

FIRST REGULAR SESSION

HOUSE BILL NO. 1132

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKER.

2347H.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, with a contingent effective date.

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Section A. Section 537.046, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.046, to read as follows: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, or section 568.020;

(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 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 the plaintiff discovers, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse, whichever later occurs~~] **may be commenced at any time.**

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

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.

Section B. The repeal and reenactment of section 537.046 of section A of this act
2 shall become effective only upon the passage and approval by the voters of a constitutional
3 amendment submitted to them by the general assembly regarding the enactment of a
4 retrospective law if the law involves a civil childhood sexual abuse claim.

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