

FIRST REGULAR SESSION

HOUSE BILL NO. 883

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

1748H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 537.046, RSMo, and to enact in lieu thereof one new section relating to civil actions for childhood sexual abuse.

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Section A. Section 537.046, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.046, to read as follows: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, **566.031**, 566.040, 566.050, 566.060, **566.061**, 566.070, 566.080, 566.090, 566.100, **566.101**, 566.110, ~~[or] 566.120, [or section] 566.210, 566.211, 568.020, 573.023, or 573.200;~~

(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. Any action **against any party** to recover damages from injury or illness caused by childhood sexual abuse **or tortious conduct that caused the victim to be a victim of 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 the plaintiff discovers, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse, whichever later occurs]~~ **may be brought at any time.**

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.

16 3. This section shall apply to any action **against any party** commenced on or after
17 August 28, 2004, including any action which would have been barred by the application of
18 the statute of limitation applicable prior to that date.

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