

Senate Bill 793

Sponsored by Senators GELSER, KNOPP; Senators FAGAN, TAYLOR, THATCHER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that action based on sexual assault or knowingly allowing, permitting or encouraging sexual assault that occurs when person is 18 years of age or older must be commenced within seven years from date person discovers, or in exercise of reasonable care should have discovered, causal connection between sexual assault and injury.

Revives certain claims previously barred by statute of limitations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the statute of limitations for actions arising out of sexual assault; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 12.**

6 **SECTION 2. (1) Notwithstanding ORS 12.110, 12.115 or 12.160, an action based on conduct**
7 **that constitutes sexual assault or conduct knowingly allowing, permitting or encouraging**
8 **sexual assault that occurs when a person is 18 years of age or older must be commenced**
9 **within seven years from the date the person discovers, or in the exercise of reasonable care**
10 **should have discovered, the causal connection between the sexual assault and the injury.**

11 (2) As used in this section, "sexual assault" includes, but is not limited to, any of the
12 following:

13 (a) The commission or attempted commission of any type of sexual contact or behavior
14 without the explicit consent of the recipient, regardless of whether the contact or behavior
15 is committed for the purpose of arousing or gratifying the sexual desire of any party;

16 (b) Rape, which includes but is not limited to rape, sodomy, unlawful sexual penetration
17 and incest, as those acts are defined in ORS chapter 163;

18 (c) Sexual abuse, as that act is defined in ORS chapter 163; or

19 (d) Sexual exploitation, which includes but is not limited to trafficking in persons and
20 subjecting another person to involuntary servitude, as those acts are defined in ORS chapter
21 163.

22 (3) Nothing in this section creates a new cause of action or enlarges any existing cause
23 of action.

24 **SECTION 3. Notwithstanding any other provision of law, section 2 of this 2019 Act applies**
25 **to all actions commenced on or after the effective date of this 2019 Act, including any action**
26 **that would have been barred by application of any period of limitations prior to the effective**
27 **date of this 2019 Act.**

28 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **on its passage.**

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