



2021 South Dakota Legislature

House Bill 1181

Introduced by: **Representative Pourier**

1 **An Act to authorize the revival of certain civil claims.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **26-10-25.1. Revival--Civil Claim--Child abuse.**

5 Notwithstanding any other provision of law, in the case of alleged sexual abuse of
 6 a person under the age of eighteen, as defined in § 26-10-29, if the civil action would
 7 otherwise be time-barred under § 26-10-25 or other time limit, an action for damages
 8 against a person, as defined in § 2-14-2, may be commenced no later than July 1, 2023.
 9 This section applies only to actions pending on or commenced on or after the effective
 10 date of this Act.

11 **Section 2.** That § 26-10-25 be AMENDED:

12 **26-10-25. Civil actions for damages--Childhood sexual abuse--Limitations.**

13 Any civil action based on intentional conduct brought by any person or entity for
 14 recovery of damages for injury suffered as a result of childhood sexual abuse shall be
 15 commenced within three years of the act alleged to have caused the injury or condition,
 16 or three years of the time the victim discovered or reasonably should have discovered that
 17 the injury or condition was caused by the act, whichever period expires later. However,
 18 no person who has reached the age of forty years may recover damages from any person
 19 or entity other than the person who perpetrated the actual act of sexual abuse.

20 **Section 3.** Section 1 of this Act is repealed July 1, 2023.