SB93

FN1P555-1

By Senator Chambliss

RFD: Judiciary

First Read: 13-Feb-24

SYNOPSIS:

Under existing law, anyone entitled to commence a civil action based on an injury involving a sex offense against an individual 19 years of age or younger has until six years after the individual turns 19 to commence the action.

This bill would provide an exception to the statute of limitations for a civil action for injury resulting from certain sex offenses against a minor, provided the action is for purposes of making a claim against the bankruptcy estate of a congressionally chartered organization and the bankruptcy proceedings were initiated on February 18, 2020.

This bill would also provide for retroactive effect.

A BILL

TO BE ENTITLED

AN ACT

Relating to commencement of actions; to provide a limited exception to the statute of limitations for certain actions for injury that result from a sex offense against a minor for the purposes of filing a claim against the

bankruptcy estate of a congressionally chartered organization; and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Notwithstanding Section 6-2-8, Code of Alabama 1975, if an individual entitled to commence any of the actions enumerated in Chapter 2 of Title 6, Code of Alabama 1975, is, at the time the right accrued, below 19 years of age, an action for injury may be commenced by or on behalf of the injured individual at any time, notwithstanding any then applicable statute of limitation, if all of the following are true:

(1) The injury upon which the action is based arises from a sex offense as described in Section 15-20A-5, Code of Alabama 1975.

(2) The action is barred due to the expiration of the statute of limitations period described in Section 6-2-8, Code of Alabama 1975.

(3) The action is for purposes of making a claim or claims in a bankruptcy proceeding that was initiated on February 18, 2020.

(4) The claim or claims is against the bankruptcy estate of a congressionally chartered organization.

(b) An action brought under subsection (a) may only be commenced against an entity seeking bankruptcy protection as provided in subsection (a) and not against any other person or entity.

(c) This section shall apply retroactively to sex offenses that occurred prior to the effective date of this

act, irrespective of any statute of limitation in effect at the time the offense occurred.

(d) This section shall expire and be repealed on December 31, 2026.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.