

SB127 INTRODUCED



BILL STATUS



1 0728MJ-1

2 By Senators Coleman, Singleton, Stewart, Hatcher, Allen,

3 Kelley, Coleman-Madison, Waggoner, Figures, Smitherman

4 RFD: Judiciary

5 First Read: 22-Mar-23

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SYNOPSIS:

Under existing law, a civil action for an injury to an individual 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, or enter a defense founded on the title to real property ~~is,~~ at the time the right accrues, is below the age of 19 years, or insane, he or she shall have three years, or the period



29 allowed by law for the commencement of an action if it be less  
30 than three years, after the termination of the disability to  
31 commence ~~an~~ the action, make entry, or defend. No disability  
32 shall extend the period of limitations so as to allow an  
33 action to be commenced, entry made, or defense made after the  
34 lapse of 20 years from the time the claim or right accrued.  
35 Nothing in this section shall be interpreted as denying any  
36 imprisoned person the right to commence an action enumerated  
37 in this chapter and to make any proper appearances on his or  
38 her behalf in such actions.

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

46 (2) This subsection shall apply retroactively to sex  
47 offenses that occurred prior to the effective date of the act  
48 adding this amendatory language, irrespective of any statute  
49 of limitation in effect at the time the abuse occurred.

50 (3) An individual of any age who was time barred from  
51 filing a civil action for recovery of damages suffered as a  
52 result of a sex offense as described in Section 15-20A-5, due  
53 to the expiration of the statute of limitations in effect  
54 prior to the said effective date, may file a civil action for  
55 a period of two years following the said effective date.

56 (c) When both disabilities coexist at the time the



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57 claim accrued, the limitation does not attach until both are  
58 removed.

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

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