

HB 3582 A STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 6/10, 6/11

WHAT THE MEASURE DOES:

The measure amends ORS 12.117 to distinguish child abuse from child sexual abuse. It removes the word “knowingly” from ORS 12.117 and ORS 12.118 and eliminates the statute of limitations for civil claims based on child sexual abuse, conduct that allows, permits, or encourages child sexual abuse, and sexual assault. The measure clarifies that claims arising before the effective date remain subject to the existing statute of limitations, unless no final judgment has been entered. It defines “final judgment” as one that is no longer subject to appeal or review. The measure declares an emergency and is effective upon passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

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 A removes the statute of limitations for civil claims based on child sexual abuse and sexual assault and the “knowingly” requirement. The measure 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, with “final judgment” being defined 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*).