

SECOND REGULAR SESSION

HOUSE BILL NO. 1436

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BYRD (Sponsor), FRASER, YATES, STEVENSON,
GOODMAN, WILLOUGHBY AND BISHOP (Co-sponsors).

Read 1st time February 10, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4033L.01I

AN ACT

To repeal section 537.046, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for childhood sexual abuse cases.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 537.046, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.046, to read as follows:

537.046. 1. As used in this section, the following terms mean:

(1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under the age of eighteen years and which act would have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120, RSMo, or section 568.020, RSMo;

(2) "Injury" or "illness", either a physical injury or illness or a psychological injury or illness. A psychological injury or illness need not be accompanied by physical injury or illness.

2. [In any civil action for recovery of damages suffered as a result of childhood sexual abuse, the time for commencement of the action shall be within five years of the date the plaintiff attains the age of eighteen or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by child sexual abuse, whichever later occurs.] **Any action to recover damages from injury or illness caused by childhood sexual abuse in an action brought pursuant to this section, shall be commenced within ten years of the plaintiff attaining the age of twenty-one or within three years of the date of discovering, or reasonably should have discovered, that the injury or illness was caused by**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

16 **childhood sexual abuse, whichever later occurs.**

17 3. This section shall apply to any action commenced on or after August 28, 1990,
18 including any action which would have been barred by the application of the statute of limitation
19 applicable prior to that date.