

1 ENGROSSED HOUSE
2 BILL NO. 1002

By: Bush, Pae, McDugle and
Rosecrants of the House

3 and

4 Weaver of the Senate
5

6
7 [civil procedure - allowing victims who were
8 previously time-barred to file actions for
9 childhood sexual abuse - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 12 O.S. 2011, Section 95, as last
14 amended by Section 1, Chapter 378, O.S.L. 2017 (12 O.S. Supp. 2020,
15 Section 95), is amended to read as follows:

16 Section 95. A. Civil actions other than for the recovery of
17 real property can only be brought within the following periods,
18 after the cause of action shall have accrued, and not afterwards:

19 1. Within five (5) years: An action upon any contract,
20 agreement, or promise in writing;

21 2. Within three (3) years: An action upon a contract express
22 or implied not in writing; an action upon a liability created by
23 statute other than a forfeiture or penalty; and an action on a
24 foreign judgment;

1 3. Within two (2) years: An action for trespass upon real
2 property; an action for taking, detaining, or injuring personal
3 property, including actions for the specific recovery of personal
4 property; an action for injury to the rights of another, not arising
5 on contract, and not hereinafter enumerated; an action for relief on
6 the ground of fraud - the cause of action in such case shall not be
7 deemed to have accrued until the discovery of the fraud;

8 4. Within one (1) year: An action for libel, slander, assault,
9 battery, malicious prosecution, or false imprisonment; an action
10 upon a statute for penalty or forfeiture, except where the statute
11 imposing it prescribes a different limitation;

12 5. An action upon the official bond or undertaking of an
13 executor, administrator, guardian, sheriff, or any other officer, or
14 upon the bond or undertaking given in attachment, injunction,
15 arrest, or in any case whatever required by the statute, can only be
16 brought within five (5) years after the cause of action shall have
17 accrued;

18 6. a. An action ~~based on intentional conduct brought by any~~
19 ~~person~~ for the recovery of damages for injury suffered
20 as a result of childhood sexual abuse ~~incidents~~ or
21 exploitation, as defined by paragraph 2 of Section 1-
22 1-105 of Title 10A of the Oklahoma Statutes ~~or incest~~
23 ~~against the actual perpetrator shall,~~ may be commenced
24 ~~by the forty-fifth birthday of the alleged victim. If~~

1 ~~the person committing the act~~ against any person at
2 any time and shall not be time-barred. For purposes
3 of this subsection, if the child sexual abuse or
4 exploitation first occurs prior to eighteen (18) years
5 of age and continues into adulthood, the victim may
6 commence a civil action against the repeat perpetrator
7 at any time and shall not be time-barred. The victim
8 need not establish which act in a continuing series of
9 sexual abuse or exploitation caused the injury of
10 which the victim complains.

11 b. An action for the recovery of damages for injury
12 suffered as a result of childhood sexual abuse against
13 a child was employed by or exploitation, as defined by
14 paragraph 2 of Section 1-1-105 of Title 10A of the
15 Oklahoma Statutes, may be commenced against an entity,
16 institution, organization, agency, firm, business, or
17 corporation or other public or private legal entity
18 that owed a duty of care to the victim, or the accused
19 and the child were engaged in some activity over which
20 the legal entity had some degree of responsibility or
21 control, the action must be brought against such
22 employer or legal entity, whether for profit or
23 nonprofit, within two (2) thirty (30) years; provided,
24 that the time limit for commencement of an action of

1 the last act committed against the victim or within
2 five (5) years of when the victim knew or should have
3 known of the last act of the perpetrator, whichever is
4 longer; provided, that the time limit for commencement
5 of an action pursuant to this ~~paragraph~~ subparagraph
6 is tolled for a child until the ~~child reaches the age~~
7 of eighteen (18) years. ~~No action may be brought~~
8 against the alleged perpetrator or the estate of the
9 alleged perpetrator after the death of such alleged
10 perpetrator, unless the perpetrator was convicted of a
11 crime of sexual abuse involving the claimant. An
12 action pursuant to this paragraph must be based upon
13 objective verifiable evidence in order for the victim
14 to recover damages for injuries suffered by reason of
15 such sexual abuse, exploitation, or incest. The
16 victim need not establish which act in a continuing
17 series of ~~continuing~~ sexual abuse incidents, or
18 exploitation incidents, ~~or incest~~ caused the injury
19 complained of which the victim complains.

20 c. No action may be brought against the alleged
21 perpetrator or the estate of the alleged perpetrator
22 after the death of such alleged perpetrator, unless
23 the perpetrator was convicted of a crime of sexual
24 abuse, exploitation or incest involving the claimant.

1 An action pursuant to this subparagraph must be based
2 upon objective, verifiable evidence in order for the
3 victim to recover damages for injuries suffered by
4 reason of such sexual abuse, exploitation or incest.

5 d. For a period of five (5) years beginning November 1,
6 2021, any victim who was previously time-barred prior
7 to November 1, 2021, shall be permitted to file an
8 action pursuant to subparagraph a or b of this
9 paragraph;

10 7. An action based on intentional conduct brought by any person
11 for recovery of damages for injury suffered as a result of criminal
12 actions, as defined by the Oklahoma Statutes, may be brought against
13 any person incarcerated or under the supervision of a state, federal
14 or local correctional facility on or after November 1, 2003:

15 a. at any time during the incarceration of the offender
16 for the offense on which the action is based, or

17 b. within five (5) years after the perpetrator is
18 released from the custody of a state, federal or local
19 correctional facility, if the defendant was serving
20 time for the offense on which the action is based;

21 8. An action to establish paternity and to enforce support
22 obligations can be brought any time before the child reaches the age
23 of eighteen (18);

1 9. An action to establish paternity can be brought by a child
2 in accordance with Section 7700-606 of Title 10 of the Oklahoma
3 Statutes;

4 10. Court-ordered child support is owed until it is paid in
5 full and it is not subject to a statute of limitations;

6 11. All actions filed by an inmate or by a person based upon
7 facts that occurred while the person was an inmate in the custody of
8 one of the following:

9 a. the State of Oklahoma,

10 b. a contractor of the State of Oklahoma, or

11 c. a political subdivision of the State of Oklahoma,

12 to include, but not be limited to, the revocation of earned credits
13 and claims for injury to the rights of another, shall be commenced
14 within one (1) year after the cause of action shall have accrued;
15 and

16 12. An action for relief, not hereinbefore provided for, can
17 only be brought within five (5) years after the cause of action
18 shall have accrued.

19 B. Collection of debts owed by inmates who have received damage
20 awards pursuant to Section 566.1 of Title 57 of the Oklahoma
21 Statutes shall be governed by the time limitations imposed by that
22 section.

23 SECTION 2. This act shall become effective November 1, 2021.

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1 Passed the House of Representatives the 11th day of March, 2021.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate