

SB127 INTRODUCED



1 O728MJ-1
2 By Senator Coleman
3 RFD: Judiciary
4 First Read: 22-Mar-23
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SYNOPSIS:

Under existing law, a civil action for an injury to an individual that involves certain sex offenses must be brought within six years.

This bill would expand the statute of limitations for certain sex offenses.

A BILL
TO BE ENTITLED
AN ACT

Relating to commencement of actions; to amend Section 6-2-8, Code of Alabama 1975, to further provide for the statute of limitations for civil actions involving certain sex offenses and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-2-8, Code of Alabama 1975, is amended to read as follows:

"§6-2-8

(a) If anyone entitled to commence any of the actions enumerated in this chapter, to make an entry on land, or enter a defense founded on the title to real property ~~is,~~ at the time the right accrues, is below the age of 19 years, ~~r~~ or insane, he or she shall have three years, or the period



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29 allowed by law for the commencement of an action if it be less
30 than three years, after the termination of the disability to
31 commence ~~an~~the action, make entry, or defend. No disability
32 shall extend the period of limitations so as to allow an
33 action to be commenced, entry made, or defense made after the
34 lapse of 20 years from the time the claim or right accrued.
35 Nothing in this section shall be interpreted as denying any
36 imprisoned person the right to commence an action enumerated
37 in this chapter and to make any proper appearances on his or
38 her behalf in such actions.

39 (b) (1) If anyone entitled to commence any of the
40 actions enumerated in this chapter ~~is~~, at the time the right
41 accrues, is below the age of 19 years, or insane, and the
42 injury upon which the action is based arises from a sex
43 offense as described in Section 15-20A-5, he or she shall have
44 ~~six~~36 years after the termination of the disability to
45 commence the action.

46 (2) This subsection shall apply retroactively to sex
47 offenses that occurred prior to the effective date of the act
48 adding this amendatory language, irrespective of any statute
49 of limitation in effect at the time the abuse occurred.

50 (3) An individual of any age who was time barred from
51 filing a civil action for recovery of damages suffered as a
52 result of a sex offense as described in Section 15-20A-5, due
53 to the expiration of the statute of limitations in effect
54 prior to the said effective date, may file a civil action for
55 a period of two years following the said effective date.

56 (c) When both disabilities coexist at the time the



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57 claim accrued, the limitation does not attach until both are
58 removed.

59 (d) A disability which did not exist when a claim
60 accrued does not suspend the operation of the limitation
61 unless the contrary is expressly provided."

62 Section 2. This act shall become effective on the first
63 day of the third month following its passage and approval by
64 the Governor, or its otherwise becoming law.