

SENATE BILL NO. 1084

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

5026S.02I

ADRIANE D. CROUSE, Secretary

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Section A. Section 537.046, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.046, to read as follows: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) "Actions against nonperpetrator defendants", any action or claim to recover damages brought against a nonperpetrator defendant by any person alleging negligent or intentional failure to supervise a person that commits childhood sexual abuse, or that the nonperpetrator defendant's conduct caused or contributed to the childhood sexual abuse by another person including, but not be limited to, wrongful conduct, neglect or default in supervision, hiring, employment, training, monitoring, or failure to report, or the concealment of childhood sexual abuse;

(2) "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] **566.031, 566.032, 566.034**, 566.060, [566.070, 566.080, 566.090] **556.061, 566.062, 566.064, 566.067,**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 566.068, 566.069, 566.071, 566.083, 566.086, 566.093,
20 566.095, 566.100, [566.110, or 566.120] 566.101, 566.209,
21 566.210, 566.211, or section 568.020;

22 [(2)] (3) "Injury" or "illness", either a physical
23 injury or illness or a psychological injury or illness. A
24 psychological injury or illness need not be accompanied by
25 physical injury or illness.

26 2. Any action to recover damages from injury or
27 illness caused by childhood sexual abuse **or actions against**
28 **nonperpetrator defendants** in an action brought pursuant to
29 this section shall be commenced within ten years of the
30 plaintiff attaining the age of twenty-one or within three
31 years of the date the plaintiff discovers, or reasonably
32 should have discovered, that the injury or illness was
33 caused by childhood sexual abuse, whichever later occurs.

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

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