

SENATE BILL 2484

By Massey

AN ACT to amend Tennessee Code Annotated, Title 28,
Chapter 3, Part 1, relative to the time within which
certain actions must be commenced.

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

SECTION 1. Tennessee Code Annotated, Title 28, Chapter 3, Part 1, is amended by
adding the following as a new section:

(a) As used in this section, unless the context otherwise requires:

(1) "Child sexual abuse" means any act set out in § 37-1-602(a)(3), that
occurred when the victim was a minor;

(2) "Discovery" means when the injured person becomes aware that the
injury or illness was caused by child sexual abuse. Discovery that the injury or
illness was caused by child sexual abuse shall not be deemed to have occurred
solely by virtue of the injured person's awareness, knowledge, or memory of the
acts of abuse;

(3) "Injury or illness" means either a physical injury or illness or a
psychological injury or illness; and

(4) "Minor" means a person under eighteen (18) years of age.

(b) Notwithstanding § 28-3-104, a civil action for an injury or illness based on
child sexual abuse that occurred when the injured person was a minor, but was not
discovered at the time of the abuse, shall be brought within three (3) years from the time
of discovery of the abuse by the injured person.

(c) A person bringing an action under this section need not establish or prove:

(1) Which act in a series of continuing child sexual abuse incidents by the alleged perpetrator caused the injury or illness complained of, but may compute the date of discovery from the date of discovery of the last act by the same alleged perpetrator which is part of a common scheme or pattern of child sexual abuse; or

(2) That the injured person psychologically repressed the memory of the facts upon which the claim is predicated.

(d) In an action brought under this section, the knowledge of a parent or guardian shall not be imputed to a minor.

(e) Notwithstanding subsection (b), in no event shall an action under this section be brought against the alleged perpetrator of the child sexual abuse or against the estate of such alleged perpetrator after the perpetrator's death later than twenty-five (25) years from the date the child becomes eighteen (18) years of age. If the action is brought more than one (1) year from the date the injured person attains the age of majority, the injured person must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it, and shall apply to all actions pending on such date as well as all actions commenced on or after such date.