

HB 3582 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/26, 4/8

WHAT THE MEASURE DOES:

The measure distinguishes the definition of child abuse from child sexual abuse and eliminates the statute of limitations for civil claims based on child sexual abuse and sexual assault.

Fiscal: Minimal impact

Revenue: No revenue impact

ISSUES DISCUSSED:

- Limitation of deceased defendants
- Liability of public bodies
- Standard intended to replace knowingly

EFFECT OF AMENDMENT:

-1 The amendment removes the requirement that a person must have "knowingly" permitted or encouraged child abuse or child sexual abuse for the statute of limitations to be lifted

BACKGROUND:

Oregon law sets specific time limits for filing civil claims related to child abuse and adult sexual assault. Under ORS 12.117, civil claims for child abuse must be filed before the survivor reaches age 40, or within five years from the date the survivor discovers the connection between the abuse and the injury. ORS 12.118 generally provides that civil claims for adult sexual assault must be filed within five years of discovery. House Bill 3582 removes these time limitations, allowing civil actions for child abuse and adult sexual assault to be commenced at any time. The measure also amends ORS 12.117 by removing the requirement that a person must have "knowingly" permitted or encouraged the abuse in order for the statute of limitations to be lifted. In *Lourim v. Swensen*, 147 Or App 425, 444–45 (1997), the Oregon Court of Appeals interpreted the term "knowingly" in ORS 12.117 to refer to actual knowledge, rather than constructive knowledge. HB 3582 modifies the statute by eliminating the knowledge requirement, thereby expanding liability for persons who allow, permit, or encourage child sexual abuse.