

REPRESENTATIVE ANNESSA HARTMAN (SHE/HER)

HOUSE DISTRICT 40



OREGON HOUSE OF REPRESENTATIVES

Chair Bowman, Vice-Chairs Drazan and Pham, Members of the Committee,

I'm writing today in strong support of HB 3582 and the -3 amendment—because justice delayed should not be justice denied. I would like to provide a trigger warning that HB 3582 will discuss topics surrounding sexual abuse/assault and child sex abuse, so please take care of yourself.

Today in Oregon, if you were sexually assaulted as an adult, you have just five years from the time you discover—or "should have discovered"—the connection between the abuse and the harm it caused to file a civil lawsuit. For survivors of child sexual abuse, it's either until age 40 or five years from discovery, whichever is later.

Now, to some, I know that might sound reasonable, but it completely misses the mark on what we now understand and know about trauma, and how it shows up in our lives.

The average age at which a survivor of child sexual abuse comes forward is 52. Fifty-two. For many adults, it can take years, sometimes decades, to begin to process what happened, let alone publicly speak it aloud. Many never come forward, because our society has told survivors that "you should've known better," "what took you so long, why now?" "Are you sure that's really what happened?"

These arbitrary deadlines don't reflect how healing works. They reflect how bureaucracy works. They force survivors to defend not just what happened to them, but also when and how they processed it. They invite defense attorneys to turn discovery into an interrogation of a survivor's healing timeline.

We created these statutes with the best information we had at the time. But we know more now. We know that many institutions failed to protect children in their care. We know predators were shuffled from pulpit to pulpit and office to office, while survivors were left with the scars.

HB 3582 eliminates civil statutes of limitation for survivors of child sexual abuse and adult sexual assault for future claims. It says survivors can come forward when they are ready, not when a clock says they're allowed. It brings Oregon in line with a growing national consensus. Nineteen states and the federal government have already eliminated these time limits for child sexual abuse, and twenty-five states have opened lookback windows to revive all expired claims.

The -3 amendment, which is the same as the -2, other than a slight technical fix, does one more crucial thing: it removes the word *knowingly* from ORS 12.117 and 12.118 and applies that fix to past and future claims. Currently, to take advantage of the extended statutes of limitation, survivors must prove that an organization "knowingly" allowed abuse to happen.

That single word—*knowingly*—has been used by churches, hospitals, and youth organizations to shield themselves from responsibility. Even when red flags were everywhere, even when patterns were undeniable, unless a survivor can prove the institution had actual knowledge that *they*, specifically, were being abused, some courts throw out their case.

That's not the standard we apply in any other area of negligence. If someone slips on a wet floor, they don't have to prove the store knew *they* were going to fall. But survivors of sexual abuse are being held to a much higher—and unfair—standard.

Removing the word "knowingly" restores the original intent of our extended limitations—to capture negligence in hiring, supervision, and retention—without raising the bar for survivors above any other tort claimant. And it guarantees that survivors like those abused by Dr. Farley—some of whom were shut out because Providence argued it didn't "know" he was abusing *those specific girls*—will have a path forward.

Colleagues, being a survivor in this building and doing this work to center survivors' experiences has been one of the most challenging experiences I have had as a legislator. Like the many questions one gets if they come forward, I was also presented with questions like "what about the accused or the wrongfully accused?" "How is someone going to try a case 40 years later, and how do we know they are telling the truth?" Isn't this just going to open the floodgates of people coming forward?"

Maybe you are one of the lucky ones who doesn't know someone who is a survivor, or maybe you are the luckiest of us all, that you have not experienced this kind of abuse yourself.

But let me tell you, there isn't a day that goes by that I don't think of that night. That I think, why didn't I just get out of that car? Why did I just give up? Why didn't I trust my gut?

I couldn't go inside a walk-in fridge for years without the fear that someone was going to follow me in. I couldn't even open my own freezer without holding my breath, because that smell took me back to a place when I was first assaulted at 18, the day before my birthday.

It wasn't until much later in life that what I thought was a superpower of always recognizing body language, being hyper-aware of everything around me, constantly looking over my shoulder, and planning for the worst. It was indeed not a superpower; it was trauma.

So, believe me when I tell you, if a survivor makes the decision to come forward, it was not done easily.

Let me be very clear: this bill's provisions removing the statutes of limitation are not retroactive. That was a painful and deliberate concession. It means it won't apply to people like me and many I have spoken to over the past few years, whose claims have already expired.

But today, HB 3582 fixes what we can. It says that from here forward, no one will be denied justice just because their healing took too long, and it sends a powerful message:

To survivors: You don't have to justify how long it took to come forward. You don't have to defend the way you survived. We believe you, and we are finally changing the law to reflect the fact that justice for what happened to you should never expire.

And to abusers—and to the institutions that enabled them, protected them, and turned a blind eye: Your time is up. You don't get to hide behind legal technicalities anymore. You don't get to weaponize silence, shame, or bureaucracy to escape accountability. HB 3582 makes it clear: if you choose to protect your reputation over protecting children, if you look the other way while harm is being done, you will answer for it. Delay is not a defense. The clock will no longer protect you. And neither will the law.

I want to thank everyone who has worked on and testified in support of this bill, including the legendary victims' attorneys Erin Olson, Peter Janci, Amy Bruning, and Amber Kinney, as well as survivors and their advocates. With that, I respectfully urge your support for HB 3582 and the -3 amendment. Thank you.

A handwritten signature in black ink, appearing to read 'Annessa Hartman', with a stylized, flowing script.

Representative Annessa Hartman
House District 40 – Gladstone, Oregon City, North Clackamas County

