

SENATE BILL 463

By Bell

AN ACT to amend Tennessee Code Annotated, Title 28,
Chapter 3, relative to the statute of limitations for
certain civil actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 28-3-104, is amended by adding the following as new subsections:

(d)

(1) The period during which a civil action must be commenced set out in subsection (a) shall be suspended if a criminal prosecution is commenced that is based upon the same conduct, transaction, or occurrence that gives rise to a cause of action for civil damages. The time between the commencement of the criminal prosecution and the conclusion of it shall not be computed as part of the period within which the civil action must be brought; provided, no tolling of the statute of limitations under this subdivision (d)(1) shall exceed ten (10) years from the date the civil cause of action accrued.

(2)

(A) For purposes of this subsection, a criminal prosecution is commenced on the earliest of the following dates:

- (i) The date a warrant, summons, or capias is issued;
- (ii) The date an indictment or information is returned or filed; or
- (iii) The date of the defendant's first appearance in any court as the accused in the prosecution.

(B) For purposes of this subsection, a criminal prosecution is concluded on the latest of the following dates:

(i) The date of the final judgment or order in the trial court;

(ii) The date of the final disposition of any direct appeal in state court; or

(iii) The date on which the time for noting an appeal has expired.

(3) Upon the conclusion of the criminal prosecution, the civil action may be brought within the longer of:

(A) The remainder of the applicable limitation period following the end of the tolling pursuant to subdivision (d)(1); or

(B) One (1) year.

(e)

(1) Notwithstanding the statute of limitations in subsection (a), if a criminal prosecution is commenced but the grand jury indictment is returned or a grand jury indictment is waived after the period within which a civil action arising out of the same conduct, transaction, or occurrence may be brought, the civil action may be brought within one (1) year of the latest of the following dates:

(A) The date of the final judgment or order in the trial court;

(B) The date of the final disposition of any direct appeal in state court; or

(C) The date on which the time for noting an appeal has expired.

(2) However, in no event shall the period during which the civil statute of limitations is extended pursuant to this subsection exceed ten (10) years from the date the civil cause of action accrued.

(f) Any period during which the civil statute of limitations is tolled pursuant to this section shall be in addition to any other circumstances, events, or provisions that have

the effect of tolling a statute of limitations or repose including, but not limited to, minority, incapacity, or insanity.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to causes of action occurring on or after that date.