

HB 3293 B STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

Senate Committee On Judiciary

Action Date: 05/21/19

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 5/20, 5/21

WHAT THE MEASURE DOES:

Extends statute of limitations for civil actions relating to sexual assault to five years from the date the person discovers, or in the exercise of reasonable care should have discovered, the causal relationship between sexual assault and injury. Defines sexual assault as rape, sodomy, unlawful sexual penetration, incest, sexual abuse, an sexual exploitation. Applies to actions commenced on or after the effective date of Act, including any action that would be barred by current limitation period. Specifies that measure does not create new cause of action.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Short term and long term effects of assault
- Victims' difficulties connecting assault to injury
- Two-year statute of limitation insufficient for victims to process assault and bring suit
- Examples of seeking redress in criminal and civil courts

EFFECT OF AMENDMENT:

Makes statute of limitations five years rather than seven.

BACKGROUND:

Under Oregon law, if a person under the age of 18 is abused, including sexually assaulted, the statute of limitations for a civil action does not run until either the person reaches 40 years of age or within five years of the person discovering the causal connection between the abuse and the injury. Like other actions for injury to a person, adults who have been sexually assaulted must bring an action within two years.

House Bill 3293 B extends the statute of limitations for actions on adult sexual assault to five years from the date the person discovers, or reasonably should have discovered through the exercise of reasonable care, the causal relationship between the assault and an injury.