

A-Engrossed House Bill 3582

Ordered by the House May 27
Including House Amendments dated May 27

Sponsored by Representative HARTMAN, Senators TAYLOR, MEEK, Representatives BOWMAN, NGUYEN H, OWENS; Representatives ANDERSEN, CHAICHI, CHOTZEN, DOBSON, DRAZAN, EDWARDS, EVANS, FRAGALA, GOMBERG, HELM, LEVY B, LEVY E, LIVELY, MCDONALD, MCLAIN, MUNOZ, NERON, SCHARF, TRAN, WALTERS, WATANABE, Senator PATTERSON

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the law about the time limit for some claims based on allowing, permitting or encouraging child abuse and sexual assault. The Act gets rid of the time limit for claims based on child sexual abuse or sexual assault. (Flesch Readability Score: 64.2).

[Digest: The Act gets rid of the time limit for filing claims based on sexual assault or child sexual abuse. (Flesch Readability Score: 76.2).]

Modifies the qualifications for certain statutes of limitations for civil actions based on allowing, permitting or encouraging child abuse and sexual assault.

Prospectively eliminates the statute of limitations for civil actions based on sexual assault or child sexual abuse.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to statutes of limitation; creating new provisions; amending ORS 12.117 and 12.118; and declaring an emergency.

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

SECTION 1. ORS 12.117 is amended to read:

12.117. (1) Notwithstanding ORS 12.110, 12.115 or 12.160[,]:

(a) An action based on conduct that constitutes child abuse or conduct *[knowingly]* allowing, permitting or encouraging child abuse that occurs while the person is under 18 years of age must be commenced before the person attains 40 years of age, or if the person has not discovered the causal connection between the injury and the child abuse, nor in the exercise of reasonable care should have discovered the causal connection between the injury and the child abuse, not more than five years from the date the person discovers or in the exercise of reasonable care should have discovered the causal connection between the child abuse and the injury, whichever period is longer.

(b) An action based on child sexual abuse or conduct allowing, permitting or encouraging child sexual abuse may be commenced at any time.

(2) As used in *[subsection (1) of this section,]* **this section:**

(a) "Child abuse" means *[any of the following:]*

[(a)] intentional conduct by an adult that results in:

(A) Any physical injury to a child; or

(B) Any mental injury to a child which results in observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child[;].

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.

(b) **“Child sexual abuse” means:**

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

[(c)] (B) Sexual abuse, as defined in ORS chapter 163, when the victim is a child; or

[(d)] (C) Sexual exploitation of a child, including but not limited to:

[(A)] (i) Conduct constituting violation of ORS 163.435 and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact; and

[(B)] (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or commercial sexual solicitation, as *[defined in ORS chapter 167]* **those acts are defined in ORS 167.007 and 167.008.**

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

SECTION 2. ORS 12.118 is amended to read:

12.118. (1) Notwithstanding ORS 12.110, 12.115 or 12.160, an action based on conduct that constitutes sexual assault or conduct *[knowingly]* allowing, permitting or encouraging sexual assault that occurs when a person is 18 years of age or older *[must be commenced within five years from the date the person discovers, or in the exercise of reasonable care should have discovered, the causal connection between the sexual assault and the injury]* **may be commenced at any time.**

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

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

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

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

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

SECTION 3. (1) Except as provided in subsection (2) of this section, the amendments to ORS 12.117 and 12.118 by sections 1 and 2 of this 2025 Act apply to claims arising on or after the effective date of this 2025 Act.

(2)(a) A claim based on conduct allowing, permitting or encouraging child abuse or child sexual abuse that arises before the effective date of this 2025 Act is subject to the statute of limitations provided in ORS 12.117 (1)(a), unless a final judgment has been entered on the claim before the effective date of this 2025 Act.

(b) A claim based on conduct allowing, permitting or encouraging sexual assault that arises before the effective date of this 2025 Act must be commenced within five years from the date the person discovers, or in the exercise of reasonable care should have discovered, the causal connection between the sexual assault and the injury, unless a final judgment has been entered on the claim before the effective date of this 2025 Act.

(c) As used in this subsection, “final judgment” means a judgment for which the time to appeal has expired without any party filing an appeal or that is not subject to further appeal or review.

SECTION 4. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect

1 **on its passage.**

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