141

An Act enhancing remedies for survivors of childhood sexual abuse

Mr. Lawn of Watertown moves to amend the bill by adding the following section:

"SECTION XXXX. SECTION 1. Section 4C of chapter 260 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Civil actions alleging a defendant sexually abused a minor may be commenced at any time after the acts alleged to have caused an injury or condition occurred.

SECTION 2. Said chapter 260 is hereby amended by striking out section 4C 1/2 and inserting in place thereof the following section:-

Section 4C½. Civil actions alleging that a defendant negligently supervised a person who sexually abused a minor or that a defendant's conduct caused or contributed to the sexual abuse of a minor by another person may be commenced at any time after the acts alleged to have caused an injury or condition occurred. For the purposes of this section, "sexual abuse" shall have the same meaning as in section 4C.

SECTION 3. Said chapter 260 is hereby further amended by inserting after section 4C ½ the following section:

Section 4C ¾. Notwithstanding any provision of law which imposes a period of limitations to the contrary and the provisions of any other law pertaining to the filing of a notice of claim or a notice of intention to file a claim as a condition precedent to commencement of an action or special proceeding, every civil claim or cause of action brought against a party alleging sexual abuse of a minor, as that term is defined in section 4C, or negligent supervision contributing to the sexual abuse of a minor under section 4C ½, or a predecessor statute that prohibited such conduct at the time of the act, which is barred as of the effective date of this section because the applicable period of limitations has expired or the plaintiff previously failed to file a notice of claim or a notice of intention to file a claim, is hereby revived, and action thereon may be commenced no later than 2 years after the effective date of this section. In any such claim or action, dismissal of a previous action, ordered before the effective date of this section, on grounds that such previous claim was time barred or for failure of a party to file a notice of claim or a notice of intention to file a claim, shall not be grounds for dismissal of a revival action pursuant to this section.

Notwithstanding any provision of law which limits the liability or damages for any organization or employer or their officers, directors, trustees, employees or volunteers, every civil claim or cause of action brought against a party alleging sexual abuse of a minor, as that term is defined in section 4C, or negligent supervision contributing to the sexual abuse of a minor under section 4C ½, or a predecessor statute that prohibited such conduct at the time of the act, which was subject to limits on liability or damages at the time of the act, shall not be subject to any limitations for revived actions brought pursuant to this section.

SECTION 4: Section 5B of said chapter 260 is hereby amended by striking out, in lines 5 and 6, inclusive, the words “three years next after the cause of action accrues” and inserting in place thereof the following words:- 3 years next after the cause of action accrues; provided, however, that an action commenced under 20 U.S.C. §§1681-1688 for sexual abuse of a minor, as that term is defined in section 4C, or negligent supervision contributing to the sexual abuse of a minor under section 4C ½, shall be governed by the provisions of sections 4C and 4C½.

SECTION 5. Section 85K of chapter 231 of the General Laws, as so appearing, is hereby amended by inserting, in line 12, after the word “costs” the following words:- provided, however, that claims of sexual abuse of a minor, as that term is defined in section 4C of chapter 260, and claims of negligent supervision contributing to the sexual abuse of a minor under section 4C ½ of chapter 260, shall not be subject to a limitation on damages.

SECTION 6. Section 85V of said chapter 231 is hereby amended by inserting after clause (iii) the following clause:-

(iv) claims of sexual abuse of a minor as the term is defined in section 4C of chapter 260 and claims of negligent supervision contributing to the sexual abuse of a minor under section 4C ½ of chapter 260.

SECTION 7. Section 85W of said chapter 231 is hereby amended by inserting, in line 11, after the word “person” the following language:-

; provided further, however, that the immunity conferred in this section shall not apply to claims related to child sexual abuse, as defined in section 4C of chapter 260, and claims of negligent supervision contributing to the sexual abuse of a minor under section 4C ½ of chapter 260.

SECTION 8. Section 2 of chapter 258 of the General Laws, as so appearing, is hereby amended by inserting, in line 12, after the word “damages” the following words:- provided further, however, that claims of sexual abuse

of a minor, as that term is defined in section 4C of chapter 260, and claims of negligent supervision contributing to the sexual abuse of a minor under section 4C ½ of chapter 260, shall not be subject to a limitation on damages.

SECTION 9. Subsection (j) of section 10 of said chapter 258 is hereby amended by inserting after paragraph (4) the following paragraph:- (5) any claim by or on behalf of a person who alleges they were sexually abused as a minor, as that term is defined in section 4C of chapter 260 and claims of negligent supervision contributing to the sexual abuse of a minor under section 4C ½ of chapter 260.

SECTION 10. Section 63 of chapter 277 of the General Laws, as so appearing, is hereby amended by inserting, in line 13, as amended by sections 9 and 10 of chapter 277 of the acts of 2024, after the word “sections” the following number:- 13H,.

SECTION 11. Said section 63 of said chapter 277 is hereby further amended by inserting, in line 27, as amended by sections 9 and 10 of chapter 277 of the Acts of 2024, after the number “23,” the following number:- 24,."

Additional co-sponsor(s) added to Amendment #110 to S3141

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