

1 HB370  
2 217344-1  
3 By Representatives Coleman, Faulkner and Rafferty  
4 RFD: Judiciary  
5 First Read: 16-FEB-22

SYNOPSIS: Under existing law, a civil action for an injury to a person that involves certain sex offenses must be brought within six years.

This bill would expand the statute of limitations for certain sex offenses.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to commencement of actions; to amend Section 6-2-8, Code of Alabama 1975, to further provide for the statute of limitations for civil actions involving certain sex offenses and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-2-8, Code of Alabama 1975, is amended to read as follows:

"§6-2-8.

"(a) If anyone entitled to commence any of the actions enumerated in this chapter, to make an entry on land,

1 or enter a defense founded on the title to real property ~~is~~,  
2 at the time the right accrues, is below the age of 19 years,  
3 or insane, he or she shall have three years, or the period  
4 allowed by law for the commencement of an action if it be less  
5 than three years, after the termination of the disability to  
6 commence ~~an~~ the action, make entry, or defend. No disability  
7 shall extend the period of limitations so as to allow an  
8 action to be commenced, entry made, or defense made after the  
9 lapse of 20 years from the time the claim or right accrued.  
10 Nothing in this section shall be interpreted as denying any  
11 imprisoned person the right to commence an action enumerated  
12 in this chapter and to make any proper appearances on his or  
13 her behalf in such actions.

14 "(b) (1) If anyone entitled to commence any of the  
15 actions enumerated in this chapter ~~is~~, at the time the right  
16 accrues, is below the age of 19 years, or insane, and the  
17 injury upon which the action is based arises from a sex  
18 offense as described in Section 15-20A-5, he or she shall have  
19 ~~six~~ 36 years after the termination of the disability to  
20 commence the action.

21 "(2) This subsection shall apply retroactively to  
22 sex offenses that occurred prior to the effective date of the  
23 act adding this amendatory language, irrespective of any  
24 statute of limitation in effect at the time the abuse  
25 occurred.

26 "(3) An individual of any age who was time barred  
27 from filing a civil action for recovery of damages suffered as

1 a result of a sex offense as described in Section 15-20A-5,  
2 due to the expiration of the statute of limitations in effect  
3 prior to the effective date of this act, may file a civil  
4 action for a period of two years following the effective date  
5 of this act.

6 "(c) When both disabilities coexist at the time the  
7 claim accrued, the limitation does not attach until both are  
8 removed.

9 "(d) A disability which did not exist when a claim  
10 accrued does not suspend the operation of the limitation  
11 unless the contrary is expressly provided."

12 Section 2. This act shall become effective on the  
13 first day of the third month following its passage and  
14 approval by the Governor, or its otherwise becoming law.