

## HB 3582 -4 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Meeting Dates:** 5/14, 5/21

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#### WHAT THE MEASURE DOES:

The measure distinguishes child abuse from child sexual abuse and removes the statute of limitations for civil claims based on child sexual abuse, conduct knowingly allowing, permitting or encouraging child sexual abuse, and sexual assault.

#### ISSUES DISCUSSED:

- Knowingly requirement as a limitation on claims
- Intention not to create a new cause of action
- Intention not to broaden or expand existing causes of action

#### EFFECT OF AMENDMENT:

-4 The amendment removes the word “knowingly,” which expands potential liability for conduct allowing, permitting, or encouraging child abuse, child sexual abuse, or sexual assault. It clarifies that claims arising before the bill’s effective date remain subject to existing statute of limitations unless no final judgment has been entered. The amendment defines final judgment as one no longer subject to appeal or review. The amendment adds an emergency clause making the measure effective upon passage.

#### BACKGROUND:

Under current Oregon law, civil claims for child sexual abuse may be brought until age 40 or within five years of discovering the connection between the abuse and the injury, whichever is later (ORS 12.117). Civil claims for adult sexual assault are generally subject to a five-year limitation period (ORS 12.118). In both statutes, third-party liability—such as for employers, institutions, or public bodies—is limited to cases where the defendant knowingly allowed, permitted, or encouraged the abuse. Oregon courts interpret “knowingly” to require actual knowledge, not what a party should have known (*Lourim v. Swensen*). House Bill 3582 removes the statute of limitations for civil claims based on child sexual abuse and sexual assault. HB 3582 -A4 removes the “knowingly” requirement. The amendment also clarifies that claims arising before the bill’s effective date remain subject to existing statutes of limitations unless no final judgment has been entered. The amendment defines “final judgment” as one no longer subject to appeal or review. Oregon courts have upheld the retroactive application of extended civil statutes of limitations in abuse cases, provided the legislative intent to do so is clear and the claim has not been resolved by a final judgment (*Whipple v. Howser*).