

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2058

52nd Legislature
1991 Regular Session

Passed by the House March 19, 1991
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1991
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2058** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2058

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Scott, Riley, Paris, H. Myers, Miller, Forner, Belcher, Ludwig, Inslee, Wineberry, Locke, Appelwick, Holland, Roland, Winsley, D. Sommers, Morris, Spanel, R. Johnson and Rasmussen).

Read first time March 6, 1991.

1 AN ACT Relating to application of the statute of limitations to
2 actions based on childhood sexual abuse; amending RCW 4.16.340; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Childhood sexual abuse is a pervasive problem that affects the
7 safety and well-being of many of our citizens.

8 (2) Childhood sexual abuse is a traumatic experience for the victim
9 causing long-lasting damage.

10 (3) The victim of childhood sexual abuse may repress the memory of
11 the abuse or be unable to connect the abuse to any injury until after
12 the statute of limitations has run.

13 (4) The victim of childhood sexual abuse may be unable to
14 understand or make the connection between childhood sexual abuse and
15 emotional harm or damage until many years after the abuse occurs.

1 (5) Even though victims may be aware of injuries related to the
2 childhood sexual abuse, more serious injuries may be discovered many
3 years later.

4 (6) The legislature enacted RCW 4.16.340 to clarify the application
5 of the discovery rule to childhood sexual abuse cases. At that time
6 the legislature intended to reverse the Washington supreme court
7 decision in *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986).

8 It is still the legislature's intention that *Tyson v. Tyson*, 107
9 Wn.2d 72, 727 P.2d 226 (1986) be reversed, as well as the line of cases
10 that state that discovery of any injury whatsoever caused by an act of
11 childhood sexual abuse commences the statute of limitations. The
12 legislature intends that the earlier discovery of less serious injuries
13 should not affect the statute of limitations for injuries that are
14 discovered later.

15 **Sec. 2.** RCW 4.16.340 and 1989 c 317 s 2 are each amended to read
16 as follows:

17 (1) All claims or causes of action based on intentional conduct
18 brought by any person for recovery of damages for injury suffered as a
19 result of childhood sexual abuse shall be commenced within the later of
20 the following periods:

21 (a) Within three years of the act alleged to have caused the injury
22 or condition((~~or~~));

23 (b) Within three years of the time the victim discovered or
24 reasonably should have discovered that the injury or condition was
25 caused by said act((~~whichever period expires later~~)); or

26 (c) Within three years of the time the victim discovered that the
27 act caused the injury for which the claim is brought:

1 PROVIDED, That the time limit for commencement of an action under
2 this section is tolled for a child until the child reaches the age of
3 eighteen years.

4 (2) The victim need not establish which act in a series of
5 continuing sexual abuse or exploitation incidents caused the injury
6 complained of, but may compute the date of discovery from the date of
7 discovery of the last act by the same perpetrator which is part of a
8 common scheme or plan of sexual abuse or exploitation.

9 (3) The knowledge of a custodial parent or guardian shall not be
10 imputed to a person under the age of eighteen years.

11 (4) For purposes of this section, "child" means a person under the
12 age of eighteen years.

13 (5) As used in this section, "childhood sexual abuse" means any act
14 committed by the defendant against a complainant who was less than
15 eighteen years of age at the time of the act and which act would have
16 been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of
17 similar effect at the time the act was committed.