

FIRST REGULAR SESSION

HOUSE BILL NO. 1139

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE INGLE.

1307H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 537.046 and 556.037, RSMo, and to enact in lieu thereof three new sections relating to time limitations for certain sexual offenses.

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

Section A. Sections 537.046 and 556.037, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 537.044, 537.046, and 556.037, to read as
3 follows:

**537.044. 1. As used in this section, "sexual offense" means any felony sexual
2 offense for which registration is required under sections 589.400 to 589.425.**

**3 2. Notwithstanding any provision of law, a victim of a sexual offense may bring a
4 civil action at any time against any person who committed the sexual offense against the
5 victim or whose tortious conduct caused the victim to be a victim of the sexual offense.**

**6 3. This section shall not apply to a claim that has been litigated to finality on its
7 merits in any court of competent jurisdiction before August 28, 2023.**

**8 4. The court may award actual damages, compensatory damages, punitive
9 damages, injunctive relief, or any other appropriate relief in a civil action under this
10 section.**

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

**(1) "Childhood sexual abuse", any act committed by the defendant against the
3 plaintiff which act occurred when the plaintiff was under the age of eighteen years and which
4 act would have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070,
5 566.080, 566.090, 566.100, 566.110, or 566.120, or section 568.020;**

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

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

9 2. Any action to recover damages from injury or illness caused by childhood sexual
10 abuse in an action brought pursuant to this section [~~shall be commenced within ten years of~~
11 ~~the plaintiff attaining the age of twenty one or within three years of the date the plaintiff~~
12 ~~discovers, or reasonably should have discovered, that the injury or illness was caused by~~
13 ~~childhood sexual abuse, whichever later occurs]~~ **may be commenced at any time.**

14 [~~3. This section shall apply to any action commenced on or after August 28, 2004,~~
15 ~~including any action which would have been barred by the application of the statute of~~
16 ~~limitation applicable prior to that date.]~~

556.037. 1. Notwithstanding the provisions of section 556.036, prosecutions for:

2 (1) Unlawful sexual offenses involving a person eighteen years of age or under; **or**

3 (2) **Felony sexual offenses involving any person**

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5 may be commenced at any time.

6 2. For purposes of this section, "sexual offenses" include, but are not limited to, all
7 offenses for which registration is required under sections 589.400 to 589.425.

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