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Child Sex Abuse Statutes of Limitation Reform from January 2002 to December 2019

A National Overview of the Movement to Empower Child Sex
Abuse Victims through Statute of Limitations Reform Since 2002

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CHILD USA is the leading nonprofit think tank working to end child abuse and neglect in the United States. CHILD USA engages in high-level legal, social science, and medical research and analysis to derive the best public policies to end child abuse and neglect. Distinct from the many organizations engaged in direct service, CHILD USA produces evidence-based solutions and information needed by policymakers, organizations, media, and society to increase child protection and the common good. Our goal is to help millions of children at a time.



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I. INTRODUCTION

The United States is in the midst of a civil rights movement for children and especially the victims of child sex abuse. An important first step in the war to empower them is to establish effective access to justice. For too long, civil and criminal statutes of limitation (“SOLs”)—the arbitrary deadlines for filing claims—have been unfairly short. They have silenced victims, endangered children, favored perpetrators, and left reckless institutions unaccountable. That is changing.

2019 is a banner year for child sex abuse SOL reform as we reached a tipping point in 2018 with three historic developments: the media coverage of dozens of brave survivors of Dr. Larry Nassar testifying in open court; the release of Pennsylvania Attorney General Josh Shapiro’s grand jury investigation into six Roman Catholic dioceses showing the pattern of abuse and cover up that continues within the Church; and Julie K. Brown’s reporting for the *Miami Herald* on the lax punishment of Jeffrey Epstein’s far-flung child sex trafficking operation serving some of the most powerful men in the world.

In 2019, more new laws were passed than any year since 2002. Twenty-three states and Washington D.C. have amended their SOLs, and many still have bills pending or plans to revisit the issue in 2020.¹ The movement is occurring on three fronts: (1) elimination of criminal SOLs; (2) extension and elimination of civil SOLs; and (3) revival of expired civil SOLs.

This movement was first spurred by the *Boston Globe*’s groundbreaking Spotlight series on the cover up of clergy sex abuse by Cardinal Bernard Law in the Boston Archdiocese, published in January 2002,² which was honored with prizes from the Pulitzer Awards to an Academy Award for the Best Picture of the Year.³ There is little question that the series was a towering journalistic accomplishment. It was also a turning point in the history of child protection as the public finally saw the outlines of a paradigm of sex abuse in trusted institutions. The Spotlight series brought to the fore the broad themes of institution-based child sex abuse: powerful men motivated by image and self-preservation; calculated ignorance of the clear risks to children; and protection of the abusers within the institution rather than the children. While those in power dithered and/or ignored the horror in plain sight, the perpetrators were permitted latitude to abuse countless children. The story was picked up around the world, and clergy sex abuse became standard content in headlines everywhere.

Cardinal Law’s recklessness appeared so brazen that, at first, some people believed the problem had to be limited to the Boston Archdiocese. For example, Sen. Rick Santorum blamed it on liberalism specific to Boston: “While it is no excuse for this scandal, it is no surprise that Boston, a seat of academic, political and cultural liberalism in America, lies at the center of the storm.”⁴ Not long thereafter, Philadelphia District Attorney Lynne Abraham initiated the most comprehensive grand jury investigation into Archdiocesan clergy sex abuse at the time. The 2005 Grand Jury Report on Sex

¹ See Child USA 2019 SOL Summary for full SOL legislative activity this year at CHILDUSA.ORG, <https://www.childusa.org/2019sol> (last visited Dec. 3, 2019).

² Michael Rezendes, *Church Allowed Abuse by Priest for Years*, THE BOSTON GLOBE: SPOTLIGHT SERIES (Jan. 6, 2002), <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTlrAT25qKGvBuDNM/story.html>; see also <http://www.bostonglobe.com/arts/movies/spotlight-movie>.

³ SPOTLIGHT (Universal Home Studios 2015).

⁴ Rick Santorum, *Fishers of Men*, CATHOLIC ONLINE (2002), <http://www.catholic.org/featured/headline.php?ID=30>. See also Marci Hamilton, *How Senator Rick Santorum, In Acting for His Church, Persistently Fails to Consider the Larger Public Good*, FINDLAW (Aug. 11, 2005), <http://supreme.findlaw.com/legal-commentary/how-senator-rick-santorum-in-acting-for-his-church-persistently-fails-to-consider-the-larger-public-good.html>.

Abuse in the Philadelphia Archdiocese established that the cover-up of child sex abuse by dozens of priests in the Philadelphia-area Catholic dioceses was not related to liberalism. Rather, it was a pattern that repeated itself in parish after parish, and eventually diocese after diocese, state after state, and eventually one country after another.⁵

The *Spotlight* paradigm created numerous new ways for the public to comprehend child endangerment embedded in institutions. Patterns that were formerly masked became visible as institutional dominos started to fall. The church reports were followed by disturbing stories about other religious organizations⁶ and the “perversion files” in the Boy Scouts of America.⁷ Then the other secular institutional scandals began to appear, starting with Penn State and Jerry Sandusky. From there, abuse in many other institutions surfaced, like elite boarding schools, sports teams, and other youth-serving organizations. The question must be answered, however, whether the knowledge yielded about the Boston Archdiocese and its progeny resulted in lasting change that would protect children in the future.

The revelations of institution-based abuse contributed to large numbers of victims coming forward at roughly the same time. Barbara Blaine, President of SNAP, or the Survivors Network of Those Abused by Priests, held vigils of survivors holding pictures of themselves at the age when they were abused in dioceses across the country. The media covered them and the public started asking about justice. However, surprisingly for many, the two paths to justice—criminal prosecution and civil lawsuits—were unavailable for the vast majority of the victims. They could not prosecute or file civil lawsuits, because they had missed the arbitrary procedural deadlines, the SOLs, for their claims.

Most of the victims missed the deadlines because of the disclosure delay that is common among child sex abuse victims. Only 25-33% of victims disclose in childhood, and 33-70% disclose in adulthood, with studies finding age 48 as the median and age 52 as the average age of disclosure.⁸ The reasons for delay are specific to each individual, but often involve disabilities that result from the sex abuse (e.g., depression, PTSD, substance abuse alcoholism, and physical ailments) and the large power differential between the child victim and the adult perpetrator, as well as the power dynamics of the institution.

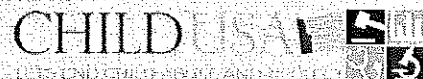
⁵ COMMONWEALTH OF PENNSYLVANIA: OFFICE OF THE ATTORNEY GENERAL, A REPORT OF THE THIRTY-SEVENTH STATEWIDE INVESTIGATING GRAND JURY (April 2014), <https://www.scribd.com/document/301459233/Grand-jury-report-on-Altoona-Johnstown-Catholic-Diocese>. See also www.bishopaccountability.org (leading archive of sex abuse in the Catholic Church).

⁶ For example, the Jehovah’s Witnesses. Hemant Mehta, *Dozens of Alleged Victims Share Stories of Abuse Within the Jehovah’s Witnesses*, PATHEOS (Mar. 26, 2018), <http://www.patheos.com/blogs/friendlyatheist/2018/03/26/dozens-of-alleged-victims-share-stories-of-abuse-within-the-jehovahs-witnesses/>.

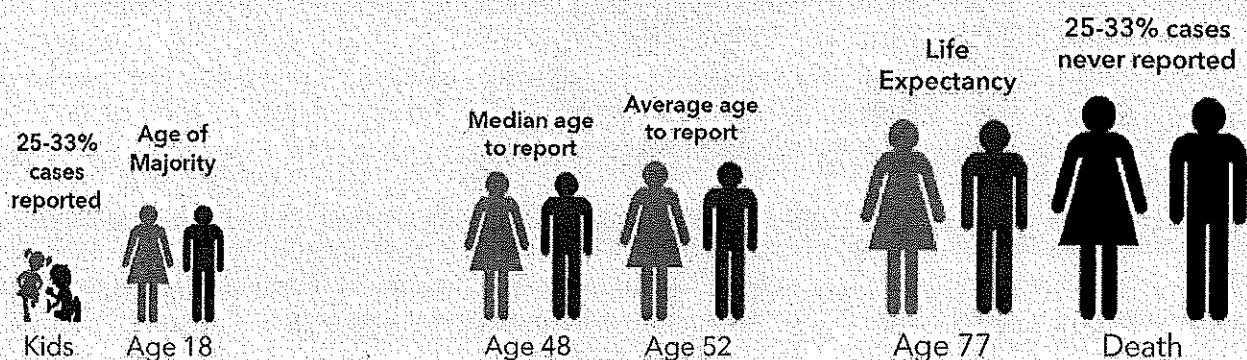
⁷ Paul Dugan, *Boy Scout ‘perversion files’ released*, WASH. POST (Oct. 18, 2012), https://www.washingtonpost.com/local/crime/boy-scout-perversion-files-released/2012/10/18/62c7a6ec-1940-11e2-b97b-3ae53cdeaf69_story.html?utm_term=.fb006cc70429.

⁸ See N. Spröber et al., *Child sexual abuse in religiously affiliated and secular institutions*, BMC PUBLIC HEALTH, Vol.14 (March 27, 2014); G. Priebe & C. Svedin, Child sexual abuse is largely hidden from the adult society, 32 CHILDHOOD ABUSE AND NEGLECT 1095, 1105 (2008) (acknowledging that of adults who disclose childhood abuse, only 6%-15% of disclosures are made to authorities, whereas most individuals disclose to friends); Kamala London, Maggie Bruck and Stephen J. Ceci, *Disclosure of Child Sexual Abuse: What Does the Research Tell Us About the Ways That Children Tell?*, 11 Psychol. Pub. Pol’y and L. 194 (2005). See also www.childusa.org/law (delayed discovery graphic of ages at which victims of child sex abuse come forward).

DELAYED DISCLOSURE



Most child victims of sexual assault disclose, if they disclose at all, during adulthood, with a median age of 48 and an average age of 52.



The institutional disclosures revealed a callous disregard for the welfare of children. When the SOLs blocked justice for the victims and simultaneously protected the perpetrators and institutions, a strong argument was made to do away with the SOLs: this deadline appeared to be patently unfair. I wrote *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press), because, at the time, I believed that the law was simply a mistake to be corrected. I learned that there are vested interests in the United States determined to keep victims out of court including the Catholic bishops, insurance industry, teachers' unions, the ACLU, defense attorneys, and the chambers of commerce.⁹ One of the reasons 2019 is a banner year for SOL reform is that their arguments against victims' access to justice have been debunked.

There were two classes of child sex abuse victims to consider: (1) the children currently being abused and (2) the victims whose claims had expired.

For the children at risk right now, prospective elimination of the civil and criminal SOLs makes the most sense.

For those whose claims had expired, California attempted to revive expired criminal and civil SOLs. The United States Supreme Court held the criminal revival was unconstitutional in *Stogner v. California*.¹⁰ The California civil revival window, though, was found to be constitutional and, therefore, California led the way with its one-year civil window, which was open during the calendar year 2003.

⁹ MARCI A. HAMILTON, *JUSTICE DENIED: WHAT AMERICA MUST DO TO PROTECT ITS CHILDREN* 51-110 (Cambridge University Press 2012) (hereinafter "Justice Denied").

¹⁰ *Stogner v. California*, 539 U.S. 607 (2003), <https://supreme.justia.com/cases/federal/us/539/607/>.

The window concept was not a novel approach crafted solely for child sex abuse victims. It was borrowed from the revival of expired SOLs in other contexts where the harm to the individual was not immediately apparent when injury first occurred. For example, veterans exposed to Agent Orange have been permitted to file claims for injury long after exposure.¹¹

While it is difficult to prove direct cause and effect, it is a fact that the pace of legal reform to extend and eliminate the child sex abuse SOLs has been intense since 2002. There has been increasing innovation as states grapple with the challenge of creating justice for victims of a crime no one wants to discuss. It is also a fact that the predominant example of institution-based child sex abuse from 2002 until the Penn State/Jerry Sandusky scandal broke in 2011 was clergy sex abuse in the Catholic Church. The post-2002 clergy sex abuse scandals reinforced the Spotlight-identified paradigm.

Before 2002, there was a trickle of information mostly focused on individual victims, which led the public to believe child sex abuse was relatively uncommon and a problem related solely to individual perpetrators, as opposed to an institutional or society-wide problem. Moreover, the pervasive understanding was that children needed to be protected from “Stranger Danger,” while in fact the primary danger rested with parents, priests, teachers, or coaches.

The pace of disclosure by sex abuse victims and the identification of responsible individuals and institutions increased significantly starting in 2002. There was also a pronounced shift from a focus on individuals to a focus on society as a whole. The following is a timeline of widely publicized child sex abuse scandals:

- 1977.** Roman Polanski (CA).
- 1985.** Fr. Gilbert Gauthé, Louisiana dioceses (LA).
- 1987.** Bob Villard (CA).
- 1986.** Thayer Academy (MA).
- 1991.** Washington Times investigative report on pervasive sex abuse in Boy Scouts.
- 1992.** Woody Allen (NY).
- 1993.** Mount Alvernia High School (MA).
- 1995.** Notre Dame Academy (MA); Phillips Academy (MA).
- 1996.** USA Volleyball (IL).
- 1997.** Washington Academy (ME).
- 1998.** Cheverus High School (ME). Solomon Schechter Day School (MA).
- 2000.** Austin Preparatory School (MA); Kent Hills School (ME); St. Paul’s School (NH).
- 2002.** Boston Globe discloses Boston Archdiocese (MA); Boston College High School (MA); Catholic Memorial School (MA); Manchester Diocese (NH); Cincinnati Diocese (OH); Cardinal Spellman High School (MA); Spokane Diocese (WA); Bridgeport Diocese (CT); Tucson Diocese (AZ); Davenport Diocese (IA); Toledo Diocese (OH).
- 2003.** Linden Hill School (MA); Riverview School (MA); Saint Thomas More School (CT); Philadelphia Archdiocese (PA); Los Angeles Diocese (CA); San Diego Diocese (CA); Orange Diocese (CA).
- 2004.** John Dewey Academy (MA); Jason Michael Handy (CA); Portland Archdiocese (OR).
- 2005.** Bill Cosby – first rape allegation made public; The Loomis Chaffee School (CT); Chicago Archdiocese (IL); Burlington Diocese (VT); Hartford Archdiocese (CT).

¹¹ Marci A. Hamilton, *The Time Has Come for a Restatement of Child Sex Abuse*, 79 BROOKLYN L. REV. 397 (2014).

- 2006.** Berkshire School (MA); Eagle Hill School (CT); Lyndon Institute (VT); Maine Central Institute (ME); Milton Academy (MA); St. Dominic Savio Preparatory High School (MA). Charles Bennison – Episcopal Church (PA); Wilmington Diocese (DE).
- 2007.** Baptist Church (TX); USA Judo (OH); Miami Archdiocese (FL).
- 2008.** Buckingham Browne & Nichols School (MA); Cardigan Mountain School (NH); Tony Alamo Christian Ministries (AR, IN).
- 2009.** Cathedral High School (MA); Yona Weinbeg, ultra-Orthodox Jew (NY); The Cambridge School of Weston (MA); Williston Northampton School (MA).
- 2010.** U.S. Women's Swimming; Assumption Catholic School (CT); Brewster Academy (NH); Notre Dame Academy (MA); St. Stanislaus School (CT); Vermont Academy (VT); St. John's School for the Deaf (WI).
- 2011.** Jerry Sandusky – Penn State (PA); Syracuse Basketball (NY); Fundamental Church of Jesus Christ of Latter-Day Saints (TX); Fessenden School (MA); LA United School District (CA); Christ the King Regional H.S. (NY); Riverside Church basketball program (NY).
- 2012.** Jehovah's Witnesses (CA). Horace Mann (NY); James Madison High (NY); Monsignor Lynn (PA); Phillips Andover Academy (MA); Carrabassett Valley Academy (ME). Landmark School (MA); Maimonides School (MA); Westover School (CT); Orthodox Jewish Camp Shalva (NY); Yeshiva University (NY); Santa Fe Archdiocese (NM).
- 2013.** Ariel Castro (OH); USA Speed skating; Father Gerald "Jerry" Funcheon (MN); Nicole Dufault (NJ); Brooks School (MA); Brunswick School (CT); Choate Rosemary Hall (CT); Deerfield Academy (MA); Notre Dame Catholic High School (CT); The Park School (MA); The Pike School (MA); The Taft School (CT).
- 2014.** Patrick Henry College (VA); Paks Karate (FL); Fr. James Thoennes (MN). Fruits of the Minnesota Window (MN). Solebury School (PA); Doctor Franklin Perkins School (MA); Miss Porter's School (CT); Quincy Catholic Academy (MA). Sacred Heart School (MA); Shaker Road School (NH); St. Mary of the Hills (MA). The Academy at Mount Saint John (CT). The Glenholme School (CT).
- 2015.** AAU Volleyball; Wrestling program, Yorkville High School (Dennis Hastert) (IL); Glade Run Lutheran Services (PA); James Madison High School (NY); Jared Fogle (Subway); Northeast Portland Boys & Girls Club (OR); Sequoia Charter School (AZ); Sunrise Mountain High School (AZ); U.S. Marines & Afghanistan; Plum School District (PA); Pomfret School (CT); Shalom House Jewish Day School (MA); St. Joseph School (CT); The Hotchkiss School (CT).
- 2016.** St. George's (RI); Emma Willard School (NY); Berwick Academy (ME); Little League (WV); ABC Kidz Child Care (OH); Phillips Exeter Academy (NH); Michigan State University (MI); USA Gymnastics (IN); U.S. Olympic Committee (CO); Metropolitan Opera (NY); Bethlehem Baptist Church (AL); First Baptist Church (GA); Northeast Georgia Council Boy Scouts of America (GA); Minuteman Border Patrol Group (AZ); Arkansas Department of Human Services (AR); "Mr. Wonder" Show on KNOE-TV (LA); Rawlins Middle School (WY).
- 2017.** Beth Tfiloh Dahan Community School (MD); Camp Shores (MD); Pacific Southwest Region of United Synagogue Youth (MN); Louisville Metro Police Department's Youth Explorer Program (KY); Camp Lejeune (NC); Hollywood Film Industry (CA); Orange County High School (VA); Amateur Athletic Union (IL); Sports Performance Volleyball Club (IL); Daphne Elementary School (AL); Apostolic Church of Jesus Christ (AL); University of Alabama in Huntsville (AL); The Darlington School in Rome (GA); Palo Alto Medical Foundation (CA); Dominican Hospital (CA); Roman Catholic Church in Phoenix (AZ); Mesa Police Department (AZ); St. Francis Xavier Church (NY); Stoddert Middle School (MD); Fusion Health Care and Silhouette Medspa (CA); Vungle (CA); Aggressive Christianity Missions Training Corps (NM); Satellite Hotel Churches (CO); Partners Program (CO); Dolores County Sheriff's Office (CO); Kent School (CT); The

Brearely School (NY); Kidz Ink 2 Day Care (DE); Kamehameha School (HI); Midwest Academy (IA); Sioux Center Christian School (IA); Parkview Church (IA); The Learning Tree Child Care Center (WI); St. Pius X Catholic School (WI).

2018. Larry Nassar (MI); Pennsylvania Grand Jury Report (PA); (Jehovah's Witnesses Church (NV); U.S. Military (VA); Nichols School (NY); St. Mary's Academy (OR); Randolph Union High School (VT); The Awakening Church (TN); Mount Gilead Baptist Church (AL); City of Highfill Mayor's Office (AR); Highfill United Methodist Church (AR); Palestine-Wheatley High School (AR); The International Water Polo Club (CA); USA Water Polo (CA); Iglesia La Familia De Dios (CA); Fort Carson (CO); New Smyrna Beach Middle School (FL); Roman Catholic Diocese of Boise (ID); Wrestling program, Bergen Catholic H.S. (NJ); Jeffrey Epstein (FL).

2019. Michael Jackson (CA); R. Kelly (IL); Southern Baptist Convention (TX); Roman Catholic Dioceses (NJ, TX, MO, NY); John Coughlin (KS); Theodore McCarrick (DC); James "Doc" Jensen (MT); Roman Catholic Archdiocese of New York (NY); Boy Scouts of America (NY); Dr. Michael Dick (AL); Dr. George M. Tyndall (CA); Dr. Richard Strauss (OH); Dr. Reginald Archibald (NY); Dr. Stanley Weber (MT); Sterling Van Wagenen (UT); George Pell (Australia); Dr. Johnnie Barto (PA); Richard Callaghan (CA).

With so many bad actors and institutions in the headlines and thousands of victims coming forward, the pressure for justice became acute. Most states and the federal government made access to justice, or SOL reform, a priority. Forty-eight states and the District of Columbia, or 96%, have amended their child sex abuse SOLs since January 2002.¹² Some jurisdictions amended their SOLs more than once, e.g., on the civil side, Alaska, California, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nebraska, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, Tennessee, Texas, Utah and Washington D.C., and on the criminal side, the following states amended the criminal SOL more than once: Arkansas, California, Connecticut, Florida, Hawaii, Illinois, Indiana, Louisiana, Maine, Missouri, Montana, Nebraska, Nevada, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin.

Yet, with all the activity in the states since 2002, only one state, Vermont, and the U.S. territory of Guam have reached the pinnacle of SOL reform, which is to simply eliminate the criminal SOL going forward and the civil SOLs backwards and forwards. Guam was first to do this. First, it enacted a window, but no one took advantage of it. Then, in 2016 Guam became the first jurisdiction to dispense with the child sex abuse SOLs altogether.¹³ The result has been over 270 child sex abuse victims coming forward and the identification of perpetrators like Catholic Archbishop Apuron, who has been accused by at least five victims, and a number of other perpetrators in the church, Boy Scouts, and elsewhere.¹⁴ Vermont followed suit in 2019, eliminating the civil SOL going forward and reviving all expired claims without any limitation. Vermont is now the SOL reform leader amongst the states.

¹² The only states to make no improvements to child sex abuse SOLs since 2002 are South Carolina and Wyoming.

¹³ Haidee v. Eugenio, *Guam Gov. signs bill ending time limits in child sex cases*, USA Today (Sept. 23, 2016, 5:27 AM), <https://www.usatoday.com/story/news/nation-now/2016/09/23/guam-governor-signs-bill-ending-time-limits-child-sex-cases/90892188/>.

¹⁴ For a summary, see *Bishops Accused of Sexual Abuse and Misconduct: A Global Accounting*, BISHOPACCOUNTABILITY.ORG, http://www.bishop-accountability.org/bishops/accused/global_list_of_accused_bishops.htm%E2%80%9CApuron%E2%80%9D; <https://www.guampdn.com/story/news/2019/08/15/guam-clergy-sex-abuse-claims-filed-archdiocese-bankruptcy-case/2016819001/> (last visited Sept. 26, 2019); see also James Barron, *Nearly 8,000 Boy Scout Leaders Have Been Accused of Sexual Abuse Since 1944, Researcher Found*, New York Times (Apr. 23, 2019), <https://www.nytimes.com/2019/04/23/nyregion/boy-scouts-sex-abuse.html>.

This study reports on the pace of child sex abuse SOL reform in the federal government, the 50 states, and the District of Columbia. It also ranks the states. Each state was assigned a score for its current civil SOL, current criminal SOL, and an average overall SOL score. The best states for civil SOLs are Delaware, Minnesota and Vermont, and the worst are Alabama, Louisiana, Mississippi, Ohio, and South Dakota. Moreover, the worst are in a class by themselves as they have set an age cap on civil claims that is so short as to guarantee that 2/3 of the victims will be denied justice. The rigidity of their formulas combined with the reality of delayed disclosure means that child abusers have the upper hand. Their short deadlines for filing claims incentivize pedophiles to pursue more children.

The best states for criminal SOLs are Alabama, Connecticut, Delaware, Maine, Missouri, Montana, South Carolina, Tennessee, West Virginia, and Wyoming.¹⁵ In each of these states, there is simply no criminal SOL for child sex abuse crimes, whether felonies or misdemeanors. The worst are Iowa, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, and Oregon, each of which forces victims to press charges before age 50 (unless there is DNA evidence). Alabama is the only state to be one of the best states in one category (criminal) while being one of the worst in the other (civil).

Overall, the best states for child sex abuse SOL reform are Delaware and Vermont, and the worst state is Ohio. Ohio is well behind other states and standing still during this active movement means that they are increasingly out of step with the rest of the country.

II. The State-by-State Developments in Child Sex Abuse Statutes of Limitations After January 2002

A. The States

Alabama

Alabama expanded its criminal SOL and made only one minor improvement to its civil SOL since 2002. Alabama eliminated some of its criminal SOLs in 1985, and finally extended its civil SOL in 2019, but it remains one of the six worst states for civil claims. Overall, on a scale of 0-5, where 1 is the worst and 5 is the best, Alabama ranks as a 3.

Criminal. In 1985, Alabama eliminated the criminal SOL for rape at any age and, for victims under the age of 16, it eliminated the criminal SOL for all other felony and misdemeanor sexual offenses.¹⁶ This put Alabama at the forefront of child sex abuse criminal SOLs. In successive years, Alabama clarified and expanded the list of sex offenses against victims under age 16 for which there is no SOL: 2011 (rape, sodomy, sexual misconduct, sexual torture, sexual abuse of a child, sexual abuse, indecent exposure enticing, prostitution, incest, pornography, human trafficking); 2016 (foster parent engaging in sex act); 2017 (sexual extortion, directing a child to engage in a sex act); 2018 (foster parent engaging in sex act).¹⁷

¹⁵ It is important to understand, however, that for the states that only recently eliminated or extended the criminal SOL, there are still many victims who do not have access to justice. For those victims whose SOLs expired before the recent extension or elimination, there is nothing that can be done for them on the criminal side. It is unconstitutional to revive the expired criminal SOLs. *Stogner v. California*, 539 U.S. 607 (2003). For them, the only hope is to revive expired civil SOLs.

¹⁶ ALA. CODE § 15-3-5.

¹⁷ ALA. CODE § 15-20A-5.

Civil. In 2002 Alabama's civil SOLs were some of the shortest in the country. For personal injury, victims had to file by age 21 (age of majority, 19, plus 2 years), though if the injury involved false imprisonment or assault and battery, they had until age 25 (age of majority, 19, plus 6 years).¹⁸ It wasn't until 2019 that Alabama lengthened its civil SOLs for the first time since 1996. The 2019 law extends the civil SOL for all sex offenses, including sex abuse, prostitution, pornography, and trafficking against a person under 19 years of age to age 25 (age 19 plus 6 years).¹⁹ Age 25 is too young to help most victims. Alabama has not passed a window or other SOL revival legislation.

Alaska

Alaska has made several changes to its criminal and civil SOLs since 2002. By 2001, it had eliminated criminal SOLs for certain crimes (felony sexual abuse) and civil claims (sexual abuse, exploitation and trafficking). It eliminated the civil SOL for some other claims in 2003 and more in 2013. On a scale of 0-5, overall it is a 4.

Criminal. By 2001 Alaska had eliminated the criminal SOL for felony sexual abuse of a minor, sex trafficking, and many other crimes involving child sex abuse. Most remaining felonies were subject to an SOL ending 10 years from the crime and for other felonies and misdemeanors it was 5 years. In 2013 it removed the SOL for more felonies, including child pornography and sex trafficking of a person under age 20 and added more sexual offenses to the list of crimes that have a 10-year SOL (incest, online enticement of a minor, and unlawful exploitation of a minor).²⁰

Civil. In 2001, Alaska eliminated the civil SOL for felony sexual abuse of a minor and sexual assault. In 2003, the state started to eliminate the SOL for other categories of crimes. The civil SOL for unlawful exploitation of a minor was eliminated in 2003, and for felony sex trafficking in 2013.²¹ In 2003, the SOL was extended for misdemeanor sex abuse, incest and felony indecent exposure to age 21 or 3 years from discovery.²² Any remaining claims expire at age 20 (age of majority, 18, plus 2 years).²³ Alaska has not passed a window or other SOL revival legislation.

Arizona

Since 2002, Arizona has made no changes to criminal SOLs and it expanded the civil SOLs this year, for the first time. There is no criminal SOL for some felonies, but for the remaining felonies, the SOL expires 7 years after the offense. As of 2019, civil claims expire at age 30 and victims can avail themselves of a 19-month revival window for expired claims. On a scale of 0-5, overall it ranks as a 4.

¹⁸ ALA. CODE §§ 6-2-38(I), 6-2-34(1), 6-2-8.

¹⁹ *Id.*

²⁰ ALASKA STAT. ANN. § 12.10.010.

²¹ ALASKA STAT. ANN. § 09.10.065.

²² ALASKA STAT. ANN. §§ 09.10.065, 09.10.140, 25.20.010.

²³ ALASKA STAT. ANN. §§ 09.10.140, 09.10.170, 25.20.010.

Criminal. Arizona has no SOL for sexual assault of a minor and for many other felony sexual offenses against children under age 15 or under age 18 if the abuser holds a position of trust,²⁴ but otherwise it imposes a short criminal SOL for prosecution: 7 years after the state government discovers the offense. The SOL is tolled, which is to say the clock stops running on the 7-year limit, when the perpetrator is out of state or has no “reasonably ascertainable place of abode within the state.” The criminal SOL is also tolled when the identity of the perpetrator is unknown.²⁵ There have been no changes since 2002.

Civil. The civil SOL in 2002 was capped at age 20 (age of majority, 18, plus 2 years).²⁶ In 2019, Arizona extended the civil SOL to age 30 and opened a 19-month revival window for expired claims.²⁷

Arkansas

Arkansas has made a few changes to its criminal SOLs and no changes to its civil SOLs since 2002. Arkansas extended the criminal SOL in 2005 and then four years later eliminated it for some felony offenses, but it has made no changes to its civil SOL since 1993. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. As of 2002, Arkansas’s criminal SOL for felonies was 6 years from the offense and 1 year for misdemeanors. For many sex offenses against minors the SOL expired at age 18 if the crime was not previously reported to the police. In 2003, more sex abuse crimes were added to the list of offenses for which the SOL could be tolled until age 18. In 2005 Arkansas extended and then in 2009 eliminated the SOL if the perpetrator is identified by DNA evidence. In 2011, Arkansas changed the SOL for many sex abuse felonies and misdemeanors to age 28 (age of majority, 18, plus 10 years), and then eliminated the criminal SOL for felony rape, sex assault, incest, pornography and others in 2013.²⁸

Civil. Those who are sexually abused in Arkansas have until age 21 (age of majority, 18, plus 3 years) or 3 years after the victim discovers she was injured and the injury was caused by the sex abuse.²⁹ This civil SOL has not changed since 1993 and Arkansas has not passed a window or other SOL revival legislation.

California

California has been a leader in child sex abuse criminal and civil SOL innovation since 2002. In 2014, it extended the criminal SOL to age 40 and then eliminated it for felony sex crimes in 2017. In 2003, it enacted a one-year civil window. This year, California enacted another, longer 3-year window and extended the SOL to age 40 or five years after discovery. On a scale of 0-5, overall it ranks as a 4.

²⁴ ARIZ. REV. STAT. ANN. §§ 13-107, 13-1423, 13-1405.

²⁵ ARIZ. REV. STAT. ANN. § 13-107.

²⁶ ARIZ. REV. STAT. ANN. §§ 12-542, 12-502.

²⁷ ARIZ. REV. STAT. ANN. § 12-514. The revival window will close on December 31, 2020.

²⁸ ARK. CODE ANN. § 5-1-109.

²⁹ ARK. CODE ANN. §§ 16-56-130(a), 16-56-116, 9-25-101.

Criminal. Before 2002, California enacted a law that would revive expired criminal SOLs by allowing prosecution one year after reporting to law enforcement for abuse that happened while a victim was a minor, but it was held unconstitutional in *Stogner v. California*.³⁰ As of 2002, the SOL for felony sex offenses was 3 or 6 years from the offense depending on the crime or age 19, whichever was later.³¹ California also has had a DNA statute that permits prosecution within 1-year of DNA identification for sex crimes if the DNA is analyzed in a timely manner since 2005.³² In 2004, the criminal SOL for felonies was extended to 10 years after the offense and in 2006 pornography was added to this SOL.³³ In 2005 the criminal SOL for many felony sex offenses against minors was age 28.³⁴ In 2014, California extended the criminal SOL from age 28 to age 40 and expanded the crimes included for this SOL in 2018.³⁵ In 2017 California eliminated the SOL for many felony sex offenses, including rape, molestation, and sexual abuse.³⁶

Civil. In 2002 the SOL was age 26 or discovery plus 3 years, whichever was later. In 2003, in direct response to the revelations about the Boston Archdiocese, California enacted a 1-year window, which revived civil claims during the 2003 calendar year.³⁷ In 2018, California came very close to extending the civil SOL and opening another window, but Governor Jerry Brown vetoed the bill.³⁸ In 2019, California successfully passed an SOL amendment that extends the civil SOL to age 40 (age of majority, 18, plus 22 years), extends the discovery rule to 5 years, and opens a 3-year revival window starting January 1, 2020. This new window is an improvement over the 2003 window, because it is longer and, unlike its predecessor, it allows previously expired claims to be brought against the government as well as perpetrators and institutions.³⁹

Colorado

Colorado has made few changes to its SOLs since 2002. By 2006, Colorado had eliminated all criminal SOLs for child sex abuse, which put it in front of most states. But its civil SOL, which is mediocre, has not changed since 1999. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. In 2002, Colorado set the SOL for sex crimes against children at age 28 (age of majority, 18, plus 10 years). As of 2006, Colorado eliminated the SOLs for all felony sex offenses against children.⁴⁰ In 2019 Colorado added unlawful electronic sexual communication to its list of felony sex offenses against children for which there is no SOL, however misdemeanor offenses still have an SOL of 18 months.⁴¹

³⁰ *Stronger v. California*, 539 U.S. 607 (2003) (holding West's Ann. Cal. Penal Code § 803 unconstitutional).

³¹ CAL. PENAL CODE §§ 799, 800, 801, 801.1, 803.

³² CAL. PENAL CODE § 803.

³³ CAL. PENAL CODE §§ 801.1, 801.2.

³⁴ CAL. PENAL CODE §§ 799, 801.1.

³⁵ *Id.*; CAL. PENAL CODE § 803.

³⁶ *Id.*

³⁷ CAL. CIV. PROC. CODE § 340.1.

³⁸ A.B. 3120, 2018 Gen. Assemb., Reg. Sess. (Cal. 2018).

³⁹ A.B. 218, 2019 Gen. Assemb., Reg. Sess. (Cal. 2019).

⁴⁰ COLO. REV. STAT. ANN., §§ 16-5-401(1)(a), 18-3-411.

⁴¹ *Id.*

Civil. Colorado set a limit of age 24 (age of majority, 18, plus 6 years) in 1990 or 6 years from accrual.⁴² Case law added a discovery rule in 1999, which pushes accrual of the SOL out to any age at which the victim discovers that an injury was caused by the sex abuse.⁴³ Several attempts have been made to enact a window, which would revive expired SOLs, but they have been unsuccessful.⁴⁴

Connecticut

Connecticut has amended its criminal and civil SOLs since 2002 with the most significant changes for criminal in 2019 and for civil in 2002. This year, Connecticut eliminated the criminal SOL for a broad range of sex abuse felonies and misdemeanors; it also extended its civil SOL to age 51. On a scale of 0-5, overall it ranks as a 4.5 (where 5 is the highest average score).

Criminal. By 2002 Connecticut eliminated the criminal SOL for 1st degree sexual assault and in 2007, for aggravated sexual assault of a minor.⁴⁵ For all other sex abuse crimes, the SOL was age 48 (age of majority, 18, plus 30), or within five years of reporting to police, whichever was earlier.⁴⁶ By 2000, there was a DNA statute which extended the SOL for sexual assault to 20 years from the offense and then in 2007 eliminated it completely, if it was reported within 5 years and there was a match.⁴⁷ In 2019, the state significantly broadened the elimination of criminal SOLs by removing the SOL for any felony or misdemeanor offense against a minor involving sexual abuse, sexual exploitation, or sexual assault.⁴⁸

Civil. Before 2002, Connecticut's civil SOL was age 35.⁴⁹ In 2002, however, the state eliminated the civil SOL for any claim that led to a 1st degree aggravated or sexual assault conviction, and for all other claims, extended the SOL to age 48. The extension was retroactive so that Connecticut victims up to age 48 (age of majority, 18, plus 30 years), whether or not the claim previously expired, could sue for damages. In 2019, Connecticut extended the SOL again to age 51 (age of majority, 21, plus 30 years). This extension is prospective, meaning it only applies to actions based on conduct occurring after October 1, 2019, but it applies to non-minors ages 18, 19 and 20 too.⁵⁰ Connecticut stands alongside Massachusetts and Rhode Island in enacting an age-limit for the revival of expired civil SOLs.

⁴² COLO. REV. STAT. ANN. § 13-80-103.7.

⁴³ The discovery rule tolls the civil SOL, until the victim has discovered that the injury and its cause are known or should have been known by reasonable diligence. *Sailsbery v. Parks*, 983 P.2d 137, 138 (Colo. App. 1999) (Section "13-80-108, C.R.S.1998, provides that a cause of action accrues on the date 'both the injury and its cause are known or should have been known by the exercise of reasonable diligence.'").

⁴⁴ MARCI A. HAMILTON, JUSTICE DENIED: WHAT AMERICA MUST DO TO PROTECT ITS CHILDREN 54-58, 90-109 (Cambridge University Press 2012) (hereinafter "Justice Denied").

⁴⁵ CONN. GEN. STAT. §§ 54-193, 53a-70c. The SOL was eliminated for Class A felonies, which included 1st degree sexual assault, 1st degree aggravated sexual assault and aggravated sexual assault of a minor.

⁴⁶ CONN. GEN. STAT. § 54-193; CONN. GEN. STAT. § 54-193a.

⁴⁷ CONN. GEN. STAT. § 54-193b.

⁴⁸ CONN. GEN. STAT. § 54-193; SB 3, 2019 Gen. Assemb. Reg. Sess. (Conn. 2019).

⁴⁹ CONN. GEN. STAT. § 52-577d. In general, Connecticut has no common law or statutory discovery rule for sex abuse, but for claims of fraudulent concealment of a cause of action pursuant to § 52-595 the SOL does not begin to run until the existence of the cause of action is discovered. CONN. GEN. STAT. § 52-595; *Rosado v. Bridgeport Roman Catholic Diocese Corp.*, CV 94-031 63 94 S, 1997 WL 585779, at *2 (Conn. Super. Ct. Sept. 15, 1997).

⁵⁰ *Id.*

Delaware

Since 2002, Delaware has become the most progressive state in the country for criminal and civil child sex abuse SOLs. There is no SOL for criminal prosecution or civil claims, and there was a window in place from 2007-2009 that revived previously expired civil claims. On a scale of 0-5, it is the only state that is a 5.

Criminal. In 2002, Delaware's criminal SOL was two years following the initial disclosure of the crime to child protection services or law enforcement, or 10 years from the offense if there was a DNA match.⁵¹ The next year, in 2003, the state eliminated the SOL for all felony and misdemeanor child sex abuse offenses. Delaware added felony sex trafficking to the crimes for which there is no SOL in 2014.⁵²

Civil. In 2002, Delaware's civil SOL was age 21 (age of majority, 18, plus 3 years).⁵³ In 2006, the judiciary recognized that a victim's repressed memory of child sex abuse could fall within its "time of discovery rule" and the SOL would not begin to run until the victim discovered the abuse.⁵⁴ Five years later, it enacted the Child Victim's Act in 2007, which eliminated the civil SOL going forward and put in place a 2-year window for expired claims that ran from July 2007 to July 2009.⁵⁵ During that time nearly 1000 victims of pediatrician Earl Bradley came forward and 175 from other arenas. In 2010 it removed the SOL for child sex abuse claims by a patient against a health care provider and added a 2-year window for these claims, because the original window did not apply to actions against healthcare providers.⁵⁶

Florida

Since 2002, Florida has partially eliminated the criminal and civil SOLs. In 2003, it eliminated the criminal SOL for first-degree felonies, child sexual battery, and child trafficking. It also eliminated the civil SOL for claims based on child sexual battery in 2010. On a scale of 0-5, overall it ranks as a 4.

Criminal. As of 2002, there was no criminal SOL for capital or life felonies which included some sexual battery offenses.⁵⁷ The SOL for other 1st degree child sex abuse crimes was age 22 (age of majority, 18, plus 4 years) and age 21 (age of majority, 18, plus 3 years) for the remaining felonies. There was also no SOL for 1st and 2nd degree sexual battery if it was reported to law enforcement within 72 hours of the crime.⁵⁸ Florida eliminated the criminal SOL for first-degree felony sexual battery in 2003 and for any sexual battery of children under 16 in 2010.⁵⁹ It added a 1-year extension to the SOL in 2004 and in 2006 eliminated the SOL if there is a DNA match. Florida extended the SOL for child pornography in 2008 by adding it to the

⁵¹ DEL. CODE ANN. tit. 11 § 205(e).

⁵² *Id.*

⁵³ DEL. CODE ANN. tit 10 §§ 8107, 8116; *Eden v. Oblates of St. Francis de Sales*, 04C-01-069 CLS, 2006 WL 3512482, at *3 (Del. Super. Ct. Dec. 4, 2006) (For personal injury action for child sex abuse, "the statute of limitations extends to three years after he reaches the age of majority.").

⁵⁴ *Keller v. Maccubbin*, CIV.A. K11C-03015RBY, 2012 WL 1980417, at *3 (Del. Super. Ct. May 16, 2012).

⁵⁵ DEL. CODE ANN. tit 10 § 8145(b).

⁵⁶ DEL. CODE ANN. tit 18 § 6856.

⁵⁷ FLA. STAT. § 775.15.

⁵⁸ *Id.*

⁵⁹ *Id.*

DNA statute and not running the SOL until the victim reaches age 18. In 2014, Florida removed the SOL for lewd and lascivious conduct of children under 16 and for all forms of trafficking. A 2015 amendment extended the SOL for non first-degree sexual battery of 16 and 17 years olds to age 26 (age of majority, 18, plus 8 years). The SOL for misdemeanors remains 2 years from the offense.⁶⁰

Civil. As of 1992, Florida's civil SOL for abuse was age 25 (age of majority, 18, plus 7 years) or date of discovery plus 4 years, whichever is later.⁶¹ Eight years later, in 2010, the state eliminated the civil SOL for sexual battery offenses against victims under age 16.⁶² Florida has not passed a window or other SOL revival legislation since 2002.

Georgia

Georgia has made several changes to its criminal and civil child sex abuse SOLs since 2002. It eliminated the criminal SOL for some felonies in 2012. Then, in 2015, it added a 2-year discovery rule to the civil SOL and enacted a narrow window that revived expired civil SOLs against a perpetrator, but not institutions. On a scale of 0-5, overall it ranks as a 3.

Criminal. As of 2002, the criminal SOL for some felony and misdemeanor child sex crimes of children under age 16 was age 23 (age 16, plus 7 years) or when reported to law enforcement, whichever was earlier. Also, there was no SOL for certain sex offenses when DNA evidence was used to establish the perpetrator's identity.⁶³ The SOL for other felonies was 7 years from the offense and 2 years for misdemeanors.⁶⁴ In 2012, the state eliminated the SOL for some felony offenses against children under 16 years old, including rape, trafficking, molestation and incest.⁶⁵

Civil. In 2002, the Georgia civil SOL was age 23, making it one of the worst in the United States.⁶⁶ In 2015, Georgia passed the Hidden Predator Act, which opened a window for victims to bring civil claims against perpetrators from 2015-17. The state also added a discovery rule, which gives a victim up to 2 years after they discover that the abuse caused a current injury.⁶⁷ Georgia's was the first window that was limited to claims against perpetrators and did not include institutions. Very few cases were brought, and, therefore, it is not looked upon as a model. In 2018, Georgia considered a window that would encompass institutions, but the measure failed.⁶⁸

⁶⁰ FLA. STAT. § 775.15(2)(c).

⁶¹ FLA. STAT. § 95.11(7).

⁶² FLA. STAT. § 95.11(9).

⁶³ GA. CODE ANN. §§ 17-3-1, 17-3-2.1.

⁶⁴ GA. CODE ANN. § 17-3-1.

⁶⁵ GA. CODE ANN. § 17-3-2.1.

⁶⁶ GA. CODE ANN. § 9-3-33.1(a)(2).

⁶⁷ GA. CODE ANN. § 9-3-33.1(a)(2), (b)(2).

⁶⁸ Letter from Prof. Marci Hamilton to Rep. Spencer, analyzing 2018 window bill (Feb. 26, 2018) at https://static1.squarespace.com/static/5a120b962aeba581dd692cd4/t/5a97527a419202f909ef78cf/1519866492894/Georgia_HPA2018_Letter_sent.pdf; see Kate Brumback, *Georgia Bill Aiming to Help Child Sex Abuse Victims Fails*, ASSOCIATED PRESS (Mar. 30, 2018, 3:41 PM), <https://www.usnews.com/news/best-states/georgia/articles/2018-03-30/georgia-bill-aiming-to-help-child-sex-abuse-victims-fails>. For more information on SOL Reform in Georgia, see EMMA HETHERINGTON, ET. AL., STATUTE OF LIMITATIONS FOR CHILD SEXUAL ABUSE CIVIL LAWSUITS IN GEORGIA (Wilbanks Child Endangerment and

Hawaii

Hawaii has enacted progressive SOL changes in both criminal and civil realms since 2002. In 2014, it eliminated the criminal SOL for some felonies, and in 2012 it extended the civil SOL by 6 years, and enacted a 3-year discovery rule. Hawaii also has the longest civil window, which revived expired civil SOLs for a total of 6 years. On a scale of 0-5, overall it ranks as a 4.

Criminal. In 2002, the Hawaii criminal SOL was age 24 (age of majority, 18, plus 6 years) for Class A felonies, and age 21 (age of majority, 18, plus 3 years) for all other felonies. In 2005 it added a provision that if DNA evidence was collected, it extended the SOL to 10 years after the applicable SOL would have expired. In 2014, the state eliminated the criminal SOL for felony 1st and 2nd degree sexual assault and continuous sexual assault of a minor under age 14.⁶⁹ Misdemeanors have an SOL of two years.⁷⁰

Civil. In 2002, the Hawaii civil SOL was age 20 (age of majority, 18, plus 2 years).⁷¹ In 2012, Hawaii increased the civil SOL to age 26 (age of majority, 18, plus 8 years) and added a 3-year discovery rule, which is triggered by the victim discovering that psychological illness or injury after age 18 was caused by the sex abuse,⁷² whichever comes later. Hawaii has enacted the longest civil window, during which the civil SOLs were lifted for all civil claims, regardless of whether the SOL previously expired. In 2012, the state enacted a 2-year window allowing victims whose claims had been previously time barred to bring civil actions against a perpetrator or entity that employed the person accused and had a duty of care to the child.⁷³ Two years later, the state added another 2 years to the window.⁷⁴ In 2018, Hawaii added another 2-year extension, which leaves the window open until April 24, 2020. This means that Hawaii has had 6 years during which civil claims have been revived. This would be far longer than the closest other window, which was its own 4-year window and the 3-year windows in Minnesota and California.⁷⁵ In 2019 Hawaii came very close to completely eliminating its civil SOL, but after being approved by the House and Senate it is still in committee.⁷⁶

Idaho

Idaho has only minimally improved criminal and civil SOLs since 2002. It eliminated the criminal SOL for additional felonies in 2006 and extended the age 23 civil SOL to include a 5-year discovery rule in 2007. On a scale of 0-5, overall it ranks as a 3.5.

Sexual Exploitation Clinic 2019), <http://cease.law.uga.edu/sites/default/files/u61/2018-2019%20CEASE%20White%20Paper%20April%208%202019.pdf>.

⁶⁹ HAW. REV. STAT. § 701-108.

⁷⁰ *Id.*

⁷¹ HAW. REV. STAT. §§ 657-7, 657-13.

⁷² HAW. REV. STAT. § 657-1.8.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Relating to Limitation of Actions For Sexual Assault: Hearing on H.B. 415 Before the H. Comm. On Jud. and Lab.*, 29th Cong. (2017) (statement of Prof. Marci Hamilton regarding Hawaii proposed 2018 amendments to child sex abuse SOLs). https://www.capitol.hawaii.gov/session2018/testimony/HB415_TESTIMONY_JUD_02-07-17_.PDF.

⁷⁶ HB 18, 2019 Leg., Gen. Assemb., Reg. Sess. (Haw. 2019); SB 1035, 2019 Leg. Gen. Assemb., Reg. Sess. (Haw. 2019).

Criminal. As of 2002, Idaho had no SOL for rape and an SOL of age 23 (age of majority, 18, plus 5 years) for felony sex abuse or lewd conduct with a child.⁷⁷ In 2006, the state eliminated the criminal SOL for felony sex abuse or lewd conduct with a child.⁷⁸ For other crimes against children, Iowa hearkens back to a bygone era when SOLs were measured from the date of the abuse and not from the age of majority. The SOL for the remaining felonies is 5 years from commission of the crime and for misdemeanors 1 year.⁷⁹

Civil. In 2002, the civil SOL in Idaho was age 23 (age of majority, 18, plus 5 years). In 2007, it added a 5-year discovery rule, which gives the victim up to age 23 or 5 years after they discover that the abuse caused current injuries or conditions, whichever is later.⁸⁰ Idaho has not passed a window or other SOL revival legislation.

Illinois

Illinois has made significant changes to its criminal and civil SOLs since 2002. In 2017, it eliminated the criminal SOLs for sex abuse felonies and has increased the SOLs for other crimes as well. In 2014, SOLs for civil claims were eliminated. On a scale of 0-5, overall it ranks as a 4.

Criminal. Illinois currently has no criminal SOL for felony sex abuse crimes. By 2002, the criminal SOL was age 28. In 2003, the state increased the SOL to age 38 for child sex abuse felonies. In 2009 it added the SOL of age 28 for child sex abuse misdemeanor crimes. In 2014, it eliminated the criminal SOL for felonies, but only if there was corroborating evidence or an individual with responsibility to report the abuse failed to do so.⁸¹ In 2017, following the Dennis Hastert sex abuse scandal, Illinois eliminated the evidentiary limitations.⁸² It also increased the SOL for sex trafficking to age 43, but child pornography and prostitution SOLs remain at age 19 or 3 years from the offense, whichever is later. Misdemeanor criminal sexual abuse also has an SOL of 10 years after the victim attains 18 years of age, or age 28.⁸³

Civil. In 2002, the civil SOL was age 20 or discovery plus 2 years with an upper limit of age 30. In 2003, the state changed it by adding 8 years so that the SOL was age 28, and adding a 5-year discovery rule. In 2010, it added another ten years, bringing the civil SOL to age 38 (age of majority, 18, plus 20 years) and extending the discovery rule to 20 years. Finally, in 2014, it eliminated the civil SOL completely.⁸⁴ Illinois has not passed a window or other SOL revival legislation.

⁷⁷ *Id.*

⁷⁸ IDAHO CODE § 19-401.

⁷⁹ *Id.* and IDAHO CODE §§ 19-402, 403.

⁸⁰ IDAHO CODE § 6-1704.

⁸¹ 720 ILL. COMP. STAT. 5/3-5 and 5/3-6(j) and (l). In 2014 a 1-year discovery rule was added for offenses involving unauthorized video recordings and live video transmissions in violation of 5/26-4.

⁸² 720 ILL. COMP. STAT. 5/3-5 and 5/3-6(j).

⁸³ 720 ILL. COMP. STAT. 5/3-6.

⁸⁴ 735 ILL. COMP. STAT. 5/13-202.2.

Indiana

In 2002, Indiana had some of the more restrictive criminal and civil SOLs in the country. Since then it has made modest progress by extending the criminal SOL for most felonies to age 31 and expanded the civil SOL modestly, to age 25, or 7 years after discovery. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. In 2002, there was no SOL for Class A felonies (L1 and L2) including rape and the SOL was age 31 for certain sex offenses against children including molesting, solicitation and incest. There was also a DNA statute which extended the SOL for Class B and C felonies (L3, L4, L5) to 1 year after a DNA match. For the remaining crimes, the SOL was 5 years for felonies and 2 years for misdemeanors, running from the date of the crime. By 2013, Indiana extended its SOL for all other sex offenses against children, including trafficking, prostitution and pornography to either 10 years after the crime or 4 years after the victim ceased to be a dependent of the perpetrator, whichever is later.⁸⁵ In 2019, Indiana extended its SOL for sexual misconduct with a minor and any level child molesting to age 31.

Civil. In 2002, the civil SOL was age 20 (age of majority, 18, plus 2 years) with a narrow 2-year discovery rule.⁸⁶ In 2013, Indiana extended the civil SOL to age 25 (age of majority, 18, plus 7 years), 7 years from discovery or 4 years after the elimination of dependency on the abuser, whichever is later.⁸⁷ Indiana has not passed a window or other SOL revival legislation.

Iowa

Since 2002, Iowa has only made minor changes to its criminal and civil SOLs. Iowa has modestly improved its criminal SOL 4 times but remains one of the most restrictive states for child sex abuse victims. Iowa's one change to civil SOLs since 1990 related only to abuse by school employees in 2003. On a scale of 0-5, it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. In 2002 the criminal SOL in Iowa was age 28 (age of majority, 18, plus 10 years) for 1st, 2nd, and 3rd degree sexual abuse, incest and sexual exploitation. Iowa also has a DNA discovery rule, enacted in 2005, which extends the SOL to three years after the date the alleged perpetrator is identified via DNA.⁸⁸ It extended the SOL for other sexual offenses to age 28 in 2014 and again in 2016 to include trafficking.⁸⁹ In 2019 Iowa extended its criminal SOL to age 33 (age of majority, 18, plus 15 years) for felony sexual abuse of a minor, incest and felony and misdemeanor sexual exploitation. Iowa is still one of only 6 states not to eliminate at least felony crimes from the SOL.⁹⁰

Civil. In Iowa, the civil SOL for child sex abuse claims has been capped at age 19 (age of majority, 18, plus 1 year) since 1990. Iowa also has a discovery rule that gives a victim that had

⁸⁵ IND. CODE ANN. § 35-41-4-2(c), (e), (m).

⁸⁶ IND. CODE ANN. §§ 34-11-2-4, 1-1-4-5(24), 34-11-5-1; *LaCava v. LaCava*, 907 N.E.2d 154, 162 (Ind. Ct. App. 2009) (discussing common law discovery rule); *Doe v. United Methodist Church*, 673 N.E.2d 839 (Ind. Ct. App. 1996).

⁸⁷ IND. CODE ANN. § 34-11-2-4.

⁸⁸ IOWA CODE §§ 802.2, 802.2A.

⁸⁹ IOWA CODE §§ 802.2B, 802.2D.

⁹⁰ States that have not eliminated any criminal SOL for child sex abuse: IA, NH, ND, OH, OK, and PA.

not discovered the injury and the causal relationship between the injury and the abuse until after they reached age 18, an additional 4 years from the date of discovery. In the case of sexual abuse by a counselor or therapist, the SOL was 5 years from the last treatment. In 2003, Iowa changed the SOL for sexual abuse by a school employee to 5 years from the last date victim attended the school.⁹¹ Other than this minor change for school employee abuse, Iowa has not updated its civil SOLs since 1990. Iowa has not passed a window or other SOL revival legislation.

Kansas

Kansas has made few changes to either criminal or civil SOLs since 2002. It eliminated the criminal SOL for rape in 2013 and extended the SOL for other crimes, but has made no changes to its civil SOL. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. The criminal SOL in Kansas in 2002 varied depending on the crime, or was 1 year after the date the perpetrator was identified via DNA testing.⁹² In 2012, it added a majority tolling provision, so the SOL would not begin to run until the victim turned 18, with an age cap of 28 for prosecution. In 2013, Kansas eliminated the SOL for rape and aggravated sodomy and extended the SOL for other crimes to age 28 (age of majority, 18, plus 10 years) or 1 year after the perpetrator is identified via DNA testing, whichever is later.⁹³

Civil. Kansas has not changed its civil SOL since 1992. It provides for age 21 (age of majority, 18, plus 3 years) or 3 years after discovery, whichever is later.⁹⁴ Kansas has not passed a window or other SOL revival legislation.

Kentucky

Kentucky has made minimal changes to criminal and civil SOLs since 2002. Kentucky amended its criminal SOL for child sex abuse by eliminating the SOL for felonies early in 1974. In 2017, it extended its civil SOL to age 28 with a discovery rule, which is still a very short SOL. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. In Kentucky there has not been a criminal SOL for any child sex abuse felonies since at least 1974.⁹⁵ In 2008, Kentucky added the SOL of age 23 (age of majority, 18, plus 5 years) for misdemeanor sexual offenses.⁹⁶

Civil. In 2002, Kentucky's civil SOL was the later of age 23 (age of majority, 18, plus 5 years) or 5 years from discovery. Fifteen years later, in 2017, it extended the civil SOL to the later of age 28 (age of majority, 18, plus 10 years), 10 years from discovery, or 10 years after conviction

⁹¹ IOWA CODE §§ 614.1, 614.8, 614.8A.

⁹² KAN. STAT. ANN. § 21-5107(c).

⁹³ KAN. STAT. ANN. § 21-5107(a), (c), and (e).

⁹⁴ KAN. STAT. ANN. § 60-523(a).

⁹⁵ KY. REV. STAT. ANN. § 500.050.

⁹⁶ *Id.*

of the defendant for child sex abuse or assault.⁹⁷ Kentucky has not passed a window or other SOL revival legislation since 2002.

Louisiana

Louisiana has only altered criminal, and not civil, SOLs since 2002. Its criminal SOL is average amongst the states, despite 3 updates since 2002. Louisiana has some of the shortest civil SOLs in the United States, capping civil claims at age 28. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. In 2002, Louisiana had no SOL for crimes punishable by death or life imprisonment, which included aggravated rape and forcible rape. For the remaining sex offenses against minors under age 17, though, the SOL was age 28 (age of majority, 18, plus 10 years).⁹⁸ In 2003, it added a DNA evidence rule, allowing victims to bring a claim 3 years after the offender is identified by DNA.⁹⁹ In 2005, it expanded the SOL from age 28 to age 48 (age of majority, 18, plus 30 years). It added the crimes of trafficking, prostitution and pornography to its age 48 SOL in 2012.¹⁰⁰

Civil. Louisiana has not revisited its civil SOL since 1995. The civil SOL expires at age 28 (age of majority, 18, plus 10 years).¹⁰¹ Louisiana has not passed a window or other SOL revival legislation since 2002.

Maine

Since 2002, Maine only extended its criminal SOL for sex abuse crimes against 16 and 17 year olds and has not changed its civil SOL. By 1999, Maine eliminated its criminal SOL for sex abuse of victims under age 16 and its civil SOL for sexual abuse of minors by 2000. On a scale of 0-5, overall it ranks as a 4.5 (where 5 is the highest average score).

Criminal. In 2002, Maine had no criminal SOL for felonies and misdemeanors for victims under age 16 for: incest, unlawful sexual contact, sexual abuse of a minor, rape and gross sexual assault. For victims age 16 and older the SOL for felonies was 6 years and misdemeanors was 3 years from the offense. In 2013 Maine extended the SOL for victims ages 16 and older for felony unlawful sexual contact or gross sexual assault to 8 years, and in 2019 extended it further to 20 years from the offense.¹⁰²

Civil. In 2000, Maine eliminated the civil SOL for child sex abuse.¹⁰³ Maine has not passed a window or other SOL revival legislation since 2002.

⁹⁷ KY. REV. STAT. ANN. § 413.249.

⁹⁸ LA. CODE CRIM. PROC. ANN. 571 and 571.1.

⁹⁹ LA. CODE CRIM. PROC. ANN. 572.1.

¹⁰⁰ LA. CODE CRIM. PROC. ANN. 571 and 571.1.

¹⁰¹ LA. STAT. ANN. § 9:2800.9, LA. CIV. CODE ANN. art. 29.

¹⁰² ME. REV. STAT. ANN. tit. 17-A § 8.

¹⁰³ ME. REV. STAT. ANN. tit. 14§ 752-C.

Maryland

Maryland has not changed its criminal SOL but did make two changes to its short civil SOLs since 2002. Maryland has never had any criminal SOLs. It extended its civil SOL in 2003 and 2017, and currently caps actions at age 38. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. Maryland has no criminal SOLs for any felonies or misdemeanors under common law.¹⁰⁴

Civil. The civil SOL was extended in 2003 to age 25 (age of majority, 18, plus 7 years). In 2017, Maryland extended the civil SOL further to age 38 (age of majority, 18, plus 20 years) or 3 years after the defendant is convicted of a crime related to the victim's abuse under the law of the federal government or any state. For an action brought after a victim is age 25 against a person or governmental entity, duty of care, control and gross negligence must be proven, and actions are capped at age 38.¹⁰⁵ Despite strong efforts this year, Maryland has not passed a window or other SOL revival legislation since 2002.

Massachusetts

Massachusetts has been an innovative state for both criminal and civil SOL reform since 2002. It eliminated the criminal SOL for felonies in 2006. In 2014, Massachusetts retroactively extended the civil SOL to age 53 with a discovery rule of 7 years. On a scale of 0-5, overall it ranks as a 4.

Criminal. In 2002, the criminal SOL for felonies related to sex abuse was 15 years from the offense. Massachusetts eliminated the criminal SOL in 2006 with a limitation that if prosecuting an offense more than 27 years after the crime, corroborating or DNA evidence is required.¹⁰⁶ In 2011, sex trafficking was added to the list of no SOL crimes.

Civil. In 2002, the civil SOL for sexual abuse of minors in Massachusetts was age 21 (age of majority, 18, plus 3 years) or 3 years from discovery of the abuse, whichever is later.¹⁰⁷ In 2010 and 2011 the list of sex abuse crimes this SOL applied to was expanded to apply to more crimes, including sex trafficking.¹⁰⁸ By 2014, Massachusetts retroactively extended the civil SOL to age 53 (age of majority, 18, plus 35 years) and its discovery rule to 7 years.¹⁰⁹ This age 53 SOL applies to claims against perpetrators even if they had previously expired, but did not revive claims against institutions. The discovery rule, however, was completely retroactive, reviving claims and giving a victim 7 years after discovering an injury was caused by the sex abuse to file suit.¹¹⁰ Massachusetts joined Connecticut in enacting a civil SOL that is both retroactive and has an age cap, but unlike its neighbor, the revival up to age 53 in Massachusetts only applied to

¹⁰⁴ *Massey v. State*, 579 A.2d 265, 267 (1990) ("there is no general period of limitations applicable in criminal proceedings.").

¹⁰⁵ MD. CODE ANN., CTS. & JUD. PROC. § 5-117(b).

¹⁰⁶ MASS. GEN. LAWS ANN. ch. 277 § 63.

¹⁰⁷ MASS. GEN. LAWS ANN. ch. 260 §§ 4C, 4C 1/2.

¹⁰⁸ MASS. GEN. LAWS ANN. ch. 260 § 4D.

¹⁰⁹ MASS. GEN. LAWS ANN. ch. 260 §§ 4C, 4C 1/2.

¹¹⁰ *Id.*; *Lee v. Boston Pub. Sch.*, 15-CV-10811-LTS, 2016 WL 11372334, at *4 (D. Mass. Feb. 1, 2016), report and recommendation adopted, 15-10811-LTS, 2016 WL 632198 (D. Mass. Feb. 17, 2016).

actions against perpetrators. This is a different model from the revival windows in other states where there is a closed time period during which claims can be retroactively revived.

Michigan

Michigan has made improvements in the criminal and civil arenas in the recent past. Michigan does not have a criminal SOL for felony sex abuse. Its civil SOL was extended to age 28 in 2018 and now includes a 3-year discovery rule. Michigan was the first state to enact a window tailored to one group of victims. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. In 2001, Michigan eliminated the criminal SOL for first degree criminal sexual conduct. All other felonies and misdemeanors had an SOL of 10 years from the offense or from DNA identification, or age 21, whichever is later. In 2014 the SOL was removed for trafficking offenses punishable by life imprisonment and extended to 25 years from the offense for the remaining trafficking crimes. In 2018, Michigan extended the criminal SOL for 2nd and 3rd degree criminal sexual conduct to 15 years from the offense or from DNA identification, or age 28, whichever is later.¹¹¹

Civil. Since at least 1986 up until 2018, Michigan had the shortest civil SOL in the United States, with civil claims expiring at the age of 19. In 2018, the law was amended to allow civil claims to be brought until age 28 with a 3-year discovery rule. Michigan also opened a 90-day revival window for post-1996 offenses that would only apply to cases where the perpetrator was a physician who had been convicted of sexual misconduct under the guise of a medical procedure, essentially limiting the retroactivity to victims of Larry Nassar.¹¹²

Minnesota

Minnesota has made minor changes to its criminal SOLs and major improvements to its civil SOLs since 2002. The only change to its criminal SOLs, which had been eliminated for some crimes where DNA was gathered, relates to sex trafficking. In 2013 it eliminated the civil SOL going forward and created a 3-year window during which victims could bring civil claims that were previously time barred by the old SOL. On a scale of 0-5, it ranks as a 4.5 (where 5 is the highest average score).

Criminal. As of 2000, the criminal SOL in Minnesota for criminal sexual conduct was 9 years after the offense or 3 years after it is reported to the authorities, and 3 years from the crime for all other offenses. The state eliminated the SOL for criminal sexual conduct if DNA evidence is collected. In 2005, the SOL for trafficking was completely eliminated. In 2009, Minnesota clarified that its SOL for criminal sexual conduct was the later of 9 years from the offense or 3 years after it was reported. The 9-year SOL with a DNA statute was amended to include solicitation, inducement, and promotion of prostitution and sex trafficking in 2015.¹¹³

¹¹¹ MICH. COMP. LAWS ANN. § 767.24.

¹¹² MICH. COMP. LAWS ANN. §§ 600.5805, 600.5851, 600.5851b.

¹¹³ MINN. STAT. ANN. § 628.26(e), (f).

Civil. In 2002, the civil SOL was age 24 (age of majority, 18, plus 6 years) or 6 years from discovery, whichever is later.¹¹⁴ In 2013, the child sex abuse civil SOL was eliminated.¹¹⁵ In addition, a window was added, which was open for three years, 2013-16.¹¹⁶ This was the second-longest window enacted to date and approximately 1000 victims benefitted from it.

Mississippi

Mississippi has made few changes to criminal and civil SOLs since 2002. In 2003, Mississippi eliminated its criminal SOL for most child sex abuse felonies. However, it has made no changes to its civil SOL since the 1990's and it remains one of the shortest in the country, expiring at age 24. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. By 2002, Mississippi eliminated the criminal SOL for rape. Most other child sex abuse felonies had an SOL of age 21.¹¹⁷ The remaining felonies and misdemeanors were subject to an SOL of 2-years from the offense. In 2003, it removed the SOL for most child sex abuse felonies. In 2004 the state removed the SOL for sexual battery of 16 and 17 year olds by a person in a position of trust and again in 2013 for promoting prostitution and trafficking.¹¹⁸

Civil. Mississippi has made no changes to its civil SOL since 1990, when it set the age at 24 (age of majority, 21, plus 3 years).¹¹⁹ This makes it one of the most restrictive civil SOLs in the country. Mississippi has not passed a window or other SOL revival legislation since 2002.

Missouri

Missouri has made a few criminal and civil changes to its SOLs since 2002. It eliminated felony and misdemeanor criminal SOLs in 2004 and 2018, and extended the SOLs for all other crimes to age 48 in 2011. It extended its civil SOL to age 31 and added a 3-year discovery rule in 2004. On a scale of 0-5, overall it ranks as a 4.5 (where 5 is the highest average score).

Criminal. The criminal SOL in Missouri for unlawful sexual offenses against a person 18 or younger in 2002 was age 28. In 2004, the criminal SOL was eliminated for forcible rape and sodomy and attempts and extended to age 38 (age of majority, 18, plus 20 years) for all other unlawful sexual offenses. In 2011, the SOL for the remaining unlawful sexual offenses was extended by another 10 years, so that the age cap was 48 (age of majority, 18, plus 30 years).¹²⁰ In 2018, Missouri eliminated the SOL for all unlawful felony and misdemeanor sex offenses, against those who are 18 years-old and younger.¹²¹

¹¹⁴ MINN. STAT. ANN. § 541.073; *D.M.S. v. Barber*, 645 N.W.2d 383, 390 (Minn. 2002) ("[T]he six-year period of limitation under the delayed discovery statute begins to run when the victim reaches the age of majority.").

¹¹⁵ MINN. STAT. ANN. § 541.073.

¹¹⁶ *Id.* HF 681, 88th Leg., Reg. Sess. (Minn. 2013).

¹¹⁷ MISS. CODE ANN. § 99-1-5.

¹¹⁸ *Id.*

¹¹⁹ MISS. CODE ANN. §§ 15-1-49(1), 15-1-59

¹²⁰ MO. REV. STAT. § 556.037.

¹²¹ *Id.* While the legislature sought to apply the new SOL even to claims that would have been expired already, the Missouri Supreme Court held that the revival provisions "contravene the [Missouri] constitutional prohibition against retrospective laws." *Doe v. Roman Catholic Diocese of Jefferson City*, 862 S.W.2d 338, 339 (Mo. 1993).

Civil. Since 1990, Missouri had a civil SOL of age 23 (age of majority, 18, plus 5 years) or 3 years from discovery, whichever is later. In 2004, Missouri added another 8 years to make the civil SOL age 31 (age of majority, 21, plus 10 years) and kept the 3-year discovery rule intact.¹²² In 2007, Missouri added a statute for victims of child pornography and set the SOL at age 21 with a 3-year discovery rule.¹²³ Missouri has not passed a window or other SOL revival legislation since 2002.

Montana

Montana made monumental improvements to its criminal and civil SOLs in 2019 after 30 years of no activity. It completely eliminated the criminal SOL for felonies and misdemeanors. It also modestly extended its civil SOL, but more significantly, it opened a revival window against perpetrators and institutions. On a scale of 0-5, overall it ranks as a 4.5 (where 5 is the highest average score).

Criminal. In 2002, the criminal SOL for felony sexual assault, intercourse without consent and incest was age 28 (age of majority, 18, plus 10 years) and for other sexual abuse felonies and misdemeanors it was age 23 (age of majority, 18, plus 5 years).¹²⁴ A one-year SOL was added in 2007 if DNA established the identity of the perpetrator at any time. That same year the SOL was also broadened to include more incest related offenses. In 2017 the age 28 SOL for felonies was raised to age 38 (age of majority, 18, plus 20 years) and broadened to include sexual abuse of children. Montana eliminated its criminal SOL for felony and misdemeanor sexual abuse of children, including prostitution and trafficking in 2019.¹²⁵

Civil. The civil SOL was amended in 1989 and capped claims at age 24 (age of majority, 21, plus 3 years) or discovery plus 3 years. In addition, the SOL was retroactive so that it applied even to claims that had expired if as of 1989 a victim was under age 21. Also, the 3-year discovery rule permitted some breathing room as it also applied retroactively. In 2019 Montana extended its civil SOL and opened a revival window, significantly improving access to justice for victims. It modestly extended its civil SOL to the earlier of age 27 or 3 years from discovery. Its 1-year revival window opened on May 7, 2019 against institutions and perpetrators yet contains a highly unusual limitation that actions can only be brought against perpetrators who are alive and have been convicted of or admitted to the abuse.¹²⁶

Nebraska

Nebraska has been making steady progress on criminal and civil child sex abuse SOLs since 2002. It amended the criminal SOLs in 2005, 2006, 2009, and 2019, and broadened its list of offenses with no SOL. It also eliminated the civil SOL in 2017. On a scale of 0-5, overall it ranks as a 4.

Criminal. As of 2002 in Nebraska there was no criminal SOL for 1st degree sexual assault of a child and the SOL for other felonies was age 23 (age of majority, 16, plus 7 years) or 7 years

¹²² MO. REV. STAT. § 537.046.

¹²³ MO. REV. STAT. § 537.047.

¹²⁴ MONT CODE ANN. §§ 45-1-205, 27-2-401.

¹²⁵ *Id.*

¹²⁶ MONT CODE ANN. § 27-2-216.

after the offense, whichever is later.¹²⁷ Nebraska's criminal SOL was amended in 2005 to add sexual assault in the 1st and 2nd degree and in the 3rd degree when committed against a minor age 16 and under to the list of eliminated offenses.¹²⁸ It was amended again in 2006 to add sexual assault of a child in the 2nd and 3rd degree and in 2009 incest to the list of eliminated offenses.¹²⁹ A 2019 amendment eliminated the SOL for sex trafficking of minors and child pornography and extended the SOL to 7 years after the victim reaches age 18 for lower levels of these offenses.¹³⁰

Civil. Nebraska has changed its civil SOL twice since 2002, when it was age 25.¹³¹ In 2012, it extended it to age 33 (age of majority, 21, plus 12 years) and in 2017, Nebraska eliminated the civil SOL.¹³² Nebraska has not passed a window or other SOL revival legislation since 2002.

Nevada

Nevada has made several changes to criminal and civil child sex abuse SOLs since 2002. In 2013, it extended its criminal SOL to age 36 (unless the abuse was not reasonably discoverable, which would extend the SOL to age 43). The civil SOL was extended in 2017 to age 38. Nevada also established the longest discovery period in the country, permitting victims to bring claims 20 years past the date of discovery of injury and its cause. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. In 2002, the criminal SOL in Nevada was age 21, or 28 years old if the victim did not and could not have reasonably discovered that they were a victim of sexual abuse by age 21. It also has a provision which removes the SOL if a written report is filed with law enforcement before the SOL expires. In 2013, the criminal SOL for sexual abuse and sex trafficking was extended to age 36, or age 43 if the abuse was not reasonably discoverable by age 36 for felonies and misdemeanors.¹³³ In 2019, Nevada added a DNA discovery rule, eliminating the criminal SOL for felony sexual assault where the identity of an accused perpetrator is established by DNA evidence.¹³⁴ It also added a very narrow criminal elimination statute for a sexual assault arising out of the same facts as murder.¹³⁵

Civil. In 2002, the civil SOL was age 28 (age of majority, 18, plus 10 years) or 10 years from discovery. In 2017, it was extended to age 38 (age of majority, 18, plus 20 years) and a generous discovery rule was added that gives the victim 20 years following discovery that injury was caused by the sex abuse to file claims.¹³⁶ Nevada has not passed a window or other SOL revival legislation since 2002.

¹²⁷ NEB. REV. STAT. § 29-110.

¹²⁸ NEB. REV. STAT. § 29-110(3). See Nebraska Governor's Message, 7/11/2005.

¹²⁹ NEB. REV. STAT. § 29-110(10).

¹³⁰ NEB. REV. STAT. § 29-110.

¹³¹ NEB. REV. STAT. § 25-207.

¹³² NEB. REV. STAT. § 25-228.

¹³³ NEV. REV. STAT. ANN. §§ 171.095, 171.083.

¹³⁴ AB 142, 80th Leg. (Nev. 2019).

¹³⁵ SB 9, 80th Leg. (Nev. 2019).

¹³⁶ NEV. REV. STAT. ANN. § 11.215.

New Hampshire

New Hampshire has not changed its criminal SOL since 2002, but it has made modest changes to the civil SOL. It is one of the few states that has not yet eliminated at least some felony SOLs. The civil SOL was amended in 2005 and 2008 and is now age 30 with a 3-year discovery rule. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. In 1990, New Hampshire made its last change to the criminal SOLs, setting the criminal SOL for felony sex abuse at age 40 (age of majority, 18, plus 22 years).¹³⁷ The SOL for all other felony crimes is age 24, and age 19 for all misdemeanors.

Civil. The civil SOL in New Hampshire in 2002 was age 21 (age of majority, 18, plus 3 years) with a 3-year discovery rule. In 2005, it was extended to age 25 (age of majority, 18, plus 7 years). In 2008, the age again was extended, this time to age 30 (age of majority, 18, plus 12 years). The 3-year discovery rule also remains.¹³⁸ New Hampshire has not passed a window or other SOL revival legislation since 2002.

New Jersey

Before this year, New Jersey had not made any changes to its criminal or civil child sex abuse SOLs since 2002. It eliminated the criminal SOL for some felonies in 2001 and subjects all other crimes to an age limit of 23. In 2019, civil claims were extended to age 55 or 7 years from discovery, and a 2-year revival window will open in December of this year. On a scale of 0-5, overall it ranks as a 4.

Criminal. Since 2001, New Jersey's criminal SOL has been eliminated for felonious sexual assault. All other crimes are subjected to an SOL of age 23 (age of majority, 18, plus 5 years) or 2 years following discovery of the child sex abuse.¹³⁹

Civil. New Jersey's prior civil SOL dated back to 1992, and provided for age 20 (age of majority, 18, plus 2 years) and a 2-year discovery rule.¹⁴⁰ The discovery rule ran from discovery of the causal connection between the abuse and the injury and was not determined from the perspective of a child sex abuse victim.¹⁴¹ In 2019, 25 years later, New Jersey amended its extremely short SOL. It extended the civil SOL to age 55 or 7 years from discovery, whichever is later. On December 1, 2019 a 2-year window will open and revive all expired claims in New Jersey for child sex abuse victims and those sexually abused as adults.¹⁴²

New Mexico

New Mexico has made only minor changes to its civil and criminal SOLs since 2002. It has no criminal SOL for some felonies and in 2003 added a DNA provision for remaining crimes. The

¹³⁷ N.H. REV. STAT. ANN. § 625:8.

¹³⁸ N.H. REV. STAT. ANN. § 508:4-g.

¹³⁹ N.J. STAT. ANN. § 2C:1-6.

¹⁴⁰ N.J. STAT. ANN. § 2A:14-2; 2A:61B-1(b) (discovery rule).

¹⁴¹ *R.L. v. Kenneth Voytac*, 199 N.J. 285 (2009).

¹⁴² A.B. 3648, 218th Leg., Reg. Sess., (N.J. 2018); see N.J. STAT. ANN. §2A:14-2a (effective Dec. 1, 2019).

civil SOL was broadened in 2017 but is still relatively short at age 24 or 3 years after disclosure. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. Since 1997 there has been no criminal SOL for first-degree felonies in New Mexico.¹⁴³ The SOL for all other crimes is between 3 to 6 years from when the crime is committed depending on the nature of the offense.¹⁴⁴ A DNA statute was added for the crime of sexual penetration in 2003 which provides that if DNA is collected the SOL only starts running after a match is found.¹⁴⁵ In 2019, the state was poised to pass a bill that would have extended the criminal SOL for additional felonies, but the Governor vetoed that bill because of a drafting error that would have shortened the SOL for some felonies.¹⁴⁶

Civil. In 2002, the civil SOL was age 24 or 3 years from discovery.¹⁴⁷ In 2017 the SOL discovery provision was revised to allow a case to be brought within three years from the date a person first disclosed the abuse to a licensed medical or mental health care provider when seeking or receiving health care from that provider.¹⁴⁸ New Mexico has not passed a window or other SOL revival legislation since 2002.

New York

As of 2002, New York was one of the worst states for access to justice for child sex abuse victims in the country, with poor criminal and civil SOLs. In 2006, New York eliminated the criminal SOL for some felonies. The Child Victims Act in 2019 modestly extended its criminal SOL. But more significantly, it extended the civil SOL to age 55 and created a 1-year revival window for victims to file claims that opened on August 14, 2019. On a scale of 0-5, overall it ranks as a 4.

Criminal. In 2002, New York had an SOL of the earlier of age 18 or the time of reporting to law enforcement for sexual offenses committed against children.¹⁴⁹ In 2006, New York eliminated the criminal SOL for the felonies of 1st degree rape, 1st degree aggravated sexual abuse, and 1st degree course of sexual conduct against a child.¹⁵⁰ The SOL for all other felonies was age 23 (age of majority, 18, plus 5 years) and age 20 for misdemeanors (age of majority, 18, plus 2 years).¹⁵¹ In 2019, New York made several improvements to its criminal SOLs. Now there is no SOL for 1st degree incest. For rape and criminal sexual act in the 2nd degree the SOL is age 43 and in the 3rd degree it is age 33. The SOL for all other felonies is age 28 and for misdemeanors age 25.¹⁵²

¹⁴³ N.M. STAT. ANN. 1978, § 30-1-8.

¹⁴⁴ *Id.*

¹⁴⁵ N.M. STAT. ANN. 1978, § 30-9-11.

¹⁴⁶ Colleen Heild, *Fatal flaw: Drafting error sinks child sex crime bill*, ALBUQUERQUE JOURNAL (May 5, 2019, 12:05 AM), <https://www.abqjournal.com/1311227/fatal-flaw-drafting-error-sinks-child-sex-crime-bill.html>.

¹⁴⁷ N.M. STAT. ANN. 1978, § 37-1-30. Pursuant to the discovery rule, the SOL ran from when a victim knew or had reason to know of the abuse and that it resulted in an injury, "as established by competent medical or psychological testimony".

¹⁴⁸ N.M. STAT. ANN. 1978, § 37-1-30.

¹⁴⁹ N.Y. CRIM. PROC. LAW § 30.10 (McKinney)(1996).

¹⁵⁰ N.Y. CRIM. PROC. LAW § 30.10 (McKinney).

¹⁵¹ *Id.*

¹⁵² *Id.*

Civil. In 2002, the civil SOL was up to 10 years from the date of conviction of any first-degree felony.¹⁵³ In 2006, it was extended to age 23.¹⁵⁴ In 2019, the Child Victim's Act extended the civil SOL to age 55 for civil suits against any party, including perpetrators and public and private institutions. There is still no discovery rule. It removed the unreasonably short 90-day notice of claim requirement for claims against public institutions that protected them from civil liability for so long. The Act also included a 1-year revival window for previously time barred claims that opened on August 14, 2019.¹⁵⁵ Over 1,000 civil suits have already been filed pursuant to New York's revival window.

North Carolina

North Carolina enacted sweeping SOL reform in 2019, after not changing its criminal and civil SOLs in decades. There is no criminal SOL for felonies, and for misdemeanors it was extended to 10 years from the crime this year. The civil SOL was extended to age 28 and a 2-year revival window will open on January 1, 2020 for civil claims that were previously expired. On a scale of 0-5, overall it ranks as a 4.

Criminal. North Carolina has no criminal SOL for felonies.¹⁵⁶ Its criminal SOL for misdemeanors was 2 years from the offense, and in 2019, it was extended to 10 years from the commission of the crime.¹⁵⁷

Civil. In 2002, the civil SOL in North Carolina was age 21 (age of majority, 18, plus 3 years) or 3 years from discovery with limitations.¹⁵⁸ The judicial interpretation of the discovery rule permits the victim to have 3 years after the victim discovers he was injured by the perpetrator's actions. North Carolina, however, has a statute of repose, which places an upper limit on the discovery rule of 10 years after the last act by the defendant.¹⁵⁹ In 2019 the North Carolina legislature unanimously passed sweeping SOL reform that was signed into law by Governor Roy Cooper. The new law extends the civil SOL to age 28, adds a 2-year extension from criminal conviction of a perpetrator for a related felony sexual offense,¹ and opens a 2-year revival window for expired claims. The 3-year discovery rule was left intact, now without any limitation, as claims of child sex abuse have been excluded from the 10-year statute of repose.¹⁶⁰ North Carolina also extended the civil SOL this year for human trafficking, which includes sexual servitude of a minor, to age 28 (age of majority, 18, plus 10 years).¹⁶¹

North Dakota

North Dakota had some of the shortest criminal and civil SOLs until 2019. It made amendments in 2015 and 2019, finally extending the criminal SOL to age 39. The civil SOL is now a narrow

¹⁵³ N.Y. C.P.L.R. § 213-b (McKinney).

¹⁵⁴ N.Y. C.P.L.R. § 213-c (McKinney).

¹⁵⁵ S. 2440, 242nd Leg., Reg. Sess. (N.Y. 2019).

¹⁵⁶ See *State v. Johnson*, 275 N.C. 264, 279 (1969).

¹⁵⁷ N.C. GEN. STAT. ANN. § 15-1; S 199, 2019 Leg., Reg. Sess. (N.C. 2019).

¹⁵⁸ N.C. GEN. STAT. ANN. § 1-52(16).

¹⁵⁹ *Id.*; *Doe v. Doe*, 973 F.2d 237 (4th Cir. N.C. 1992).

¹⁶⁰ S 199, 2019 Leg., Reg. Sess. (N.C. 2019).

¹⁶¹ S 200, 2019 Leg., Reg. Sess. (N.C. 2019).

discovery rule of 10 years. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. The criminal SOL in 2002 was age 25. North Dakota amended the criminal SOL in 2015 to extend it to age 28 (age of majority, 18, plus 10 years) or 3 years after the offense is reported or DNA or fingerprinting identifies the perpetrator. In 2019, North Dakota extended the criminal SOL again. Now the SOL is age 39 (age of majority, 18, plus 21 years) or 3 years after the offense is reported to law enforcement or DNA or fingerprint evidence establishes the identity of the perpetrator, even if the prior SOLs expired.¹⁶²

Civil. In 2002, North Dakota's civil SOL was age 20 (age of majority, 18, plus 2 years).¹⁶³ It has been amended twice since then. In 2011, the age limit was replaced with a 7-year discovery rule. And in 2015, the discovery rule was extended to 10 years from the date the victim "knew or reasonably should have known that a *potential* claim exists resulting from childhood sexual abuse."¹⁶⁴ While this is a "discovery rule" it is a very narrow one that makes it difficult for the victim to bring a claim years after the abuse occurred. North Dakota has not passed a window or other SOL revival legislation since 2002.

Ohio

While Ohio has made changes to its criminal and civil SOLs since 2002, it still lags behind most of the rest of the country. Ohio has not yet eliminated any criminal SOL, placing it alongside only 5 other states. It amended the criminal SOL in 2015 by extending the age for some felonies to age 43. The civil SOL is also relatively short as it is capped at age 30. On a scale of 0-5, overall it ranks as a 2 (where 2 is the lowest average score).

Criminal. Ohio is one of the states that has not eliminated any criminal SOLs for child sex abuse. In 2002, the criminal SOL was age 24 for felony offenses and age 20 for misdemeanor crimes.¹⁶⁵ In 2015, the criminal SOL was extended to age 43 for rape and sexual battery, 38 for other felonies, and age 20 for misdemeanors. That same year it also added a DNA provision for rape and sexual battery which eliminated the SOL if there was a DNA match within 25 years of the offense or if after 25 years, it extended the SOL by 5 years.¹⁶⁶

Civil. The Ohio civil SOL was age 19 (age of majority, 18, plus 1 year) in 2002.¹⁶⁷ In 2006, though, the civil SOL was extended to age 30 (age of majority, 18, plus 12 years). It also added a special provision for claims of fraudulent concealment that the SOL doesn't begin to run until a victim discovers the facts that form the basis of its fraud claim.¹⁶⁸ Ohio came very close to enacting a window that would have permitted revival of expired civil SOL claims, but the

¹⁶² N.D. CENT. CODE ANN. § 29-04-03.1.

¹⁶³ N.D. CENT. CODE ANN. § 28-01-18.

¹⁶⁴ N.D. CENT. CODE ANN. § 28-01-25.1 (emphasis added).

¹⁶⁵ OHIO REV. CODE ANN. § 2901.13.

¹⁶⁶ *Id.*

¹⁶⁷ OHIO REV. CODE ANN. § 2305.111.

¹⁶⁸ *Id.*

measure was defeated by the Catholic bishops.¹⁶⁹ Ohio has not passed a window or other SOL revival legislation since 2002.

Oklahoma

Oklahoma amended its short criminal and civil SOLs a few times since 2002, with the most improvements in 2017. Oklahoma extended the criminal SOL for felonies to age 45 in 2017 but it has yet to join the mainstream in eliminating the criminal SOL for at least some felonies. The civil SOL was also extended to age 45 in 2017. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. The criminal SOL in 2002 was 7 years after the crime was reported to law enforcement with a requirement that the crime must be reported before age 20, so the latest crimes could be prosecuted was age 26. It also had a DNA statute that extended the SOL to 3-years after a DNA match if it was reported before age 20.¹⁷⁰ In 2005, it was amended to up to 12 years after being reported to the authorities before age 20, with an upper limit for the SOL of age 32.¹⁷¹ In 2015, it was extended to include aggravated possession of child pornography. Then in 2017 the SOL was extended to age 45 for child sex abuse crimes and the DNA statute no longer required that the crime be reported.¹⁷²

Civil. In 2002 the civil SOL was age 20 with a 2-year discovery rule for victims up until age 38.¹⁷³ Oklahoma added a provision in 2004 for when a perpetrator is in prison making the SOL 5 years after release. It was extended in 2017 to age 45 for actions against perpetrators and remains age 20, with no discovery rule, for claims against other defendants.¹⁷⁴ Oklahoma has not passed a window or other SOL revival legislation since 2002.

Oregon

Oregon has made changes to both criminal and civil SOLs since 2002. In 2009, it eliminated the criminal SOL for first degree felonies. The civil SOL at age 40 with a 5-year discovery rule, which is applied liberally, makes it one of the most progressive civil SOLs in the country short of a window. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. In 2002, the criminal SOL for felonies was the earlier of age 24 or 6 years after reporting and for misdemeanors age 22 or 4 years after reporting.¹⁷⁵ In 2005, it moved the SOL for felonies to age 30 or 12 years after reporting to law enforcement, whichever occurs first. But then it set the SOL at age 30 for several 1st degree crimes regardless of when it was reported in

¹⁶⁹ See Justice Denied, *supra* note 41, at 56-59, 80-85.

¹⁷⁰ OKLA. STAT. ANN. tit. 22, § 152.

¹⁷¹ OKLA. STAT. ANN. tit. 22, § 152 (L) (“As used in paragraph 1 of subsection C of this section, “discovery” means the date that a physical or sexually related crime involving a victim under the age of eighteen (18) years of age is reported to a law enforcement agency, up to and including one (1) year from the eighteenth birthday of the child.”).

¹⁷² OKLA. STAT. ANN. tit. 22, § 152.

¹⁷³ OKLA. STAT. ANN. § 95.

¹⁷⁴ *Id.*

¹⁷⁵ OR. REV. STAT. ANN. § 131.125.

2015.¹⁷⁶ In 2007, the SOL for 1st degree crimes where DNA identifies a perpetrator was extended from 12 to 25 years from the crime and then in 2009 it was eliminated completely.¹⁷⁷

Civil. In 2002, the civil SOL was age 24 (age of majority, 18, plus 6 years) with a 3-year discovery rule capped at age 40.¹⁷⁸ In 2010, this was extended to age 40 and a 5-year discovery rule with no age cap.¹⁷⁹ The discovery rule is very liberal in application. Oregon has not passed a window or other SOL revival legislation since 2002.

Pennsylvania

Pennsylvania has improved both its criminal and civil SOLs since 2002. It extended, and then in 2019 eliminated, the criminal SOL for many felonies. The civil SOL was extended to age 55, which is average amongst the states. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. The criminal SOL was extended in 2002 from age 23 to 30 (age of majority, 18, plus 12 years).¹⁸⁰ Five years later, following the 2005 Philadelphia District Attorneys Grand Jury Report on sex abuse in the Philadelphia Archdiocese, it was extended to age 50.¹⁸¹ A 1-year SOL extension was added in 2004 if DNA identified the perpetrator. In 2014 trafficking and sexual servitude were added to the list of offenses for which the SOL is age 50. In 2019, Pennsylvania eliminated the criminal SOLs for certain felonies (trafficking, sexual servitude, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, and incest), and it extended the criminal SOL for other felony and misdemeanor sexual offenses to age 55.

Civil. Before 2002, the civil SOL in Pennsylvania was age 20.¹⁸² In 2002, Pennsylvania's civil SOL was extended to age 30.¹⁸³ Pennsylvania has generated the most grand jury reports on child sex abuse in the country, and despite many efforts at SOL reform they were not successful until this year.¹⁸⁴ In 2019, Pennsylvania extended the civil SOL to age 55 for victims sexually abused as minors and expanded liability for government institutions by providing exceptions to the laws of government immunity and limitations on damages.¹⁸⁵ Pennsylvania also passed a resolution

¹⁷⁶ OR. REV. STAT. ANN. § 131.125.

¹⁷⁷ *Id.*

¹⁷⁸ OR. REV. STAT. ANN. § 12.117.

¹⁷⁹ *Id.*

¹⁸⁰ tit. 42 PA. STAT. AND CONS. STAT. ANN. § 5552.

¹⁸¹ tit. 42 PA. STAT. AND CONS. STAT. ANN. § 5552.

¹⁸² tit. 42 PA. STAT. AND CONS. STAT. ANN. § 5533.

¹⁸³ *Id.*

¹⁸⁴ In addition to the first diocesan grand jury reports, *see, Reports of Attorneys General, Grand Juries, Individuals, Commissions, and*

Organizations, BISHOPACCOUNTABILITY.ORG, <http://www.bishop-accountability.org/AtAGlance/reports.htm> (last visited Sept. 26, 2019), *see also, Sandusky Presentment*, NPR, https://www.npr.org/assets/news/2011/11/sandusky_presentment.pdf; *see also*, Commonwealth of Pennsylvania Office of the Bucks County District Attorney, *Grand Jury Report on Solebury School Sexual Abuse Released*, BUCKSCOUNTY.ORG (Feb. 1, 2017) <http://www.buckscounty.org/about/trail-study-lower-bucks-news/2017/02/01/grand-jury-report-on-solebury-school-sexual-abuse-released>; *see*, Ed Mahon, *Six dioceses now under investigation in Pa.*, YORK DAILY RECORD (Sept. 16, 2016, 9:16 P.M.), <https://www.ydr.com/story/news/2016/09/16/some-hope-harrisburg-diocese-investigation-gives-answers/90510824/>.

¹⁸⁵ This year, the Superior Court of Pennsylvania found that whether a victim exercised reasonable diligence in discovering her injury and whether she had a confidential relationship with a diocese is a question of fact for a jury. Some argue that this

proposing an amendment to the Pennsylvania Constitution to open a 2-year revival window for victims of child sex abuse. The resolution must be passed again by the legislature and then voters must approve it by referendum for the window to become law.¹⁸⁶

Rhode Island

Rhode Island made no changes to criminal SOLs since 2002 and made some progress on civil SOL reform in 2019. It is in the mainstream of states, with no criminal SOLs for felonies. In 2019, it somewhat caught up with neighboring Massachusetts and Connecticut, extending its civil SOL to age 55 and reviving claims against perpetrators only. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. Rhode Island eliminated the criminal SOLs for some felonies in 1985.¹⁸⁷ The SOL for all other child sex abuse crimes is 3 years from the offense.¹⁸⁸

Civil. Since 1993 the Rhode Island civil SOL for child sex abuse was age 25 (age of majority, 18, plus 7) or discovery plus 7 years against the perpetrator and age 21 (age of majority, 18, plus 3 years) against other defendants.¹⁸⁹ The discovery rule is applied liberally in favor of the victim. In 2019, Rhode Island extended its civil SOL to age 53 (age of majority, 18, plus 35 years) with an expanded 7-year delayed discovery rule against perpetrators, private organizations and the government. The new SOL has a retroactive element and revives expired claims up to age 53 against perpetrators only.¹⁹⁰

South Carolina

South Carolina has made no changes to its criminal or civil SOLs since 2002. It is among the leaders in the country for child sex abuse criminal SOLs, because it has eliminated all of them. However, the civil SOL is short at age 27 with a 3-year discovery rule. On a scale of 0-5, overall it ranks as a 4.

Criminal. South Carolina has no SOL for felonies or misdemeanors for child sex abuse.¹⁹¹

Civil. The South Carolina civil SOL is age 27 or a 3-year discovery rule, which has been in place since 2001.¹⁹² South Carolina has not changed its civil SOL or passed a window or other SOL revival legislation since 2002.

case may create an opportunity for some victims to bring claims of fraud and civil conspiracy in court, despite their expired statute of limitation. *See Rice v. Diocese of Altoona-Johnstown*, 212 A.3d 1055 (Pa. Super Ct. 2019).

¹⁸⁶ HB 963, 2019 Leg., Gen. Assemb. (Pa. 2019); HB 962, 2019 Leg., Gen. Assemb. (Pa. 2019).

¹⁸⁷ tit. 12 R.I. GEN. LAWS ANN. § 12-12-17.

¹⁸⁸ *Id.*

¹⁸⁹ tit. 9 R.I. GEN. LAWS ANN. § 9-1-51 and § 9-1-14(b).

¹⁹⁰ tit. 9 R.I. GEN. LAWS ANN. § 9-1-51.

¹⁹¹ S.C. CODE ANN. § 16-3-655. Unlike many states, South Carolina has no statute of limitations on criminal cases.

¹⁹² S.C. CODE ANN. § 15-3-555.

South Dakota

South Dakota is the only state to further restrict SOLs since 2002. It has no criminal SOL for felonies. The civil SOL runs to age 21 with a 3-year discovery rule. Since 2010, the discovery rule has been capped by a statute of repose that blocks all claims against anyone other than the perpetrator at age 40. On a scale of 0-5, overall it ranks as a 2.5 (where 2 is the lowest average score).

Criminal. South Dakota eliminated the criminal SOL for Class A, B, and C felonies in 1978, over 40 years ago.¹⁹³ All other crimes and misdemeanors are subjected to an SOL of age 25 (age of majority, 18, plus 7 years).¹⁹⁴

Civil. South Dakota is the only state to backtrack on child sex abuse SOLs since 2002. In 1991, the civil SOL was age 21 or 3 years from discovery, whichever was later.¹⁹⁵ In 2010, the state limited the discovery rule, however, by adding a statute of repose of age 40 for all but the perpetrator, which immunized institutions for any claims by those over 40 years of age.¹⁹⁶ The targets that were intentionally kept out of court were Native Americans who had attended boarding schools on the Native American Reservations, where Catholic priests taught. The 40-year-old statute of repose for institutions meant the church would not be held liable for the abuse that occurred. South Dakota has not passed a window or other SOL revival legislation since 2002.

Tennessee

Since 2000, Tennessee has made some of the most changes to criminal SOLs compared to every other state, while making two changes to civil SOLs. Before finally eliminating its criminal SOL, it had amended it eight different times, in 2006, 2007, 2012, 2013, 2014, 2015, 2016, and 2019. Tennessee has expanded the civil SOL twice, to age 33 with a liberal 3-year discovery rule. On a scale of 0-5, overall it ranks as a 4.

Criminal. Tennessee has expanded its criminal SOL eight times since 2002. In 2002 Tennessee had no SOL for offenses punishable by death or life imprisonment, and for other felonies it was age 21 or 4 years from the offense, whichever is later. In 2006, it extended the SOL for rape, sexual battery and incest to age 43.¹⁹⁷ It broadened its SOL of age 43 to include more crimes of child sex abuse in 2007, child pornography and sexual exploitation in 2012, and promoting prostitution in 2015.¹⁹⁸ In 2013, the state extended the criminal SOL for crimes of child sex trafficking and sexual exploitation to age 33, and patronizing and promoting prostitution to age 28. Tennessee eliminated the SOL for rape in 2014 if it was reported within 3 years of the crime. In 2016, it extended the criminal SOL for aggravated statutory rape to age 33. Most recently, in 2019 it eliminated the criminal SOL for all child sex abuse felonies and many misdemeanors, including trafficking, pornography and prostitution. It does have a limitation though: if prosecuting after the victim is age 43, and victim was at or between ages 13 and 17 at the time of

¹⁹³ S.D. CODIFIED LAWS § 23A-42-1.

¹⁹⁴ S.D. CODIFIED LAWS § 23A-42-2.

¹⁹⁵ S.D. CODIFIED LAWS § 26-10-25.

¹⁹⁶ *Id.*

¹⁹⁷ TENN. CODE ANN. § 40-2-101.

¹⁹⁸ *Id.*

the offense, and victim never reported the offense to another person before reaching age 23, admissible and credible evidence corroborating the charge or similar acts by defendant is required.¹⁹⁹

Civil. The civil SOL in 2002 was age 19.²⁰⁰ In 2016, Tennessee added to the civil SOL by including a 3-year discovery rule that is triggered by the victim's awareness that his or her current injury or illness was caused by the sex abuse. The civil SOL was extended in 2019 to age 33 (age of majority, 18 plus 15 years) with a 3-year discovery rule.²⁰¹ Tennessee has not passed a window or other SOL revival legislation since 2002.

Texas

Since 2002, Texas has amended its criminal SOL three times and its civil SOLs four times. Texas's current criminal SOL is in the mainstream with its elimination of the SOL for most crimes. The civil SOL was extended in 2019 to age 48. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. In 2002, the criminal SOL was age 28 except if there was DNA evidence then there was no SOL.²⁰² In 2007, Texas eliminated the criminal SOLs for sexual assault and continuous sexual abuse of a child and extended the SOL to age 38 for sexual performance. It eliminated the SOL for sex trafficking in 2011 and added the crime of compelling prostitution to its age 38 SOL. Four years later it removed the SOL for compelling prostitution too.²⁰³

Civil. In 2002, the Texas civil SOL was date of accrual plus 5 years.²⁰⁴ In Texas, the date of accrual may be the age of majority, 18, but it also may be extended somewhat by a narrow discovery rule requiring that a victim file a petition to toll the statute of limitations where the perpetrator's identity is unknown. For most cases, the civil SOL would have expired by age 23 (age of majority, 18, plus 5 years). It added to its 5-year SOL the offense of continuous sexual abuse of a child in 2007 and trafficking and prostitution in 2011. In 2015, Texas added 10 years to its civil SOL to make it the date of accrual plus 15 years, which in most cases amounted to age 33 (age of majority, 18, plus 15 years). In 2019, it extended the civil SOL again by another 15 years to age 48 (age of majority, 18, plus 30 years).²⁰⁵ Texas has not passed a window or other SOL revival legislation since 2002.

Utah

Utah has made a number of changes to its criminal and civil SOLs since 2002. Its 2008 elimination of the criminal SOL for felonies places it in the mainstream compared to other states. Its civil SOL is better than many states as of its 2015 and 2016 changes. It enacted a narrow window and revival up to age 53 that only applies to the perpetrator, which is likely why it generated only four cases. On a scale of 0-5, overall it ranks as a 4.

¹⁹⁹ *Id.*

²⁰⁰ TENN. CODE ANN. § 28-3-104.

²⁰¹ TENN. CODE ANN. § 28-3-116.

²⁰² TEX. CRIM. PROC. CODE ANN. § 12.01.

²⁰³ TEX. CRIM. PROC. CODE ANN. § 12.01.

²⁰⁴ TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045.

²⁰⁵ *Id.*

Criminal. In 2002, the Utah criminal SOL was 4 years after the crime,²⁰⁶ with a provision that rape, sodomy and sexual abuse of a child can be prosecuted within 4 years after reported to law enforcement.²⁰⁷ In 2003 it enacted a DNA statute, which extended the SOL if DNA evidence was collected, and if the perpetrator is identified by DNA there was an additional 1 year for prosecution. Then in 2005 it increased the SOL for many felony sex offenses to 8 years after the offense if it is reported within 4 years. The DNA statute was also broadened to apply to more sex abuse crimes.²⁰⁸ In 2008, Utah eliminated the criminal SOL for most sex offense felonies. The SOL for incest was extended to 8 years after the offense if it is reported within 4 years in 2009. In 2013 it added trafficking and prostitution to its list of crimes that can be prosecuted at any time.²⁰⁹ Utah expanded its DNA statute again in 2019 to allow prosecution 4 years after a perpetrator is identified by DNA.²¹⁰

Civil. In 2002, the civil SOL in Utah was age 22 (age of majority, 18, plus 4 years).²¹¹ In 2015, Utah eliminated its civil SOL for actions against the perpetrator and added a 4-year discovery rule to its age 22 SOL for claims against others. In 2016, it enacted a revival law, which opened a 3-year window for victims of any age and revived claims up to age 53 (age of majority, 18, plus 35) for previously expired claims against a perpetrator or a living individual who would be criminally liable.²¹² The constitutionality of the window is being challenged in the Utah Supreme Court.²¹³

Vermont

Since 2002, Vermont has made significant changes to both criminal and civil SOLs. Vermont eliminated the criminal SOLs for most felonies in 2009. In 2019, it eliminated the civil SOL entirely and went beyond a revival window, reviving all expired claims without any time limitation. Vermont leads the way in 2019 with the most victim-centered SOL reform. On a scale of 0-5, overall it ranks as a 4.5 (where 5 is the highest average score).

Criminal. The Vermont criminal SOL in 2002 was age 24 or 6 years after reporting, whichever is earlier.²¹⁴ In 2009, Vermont eliminated the criminal SOL for felony aggravated sexual assault of a child. It also extended its age 24 SOL to apply also to 17 year olds and changed the reporting time for the SOL to 10 years. In 2011 Vermont removed the SOL for trafficking. In 2013 Vermont extended the SOL for other felonies to 40 years from the offense and in 2017 it added more felony offenses to its SOL. In 2019, Vermont added felony sexual exploitation of a minor to its criminal elimination statute. The SOL for the remaining felonies and misdemeanors is 3 years from an offense. Criminal actions in Vermont are not tolled until a victim reaches age 18.²¹⁵

²⁰⁶ UTAH CODE ANN. § 76-1-302.

²⁰⁷ UTAH CODE ANN. § 76-1-303 (Repealed) (If the SOL "has expired, a prosecution may nevertheless be commenced for . . . rape of a child, object rape of a child, sodomy upon a child, or sexual abuse of a child within four years after the report of the offense to a law enforcement agency."); *State v. Toombs*, 380 P.3d 390, 394 (Utah Ct. App. 2016).

²⁰⁸ UTAH CODE ANN. § 76-1-302.

²⁰⁹ UTAH CODE ANN. § 76-1-301.

²¹⁰ UTAH CODE ANN. § 76-1-302.

²¹¹ UTAH CODE ANN. § 78B-2-308.

²¹² *Id.*

²¹³ *Mitchell v. Roberts*, No. 20170447-SC (2019), at <https://www.courtlistener.com/docket/4402436/mitchell-v-roberts/>.

²¹⁴ VT. STAT. ANN. tit. 13, § 4501.

²¹⁵ *Id.*

Civil. The civil SOL in place since 1989, was age 24 (age of majority, 18, plus 6 years) or discovery plus 6 years, whichever was later. The discovery rule was liberal in that the victim did not make the discovery unless he discovered that the injury was caused by the sex abuse. In 2019, Vermont completely eliminated its civil SOL and revived all claims from the past that were expired without limitation.²¹⁶

Virginia

Virginia has only made minor improvements to its criminal and civil SOLs since 2002. Virginia eliminated the criminal SOL for felonies, placing it firmly in the mainstream of other states. Its civil SOL was relatively short at age 20 until 2011 when it extended it to age 38. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. In 2002, Virginia had no criminal SOL for felonies and for misdemeanors related to child sex abuse the SOL was 1-year from the offense.²¹⁷ In 2016 the SOL for misdemeanors was extended to age 19 (age of majority, 18, plus 1 year).²¹⁸

Civil. In 2002, the civil SOL was age 20 (age of majority, 18, plus 2 years) or 2 years from discovery.²¹⁹ In 2011, the state extended the civil SOL to age 38 (age of majority, 18, plus 20) or 20 years from discovery.²²⁰ In 2013 it clarified its discovery rule, making clear that a cause of action accrues against an individual perpetrator the later of age 18 or when the fact of the injury and its causal connection to the abuse is first communicated to the victim.²²¹ Virginia has not passed a window or other SOL revival legislation since 2002.

Washington

Washington has made many changes to its criminal SOLs and no changes to its civil SOLs since 2002. It previously had an age 30 criminal SOL for most felonies and in 2019 it eliminated it for multiple sex abuse crimes. The civil SOL, which has been in place since 1991, at age 21 with a liberal 3-year discovery rule, is also short compared to most states. On a scale of 0-5, overall it ranks as a 3.5.

Criminal. In 2002, the criminal SOL in Washington state for 1st and 2nd degree rape was the later of age 21 (age of majority, 18, plus 3 years) or, if reported within a year, 10 years after the crime. For other felony sex offenses the SOL was age 21 or 7 years after the crime, whichever is later, and for misdemeanors it was age 19 or 20.²²² In 2006 it added a DNA statute which extended the SOL to 1-year after a perpetrator is identified by DNA. In 2009, Washington extended the SOLs for all sex offenses to age 28 and then again in 2013 to age 30.²²³ In 2017,

²¹⁶ VT. STAT. ANN. tit. 12, § 522.

²¹⁷ *Anderson v. Commonwealth*, 634 S.E.2d 372, 375 (Va. Ct. App. 2006) (“Consistent with the common law, Virginia has no general statute of limitation on felonies.”).

²¹⁸ Va. Code Ann. § 19.2-8.

²¹⁹ VA. CODE ANN. §§ 8.01-243, 8.01-249.

²²⁰ *Id.*

²²¹ VA. CODE ANN. § 8.01-249(6); see also *Kopalchick v. Catholic Diocese of Richmond*, 645 S.E.2d 439, 442 (Va. 2007) (“finding that the discovery rule applies only to natural persons, and not to an institution.”)

²²² WASH. REV. CODE ANN. § 9A.04.080.

²²³ *Id.*

the state expanded its age 30 SOL to include commercial sex abuse and extended the SOL for trafficking to 10 years from the crime.²²⁴ Then in 2019, Washington extended the SOL for incest to age 30 and eliminated the SOL for rape, sexual misconduct, child molestation, and sexual exploitation. It also extended its DNA statute to 2 years.²²⁵

Civil. As of 1991, Washington's civil SOL was age 21 (age of majority, 18, plus 3 years) or 3 years from discovery.²²⁶ No changes have been made in the interim. Washington has not passed a window or other SOL revival legislation since 2002.

West Virginia

West Virginia has not changed its criminal SOLs but amended its civil SOL once since 2002. West Virginia is one of the leaders among the states for criminal SOLs because it is eliminated for both felonies and misdemeanors. The civil SOL of age 20 with a 2-year discovery rule is among the shortest compared to the other states. On a scale of 0-5, overall it ranks as a 4.

Criminal. There is no criminal SOL for felonies or misdemeanors related to child sex abuse.²²⁷

Civil. Since 2002, the civil SOL in West Virginia was age 20 (age of majority, 18, plus 2 years)²²⁸ and it has a judicially crafted 2-year discovery rule, and equitable tolling at the court's discretion.²²⁹ There is an additional requirement that cases be brought within 20 years of the injury, which limits the discovery rule.²³⁰ In 2016, West Virginia extended its SOL to age 22 (age of majority, 18, plus 4) with a 4-year discovery rule that has no upper age limit only for actions against a perpetrator of the abuse.²³¹ West Virginia has not passed a window or other SOL revival legislation since 2002.

Wisconsin

Wisconsin has made modest improvements to its criminal and civil SOLs since 2002. After amendments in 2003, 2005, 2007, 2011, and 2017, Wisconsin now has no SOL for the most serious felonies and for others it is age 45. The civil SOL was extended up to age 35 in 2004 and is in the middle of the rest of the states. On a scale of 0-5, overall it ranks as a 3.5.

²²⁴ WASH. REV. CODE ANN. § 9A.04.080.

²²⁵ *Id.*

²²⁶ WASH. REV. CODE ANN. § 4.16.340.

²²⁷ *State v. King*, 140 W. Va. 362, 367 (W. Va. 1954) (Noting "the felony charged in the indictment is subject to no limitation.").

²²⁸ W. VA. CODE ANN. §§ 55-2-12, 2-3-1, and 55-2-15.

²²⁹ W. VA. CODE ANN. § 55-2-21(d); *see also Merrill v. W. Va. Dep't of Health & Human Res.*, 219 W. Va. 151, 156, (W. Va. 2006) ("this Court held that [i]n tort actions, unless there is a clear statutory prohibition to its application, under the discovery rule the statute of limitations begins to run when the plaintiff knows, or by the exercise of reasonable diligence, should know (1) that the plaintiff has been injured, (2) the identity of the entity who owed the plaintiff a duty to act with due care, and who may have engaged in conduct that breached that duty, and (3) that the conduct of that entity has a causal relation to the injury." (quoting *Gaither v. City Hosp., Inc.*, 487 S.E.2d 901, 903 (W. Va. 1997))).

²³⁰ W. VA. CODE ANN. § 55-2-15. Some West Virginia courts have applied this 20-year from injury cap to limit the discovery rule, while others have not. *See Merrill v. W. Virginia Dep't of Health & Human Res.*, 632 S.E.2d 307 (W. Va. 2006) and *Miller v. Monongalia County Bd. of Educ.*, 219 W. Va. 151 (W. Va. 2009).

²³¹ W. VA. CODE ANN. § 55-2-15.

Criminal. Since 2002, Wisconsin has amended its criminal SOLs several times. As of 2002, the criminal SOL for child sex abuse felonies was age 31 with a DNA statute that extends the SOL for 1-year if there is a match.²³² In 2003, the state extended the criminal SOL to age 45.²³³ Finally, in 2005, it eliminated the criminal SOL for 1st degree sexual assault of a child and repeated sexual assault of the same child, and it broadened the classes of felonies included within those crimes in 2007.²³⁴ Wisconsin added an age 24 SOL for sex trafficking in 2007 and extended it to age 45 in 2011.²³⁵ In 2017 it added soliciting a child for prostitution to the crimes for which the SOL is age 45.²³⁶ The SOL for misdemeanors is 3 years from the crime with no tolling until age of majority for the victim.²³⁷

Civil. The 2002 civil SOL in Wisconsin was age 20 (age of majority, 18, plus 2 years) or 5 years from discovery.²³⁸ In 2004, it was extended to age 35 and the discovery rule was removed.²³⁹ Despite many efforts, Wisconsin has not yet passed a window or other SOL revival legislation since 2002.

Wyoming

Wyoming has made no changes to its civil or criminal SOLs since 2002. Wyoming has no criminal SOL for either felonies or misdemeanors, making it a leader among the states. For civil claims, its SOL of age 26 with a 3-year discovery rule puts it in the middle of the other states. On a scale of 0-5, overall it ranks as a 4.

Criminal. Wyoming has no criminal SOL for felonies or misdemeanors related to child sex abuse.²⁴⁰

Civil. The civil SOL in Wyoming has been the same since at least 1993: age 26 (age of majority, 18, plus 8 years) or 3 years from discovery, whichever is later.²⁴¹ Wyoming has not passed a window or other SOL revival legislation since 2002.

Washington D.C.

Washington D.C. has made progress on criminal and civil SOLs since 2002, but it wasn't until 2019 that the jurisdiction made monumental improvements. It had a short criminal SOL, which had been in place since 1981, and it finally eliminated the criminal SOL for felonies in 2019. It also significantly improved its civil SOL in 2019 by extending it to age 40 and opening a 2-year revival window for expired claims. On a scale of 0-5, overall it ranks as a 4.

²³² WIS. STAT. ANN. § 939.74; *State v. MacArthur*, 750 N.W.2d 910, 915 (Wis. 2008) (1997 amendment increased statute of limitation for prosecution to time that "victim reaches the age of 31").

²³³ WIS. STAT. ANN. § 939.74; SB 207, 2003 Leg., Reg. Sess. (Wis. 2003).

²³⁴ WIS. STAT. ANN. § 939.74; AB 47, 2005 Leg., Gen. Assemb. (Wis. 2006); SB 103, 2007 Leg., Reg. Sess. (Wis. 2007).

²³⁵ WIS. STAT. ANN. § 939.74; 2007 Leg., Reg. Sess. (Wis. 2007); SB 536, 2011 Leg., Reg. Sess. (Wis. 2011).

²³⁶ WIS. STAT. ANN. § 939.74; SB 396, 2017 Leg., Reg. Sess. (Wis. 2017).

²³⁷ WIS. STAT. ANN. § 939.74.

²³⁸ WIS. STAT. ANN. §§ 893.57, 893.587, 893.16.

²³⁹ *Id.*; SB 207, 2003 Leg., Reg. Sess. (Wis. 2003).

²⁴⁰ *Story v. State*, 721 P.2d 1020, 1026 (Wyo. 1986) ("At common law there is no limitation period for the prosecution of any criminal offense.").

²⁴¹ WYO. STAT. ANN. § 1-3-105.

Criminal. In 2002, D.C. had a criminal SOL of 6 years from an offense for felonies and 3 years for other offenses.²⁴² In 2004, D.C. pushed the SOL to age 36 (age of majority, 21, plus 15 years) for child sex abuse felonies in the first and second degree, and age 31 (age of majority, 21, plus 10 years) for third and fourth degree sexual abuse, incest and pornography. In 2010, D.C. added an SOL of age 31 (age of majority, 21, plus 10 years) for sex trafficking of children. In 2019, D.C. eliminated the criminal SOL for most sex abuse felonies. Though, it left trafficking, pornography and prostitution at the age 31 SOL.²⁴³

Civil. The civil SOL in 2002 was age 24 (age of majority, 21, plus 3 years).²⁴⁴ The SOL was extended in 2009 to age 25 (age of majority, 18, plus 7 years) or discovery plus 3 years, whichever is later.²⁴⁵ In 2019, D.C. extended the civil SOL to age 40 with a 5-year discovery rule. It also opened a 2-year revival window for victims currently under age 40 and, in some circumstances, older victims and those sexually assaulted as adults.²⁴⁶

B. The Federal Government

The Federal Government

The federal government has made some changes to both criminal and civil SOLs since 2002. In 2003, the federal government removed the criminal SOLs for crimes related to child sex abuse. After several amendments, the civil SOL for federal child sex abuse crimes is age 28 or 10 years from discovery.

Criminal. As of January 2002, the federal criminal SOL for child sex abuse crimes was age 25.²⁴⁷ In 2003 the SOL was eliminated during the life of a child for all sex crimes against children.²⁴⁸ In 2006 the SOL was eliminated for most felony child sex abuse crimes²⁴⁹ and for the remaining crimes prosecution was permitted anytime while the child victim was alive or 10 years after the offense, whichever is later.²⁵⁰

Civil. In 2002, the statute of limitations for child sex abuse crimes was 6 years from the date the cause of action accrued or age 21 (age of majority, 18, plus 3 years). In 2005, statutory damages

²⁴² D.C. CODE § 23-113, available at <https://code.dccouncil.us/dc/council/laws/docs/4-104.pdf>.

²⁴³ D.C. CODE § 23-113.

²⁴⁴ D.C. CODE §§ 12-301, 12-302. Available at <https://www.govinfo.gov/content/pkg/STATUTE-77/pdf/STATUTE-77-Pg478.pdf>.

²⁴⁵ *Id.*

²⁴⁶ *Id.*

²⁴⁷ 18 U.S.C. § 3283.

²⁴⁸ *Id.*

²⁴⁹ 18 U.S.C. § 3299. The list of felonies that SOL was eliminated for includes violations of: 18 U.S.C. 2241 (aggravated sexual abuse), 2242 (sexual abuse), 2243 (sexual abuse of a ward or child), 2244 (abusive sexual contact), 2245 (sexual abuse resulting in death), 2250 (failure to register as a sex offender), 2251 (sexual exploitation of children), 2251A (selling or buying children), 2252 (transporting, distributing or selling child sexually exploitive material), 2252A (transporting or distributing child pornography), 2252B (misleading names on the Internet), 2260 (making child sexually exploitive material overseas for export to the U.S.), 2421 (transportation for illicit sexual purposes), 2422 (coercing or enticing travel for illicit sexual purposes), 2423 (travel involving illicit sexual activity with a child), 2424 (filing false immigration statement), 2425 (interstate transmission of information about a child relating to illicit sexual activity), and § 1591 (sex trafficking by force, fraud or of a child).

²⁵⁰ 18 U.S.C. § 3283.

of \$150,000.00 were added for each violation as an alternative to actual damages.²⁵¹ Masha's Law is the federal statute creating civil liability to compensate child pornography victims, a subset of the child sex abuse universe. It was originally passed in 2006 with an SOL of age 21.²⁵² In 2013, the statute of limitations was further amended to allow for 10 years from the date the cause of action accrued, in addition to the age 21 limit. Then in 2018, as part of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, trafficking was added to the list of child sex abuse crimes and the SOL was further extended. The SOL was changed to age 28 (age of majority, 18, plus 10 years) with the addition of a 10-year discovery rule wherein a victim has 10 years from the date on which the victim understands that her injuries were caused by the abuse to bring a claim.²⁵³ The Federal Government has not passed a window or other SOL revival legislation since 2002.

Other federal laws that can create civil liability for child sex abuse include the civil rights statutes as applied to public schools, wherein the SOL is typically borrowed from the state SOL where the abuse occurred.²⁵⁴

III. The Pace of SOL Reform Since January 2002

A. The Pace of Child Sex Abuse SOL Change Since 2002

Child sex abuse SOL reform has been a very active area of the law, with 2019 ushering in an unprecedented volume of new laws as shown by the following graphs. Overall, there were more amendments to criminal SOLs than civil SOLs since 2002, though both saw a great deal of activity. This study also underemphasizes the actual legislative activity in that it only tracks the bills that became law; there were many more bills introduced.²⁵⁵ Moreover, for some states, bills were introduced repeatedly, e.g., New York Assembly members repeatedly introduced the Child Victims Act for over a decade until it finally became law in 2019. The pace of change has increased dramatically in 2019 with 41 jurisdictions introducing legislation to reform SOLs and 22 states and D.C. passing new laws.

1. For Criminal SOLs: The Move of Choice was to Eliminate the SOLs

28 states and D.C. eliminated SOLs for at least some child sex abuse crimes, felonies and/or misdemeanors.²⁵⁶

31 states extended at least some SOLs for child sex abuse crimes.²⁵⁷

20 states both extended and eliminated criminal SOLs.²⁵⁸

²⁵¹ 18 U.S.C. § 2255 (1986). See also James Marsh, *Masha's Law: A Federal Civil Remedy for Child Pornography Victims*, 61 SYRACUSE L. REV. 459 (2011).

²⁵² 18 U.S.C. § 2255 (2006).

²⁵³ 18 U.S.C. § 2255 (2018).

²⁵⁴ 20 U.S.C. § 1681; *Bougher v. Univ. of Pittsburgh*, 882 F.2d 74, 77 (3d Cir. 1989).

²⁵⁵ See Child USA 2019 SOL Summary for full SOL legislative activity this year at CHILDUSA.ORG, <https://www.childusa.org/2019sol> (last visited Nov. 1, 2019).

²⁵⁶ States that eliminated at least some criminal SOLs for felonies, and/or misdemeanors since 2002:

AL, AK, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, KS, MA, MI, MN, MO, MS, MT, NE, NY, OR, TN, TX, UT, VT, WA, WI.

²⁵⁷ States that have extended at least some criminal SOLs:

AK, AR, CA, FL, HI, IL, IA, IN, KS, KY, LA, ME, MN, MO, MT, NC, NE, NV, NY, ND, OH, OK, OR, PA, TN, TX, UT, VT, VA, WA, WI.

²⁵⁸ 19 states that both extended and eliminated criminal SOLs:

AK, AR, CA, FL, HI, IL, KS, MN, MO, MT, NE, NY, OR, PA, TN, TX, UT, VT, WA, WI.

The federal government effectively eliminated criminal SOLs.

The current net result (including states that previously eliminated the criminal SOL) is that 44 states, the federal government and D.C. now have *eliminated* at least some criminal SOLs.

2. For Civil SOLs: Three Paths were Taken: Extension, Elimination, and/or Revival

16 states and D.C. passed laws that revived expired SOLs.²⁵⁹

10 states eliminated some civil SOLs.²⁶⁰

37 states the federal government and D.C. extended the civil SOLs.²⁶¹

6 states extended and eliminated at least some civil SOLs.²⁶²

Only 1 state, South Dakota, backtracked on an earlier extension.

3. Some States Took No Action after January 2002

Most states instituted amendments to the child sex abuse criminal or civil SOLs following January 2002.

40, or 80%, of states made changes to the criminal SOLs following 2002; 10, or 20% of states, did not.²⁶³

40, or 80%, of states amended the civil SOLs; 10, or 20% of states, made no changes to the civil SOL following 2002.²⁶⁴

Only 2 states took no action since January 2002.²⁶⁵ For some of those states, however, SOL reform was introduced even if not enacted.

The following graphs illustrate the pace of SOL change since 2002 and the number of states to engage in such change each year:

²⁵⁹ States that revived civil SOLs: AZ, CA, CT, DE, GA, HI, MA, MI, MN, MT, NJ, NY, NC, RI, UT, VT.

²⁶⁰ States that eliminated at least some civil SOLs: AK, CT, DE, FL, IL, ME, MN, NE, UT, VT.

²⁶¹ States that extended civil SOLs: AL, AK, AZ, CA, CT, FL, GA, HI, IA, ID, IL, IN, KY, MD, MA, MI, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, TN, TX, UT, VA, WV, WI.

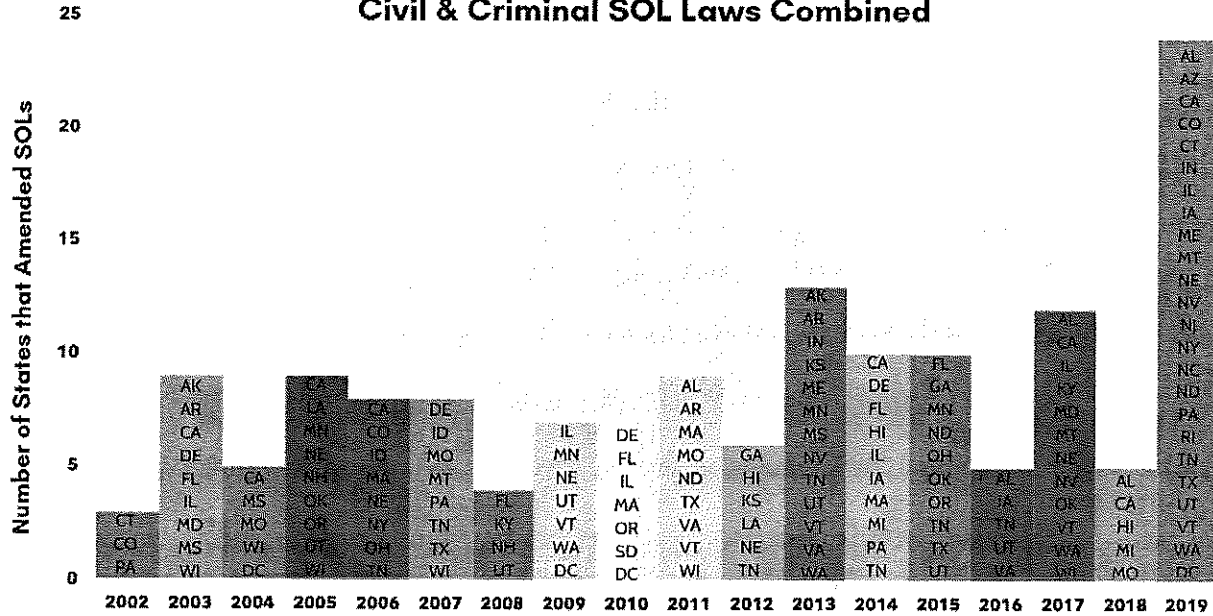
²⁶² States that extended and eliminated some civil SOLs: AK, CT, FL, IL, NE, UT.

²⁶³ The 10 states that did not make changes to their **criminal** SOLs after 2002: AZ, MD, NH, NJ, NM, RI, SC, SD, WV, WY.

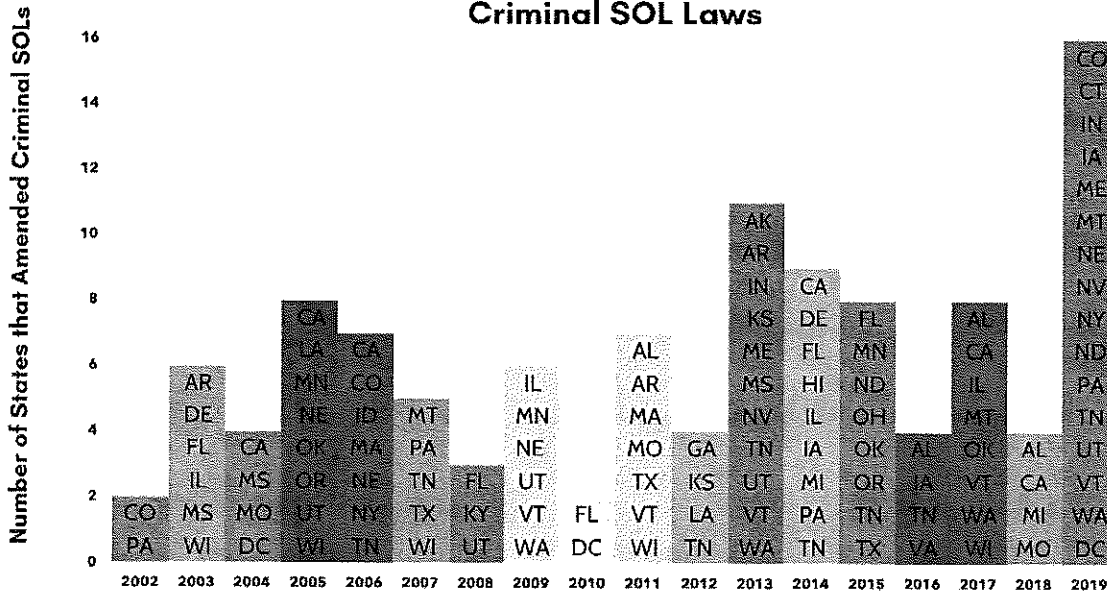
²⁶⁴ The 10 states that did not make changes to their **civil** SOLs after 2002: AR, CO, IA, KS, LA, ME, MS, SC, WA, WY. Though Maine had already eliminated civil SOLs by 2002.

²⁶⁵ The states that amended neither criminal nor civil SOL after 2002: SC, WY.

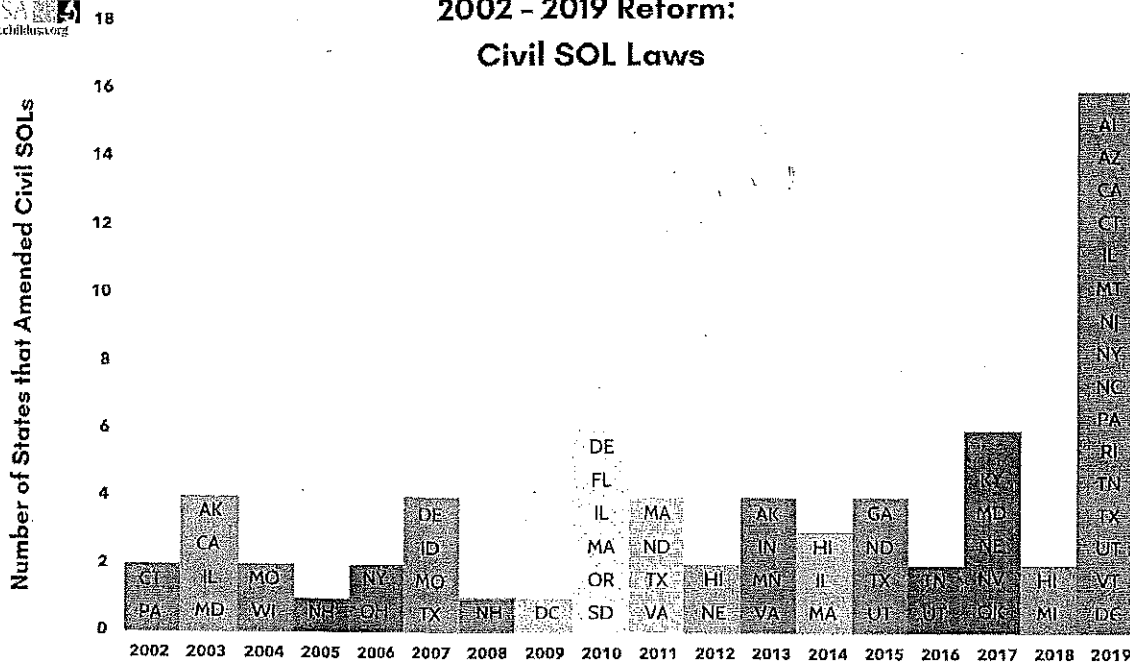
2002 - 2019 Reform: Civil & Criminal SOL Laws Combined



2002 - 2019 Reform: Criminal SOL Laws



2002 - 2019 Reform: Civil SOL Laws



B. Changes to the Civil and Criminal SOLs State-by-State

The following chart summarizes the changes made to the civil and criminal statutes of limitation for child sex abuse in each state since 2002.

State	Change to Criminal SOL	Change to Civil SOL
Alabama	Eliminated for some felonies	Extended to age 25
Alaska	Eliminated for some felonies	Eliminated for some felonies
Arizona	None	Extended to age 30 19-month revival window (2019)
Arkansas	Eliminated for some felonies	None
California	Eliminated (Attempted revival of criminal SOL ruled unconstitutional)	Extended to age 40 or discovery + 5 1-yr revival window (2003) 3-yr revival window (2019)
Colorado	Eliminated for felonies	None
Connecticut	Eliminated	Eliminated if perpetrator convicted Revival up to age 48 and extension to age 51
Delaware	Eliminated	Eliminated 2-year + 2-year revival window (2007 and 2010)

Florida	Eliminated for some felonies	Eliminated for some felonies
Georgia	Eliminated for some felonies	Extended to age 23 or discovery + 2 2-yr revival window against perpetrator (2015)
Hawaii	Eliminated for some felonies	Extended to age 26 or discovery + 3 2-year + 2-year + 2-year revival window (2012, 2014 and 2018)
Idaho	Eliminated for some felonies	Extended to age 23 or discovery + 5
Illinois	Eliminated	Extended to age 38 and then Eliminated
Indiana	Extended for some felonies	Extended to age 20 or 7 years after abuse
Iowa	Extended for felonies and misdemeanors to age 33	None
Kansas	Eliminated for some felonies	None
Kentucky	Extended misdemeanors to age 23	Extended to age 28 or discovery + 10
Louisiana	Extended for non-capital felonies and misdemeanors to age 48	None
Maine	Extended to age 38 for victims age 16 and older	None
Maryland	None	Extended to age 38 or + 3 from conviction
Massachusetts	Eliminated for some felonies	Revival and extension up to age 53 or discovery +7 against perpetrator Extension to age 53 or discovery +7 against entities
Michigan	Eliminated for some felonies	Extended to age 28 or discovery + 3 90-day revival window (2018)
Minnesota	Eliminated for trafficking	Elimination 3-year revival window (2013)
Mississippi	Eliminated for most felonies	None
Missouri	Eliminated for felonies and misdemeanors	Extended to age 31 or discovery + 3
Montana	Eliminated for felonies and misdemeanors	Extended to age 27 or discovery + 3 1-year revival window (2019)
Nebraska	Eliminated for some felonies	Eliminated
Nevada	Extended to age 36 or 43, if not discoverable, for felonies and misdemeanors	Extended to age 38 or discovery + 20
New Hampshire	None	Extended to age 30 or discovery + 3
New Jersey	None	Extended to age 55 or discovery + 7 2-year revival window (2019)

New Mexico	None	Revised discovery rule to run from disclosure to healthcare professional
New York	Eliminated for some felonies and extended to age 28 for others	Extended to age 55 1-year revival window (2019)
North Carolina	Extended for misdemeanors to 10 years from crime	Extended to age 28 2-year revival window (2019)
North Dakota	Extended to age 39 or 3 years after reporting/ DNA identification	Extended to discovery + 10
Ohio	Extended to age 43 for rape and sexual battery, 38 for felonies and 20 for misdemeanors	Extended to age 30
Oklahoma	Extended to age 45	Extended to age 45
Oregon	Extended to age 30; eliminated if DNA identification	Extended to age 40 or discovery + 5
Pennsylvania	Eliminated for some felonies and extended to age 55 for others	Extended to age 55
Rhode Island	None	Revival and extension up to age 53 against perpetrator Extended to age 53 or discovery + 7 years against entities
South Carolina	None	None
South Dakota	None	Only state to backtrack; Limited to age 21 or discovery + 3 but up to age 40 only
Tennessee	Eliminated for felonies and some misdemeanors	Extended to age 33 or discovery + 3
Texas	Eliminated for most felonies	Extended to age 48
Utah	Eliminated for most felonies	Eliminated against perpetrator Added 4-year discovery rule against non-perpetrator Revival up to age 53 and 3-year window against perpetrator or someone criminally responsible
Vermont	Eliminated for most felonies	Eliminated Revival of all expired claims
Virginia	Extended to age 19 for some misdemeanors	Extended to age 38
Washington	Eliminated for most felonies and extended to age 30 for others	None
West Virginia	None	Extended to age 22 or discovery + 4
Wisconsin	Elimination for most felonies	Extended to age 35
Wyoming	None	None

Washington D.C.	Eliminated for most felonies	Extended to age 40 or discovery +5 2-year window up to age 40 (2019)
Federal Government	Effective elimination	Extended to age 28 and discovery +10 years

IV. A Focus on SOL Revival Laws, Including Windows, Since January 2002

There is literally only one way to restore justice to older victims of child sex abuse and that is to revive their expired civil SOLs. In other words, to fix the wrongs done to them, they deserve the opportunity to file civil lawsuits if they so choose. It is a medical fact that victims of child sex abuse often need decades to come forward. They are traumatized from the abuse, incapable of processing what happened to them, and often dependent on the adults who perpetrated or caused the abuse. Based on the best science, age 52 is the average age of disclosure for victims of child sex abuse.²⁶⁶ By the time most victims are ready to come forward, the courthouse doors are locked. Revival laws are all about honoring and empowering the victims of child sex abuse who had faced locked courthouse doors due unfairly short SOLs.

A. Analysis of SOL Revival Laws

This study will analyze the 17 jurisdictions that have enacted laws that revive civil suits for victims of child sex abuse whose SOL has already expired since 2002. There are three types of revival laws: (1) fully retroactive revival of all expired claims, (2) windows for a set period of time, and (3) revival up to a certain age.

The absolute best way to remedy the wrong of having unreasonably short SOLs for so long is to have full retroactive elimination of SOLs and completely revive all expired claims. This is exactly what Guam did in 2016 and Vermont did the same in 2019. Now any person that was sexually abused as a child in Vermont and Guam may sue their abuser or any responsible person or institution whenever they are ready.

The more common means of reviving for states has been with a revival "window". A window is a law that eliminates the civil SOL for a set period of time for victims whose claims have already expired. This allows older victims of child sex abuse to sue their abusers and/or the institutions responsible years after they were abused for a set period of time. California became the first state to enact revival legislation to help past victims of abuse with its 1-year revival window in 2003. Since then, 11 more states - Delaware, Hawaii, Minnesota, Georgia, Utah, Michigan, New York, Montana, New Jersey, Arizona, North Carolina - and Washington D.C. have opened revival windows. These windows have varied in length and by the types of defendants that were permitted to be sued. The best windows are in California, Delaware, Hawaii, New Jersey and North Carolina because the window is for 2 or more years and applies to claims against any type of defendant - perpetrators, individuals, institutions and the government. The worst window is Michigan's which only helped victims of Dr. Larry Nassar and left a gaping hole of injustice for all other Michigan victims of child sex abuse. In the middle, there are

²⁶⁶ N. Spröber et al., *Child sexual abuse in religiously affiliated and secular institutions*, BMC PUBLIC HEALTH, Vol.14, at p.282 (March 27, 2014).

Georgia and Utah's windows which only revived claims against perpetrators and not against the institutions that were negligent or actually aware of abuse and failed to stop it.

Another way that states have opened the courthouse doors to older victims has been by allowing victims to bring suits for previously expired claims up until they reach a certain age. The cutoff age varies from Connecticut's age 48 to age 53 in Massachusetts and Utah. The upside of these laws is that younger victims are less pressured to bring claims within a few years or lose them. The downside is that older victims that are above the cutoff age are still shut out of court. These laws also vary by which defendants are open to suit, with the better ones like Connecticut which revives suits against any type of defendant, and the worse ones like Massachusetts and Rhode Island which only revive claims against the perpetrator.

A full list of the 16 states and Washington D.C. along with a description of their revival laws is provided in the following chart in chronological order.²⁶⁷

State	Date	Revival Law Description
Connecticut	2002	Revived SOL up to age 48 against perpetrators, private organizations and government. ²⁶⁸
California	2003 2019	1-year window revived SOL against private organizations only. (2003-04 closed). In 2019 added 3-year window which will open on January 1, 2020 for expired claims against perpetrators, private organizations and government. ²⁶⁹
Delaware	2007 2010	2-year window revived SOL against perpetrators, private organizations and government. (2007-09 closed). In 2010 added 2-year window for healthcare providers because original window did not apply to claims against them. (2010-12 closed). ²⁷⁰
Hawaii	2012 2014 2018	In 2012, 2-year window revived SOL against perpetrators and private organizations. In 2014 extended original window for another 2 years and expanded to include claims against the government and in 2018 extended window again to be open until April 24, 2020. (2012-2020 open). ²⁷¹
Minnesota	2013	3-year window revived SOL against perpetrators and private organizations. (2013-16 closed). ²⁷²
Massachusetts	2014	Revived SOL up to age 53 against perpetrator only. ²⁷³

²⁶⁷ Description only indicates that a law revives against the government if the statute explicitly mentions public entities or case law clearly supports that conclusion. This list also does not include revival via delayed discovery rule.

²⁶⁸ CONN. GEN. STAT. § 52-577d.

²⁶⁹ CAL. CIV. PROC. CODE § 340.1.

²⁷⁰ DEL. CODE tit. 10, § 8145 and tit. 18, § 6856.

²⁷¹ HAW. REV. STAT. § 657-1.8.

²⁷² MINN. STAT. § 541.073, 2013 Minn. Sess. Law Serv. Ch. 89 (H.F. 681).

²⁷³ MASS. GEN. LAWS ch. 260, § 4C.

Georgia	2015	2-year window revived SOL against perpetrator only. (2015-17 closed). ²⁷⁴
Utah	2016	Revived SOL up to age 53 against perpetrator or person criminally liable and a 3-year window revived SOL against perpetrator or person criminally liable only. (2016-19 closed). ²⁷⁵
Michigan	2018	90-day window revived SOL for victims of Larry Nassar only. (2018 closed). ²⁷⁶
New York	Feb. 14, 2019	1-year window opened on August 14, 2019 for expired claims against perpetrators, private organizations and government. (2019-20). ²⁷⁷
Washington D.C.	May 3, 2019	2-year window opened on May 3, 2019 for expired claims against perpetrators and entities. Window applies to all child sex abuse victims up to age 40 and, in some circumstances, older victims and those sexually assaulted as adults. (2019-21 open). ²⁷⁸
Montana	May 7, 2019	1-year window opened on May 7, 2019 for expired claims against perpetrators and entities. (2019-20 open). ²⁷⁹
New Jersey	May 13, 2019	2-year window opened on December 1, 2019 for expired claims against perpetrators, private organizations and government. Window applies to child sex abuse victims and those sexually assaulted as adults. (2019-21). ²⁸⁰
Arizona	May 27, 2019	19-month window opened on May 27, 2019 for expired claims against perpetrators, private organizations and government. (2019-20 open). ²⁸¹
Vermont	May 28, 2019	Revived all expired claims against perpetrators, private organizations and government. ²⁸²
Rhode Island	July 1, 2019	Revived SOL up to age 53 against perpetrator only. ²⁸³
North Carolina	Nov. 7, 2019	2-year revival window will open on January 1, 2020 for expired civil claims. ²⁸⁴

²⁷⁴ GA. CODE § 9-3-33.1.

²⁷⁵ UTAH CODE § 78B-2-308.

²⁷⁶ MICH. COMP. LAWS § 600.5851b.

²⁷⁷ N.Y. C.P.L.R. 214-g.

²⁷⁸ D.C. CODE § 23-113.

²⁷⁹ MONT. CODE § 27-2-216.

²⁸⁰ S. 477 2019 Gen. Assemb., Reg. Sess. (N.J. 2019).

²⁸¹ H.B. 2466, 54th Leg., 1st Reg. Sess. (Ariz. 2019).

²⁸² B. 330, 2019 Leg., Reg. Sess. (Vt. 2019).

²⁸³ tit. 9 R.I. GEN. LAWS § 9-1-51.

²⁸⁴ S 199, 2019 Leg., Reg. Sess. (N.C. 2019).

B. New SOL Revival Laws Passed in 2019

This year an unprecedented number of revival laws are going into effect in jurisdictions across the United States. Victims whose claims had previously expired will have an opportunity to file civil claims and hold their abusers and responsible institutions accountable in Arizona, California, Montana, New Jersey, New York, North Carolina, Rhode Island, Vermont and the District of Columbia. The table below provides the dates these new revival laws are effective, including when windows open and close, along with descriptions of who may sue and be sued under each new law.

New SOL Revival Laws in 2019

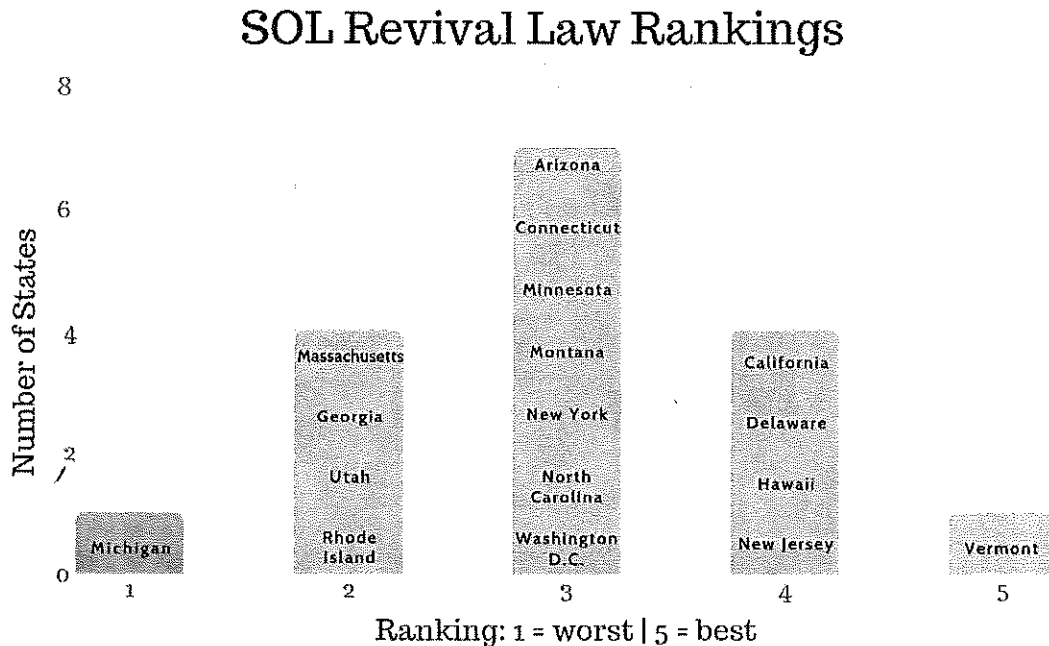
Adult survivors of child sex abuse now have access to justice via civil lawsuits in the following jurisdictions. Even if the SOL had already expired for their civil claims of abuse, they are now revived for a set period of time with a window, up to a certain age or without limitation.

Jurisdiction	Date Opens First day can file	Date Closes Last day can file	Revival Law Description
Washington D.C.	May 3, 2019	May 2, 2021	2-year window: 2-year window opened on May 3, 2019 for expired claims against perpetrators and entities. Window applies to all child sex abuse survivors up to age 40 and, in some circumstances, older victims and those sexually assaulted as adults.
Montana	May 7, 2019	May 6, 2020	1-year window: 1-year window opened on May 7, 2019 for expired claims against perpetrators and entities.
Arizona	May 27, 2019	Dec. 30, 2020	19-month window: 19-month revival window opened on May 27, 2019 for expired claims against perpetrators, private organizations and government.
Vermont	May 28, 2019	n/a	Revival of all expired claims: Revived all expired claims against perpetrators, private organizations and government.
Rhode Island	July 1, 2019	n/a	Revival up to age 53: Revived SOL up to age 53 against perpetrator only.
New York	Aug. 14, 2019	Aug. 13, 2020	1-year window: 1-year window opened on August 14, 2019 for expired claims against perpetrators, private organizations and government.
New Jersey	Dec. 1, 2019	Nov. 30, 2021	2-year window: 2-year window opened on December 1, 2019 for expired claims against perpetrators, private organizations and government. Window applies to child sex abuse victims and those sexually assaulted as adults.
California	Jan. 1, 2020	Dec. 31, 2022	3-year window: 3-year window will open on January 1, 2020 for expired claims against perpetrators, private organizations and government.
North Carolina	Jan. 1, 2020	Dec. 31, 2021	2-year window: 2-year window will open on January 1, 2020 for expired civil claims.

7 windows

C. SOL Revival Law Rankings by State²⁸⁵

This study takes a snapshot of all the jurisdictions that have revived claims for victims whose SOL had already expired. It analyzes all three types of revival laws with a focus on who they help and for how long. The states are ranked in the chart below based on what age or type of victims the revival law applies to, the new length of time a victim has to sue, and which individuals and entities can be sued. Vermont has the "best" revival law and Michigan has the "worst".



- 1 = Revival window for claims against perpetrator doctors only
- 2 = Revival window, revival up to a certain age or revival of all claims, against perpetrators only or private organizations only
- 3 = Revival window or revival up to age 30-54, for claims against perpetrators and private organizations
- 4 = Revival window for 2 or more years or revival up to age 55, for claims against perpetrators, private organizations and government
- 5 = Revival of all expired claims against perpetrators, private organizations and government without a time limitation

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²⁸⁵ Revival Law Ranking Guide:

- 1 = revival window for claims against perpetrator doctors only
- 2 = revival window, revival up to a certain age or revival of all claims, against perpetrators only or private organizations only
- 3 = window or revival up to age 30-54, for claims against perpetrators and private organizations
- 4 = window for 2 or more years or revival up to age 55, for claims against perpetrators, private organizations and government
- 5 = revives all expired claims against perpetrators, private organizations and government without a time limitation

V. Grading the States on Their Child Sex Abuse SOLs

Since 2002 the pace of change had been consistent and persistent until 2019 when it rapidly accelerated. This was a banner year for SOL reform with 23 states and Washington D.C. improving their SOLs. Therefore, one can expect the landscape to continue to change. No two states are identical, which means that child sex abuse SOL reform is a prime example of Justice Louis Brandeis' concept of the states as "laboratories".²⁸⁶ This is truly a 50-state experiment.

In this section, this study will take a snapshot of the states in 2019 and grade them according to how far they have advanced toward elimination of the criminal and civil SOLs for present and future victims and revival of expired SOLs for victims from the past. On these metrics, Delaware is the "best" state and Ohio is the "worst". It is important, though, to separate out the criminal SOLs from the civil SOLs as they serve different ends.

The criminal SOLs make it possible for prosecutors to prosecute child sex crimes for the purpose of putting the perpetrator behind bars and/or on a state sex offender registry. The downside of the criminal prosecution of child sex abuse is that it is relatively rare because prosecutors tend not to prosecute those cases where the child is very young. The child may be deemed a potentially "unreliable" witness or the evidence may not be strong enough to withstand the "beyond a reasonable doubt" burden of proof. When DNA is collected and tested, this calculus changes, as it is a very strong identifier of the perpetrator. Without physical evidence, however, the cases rest on corroborating evidence like witnesses and other victims of the same perpetrator.

Civil claims serve a distinct purpose as they shift the costs of the abuse from the victim to the person and/or institution that caused the abuse. Thus, while the criminal justice system protects future victims through incarceration and sex offender registration of the perpetrator, the civil system redresses the impact of abuse on the victim, past or present. The civil system also creates a deterrent for future bad behavior by institutions by imposing damages for endangering children through negligent oversight of employees and volunteers. It also spurs the insurance industry to require organizations to prevent abuse. The worst civil SOL states—Alabama and Mississippi—provide the least deterrence for organizations by cutting off claims when the victim is in his early twenties.

For civil claims, there are two categories of victims: those from the past and those being abused now and into the future. Those from the past have been excluded through expired SOLs in many states. In an effort to give these victims access to justice, 16 states and D.C. have revived expired SOLs. Those jurisdictions that only extend or eliminate the civil SOLs going forward often leave earlier victims without recourse, which in turn means that there is a strong risk that their perpetrators may never be named publicly.

Those states to revive expired SOLs and to eliminate the SOLs going forward—Delaware, Minnesota and Vermont—have done the most for all categories of victims, past, present, and future. The civil SOL rankings take into account whether a state has helped both past and future victims (with revival legislation and forward elimination or extension, respectively) or only those going forward (through forward elimination or extension).

²⁸⁶ *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting) (stating that a "state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.").

A. Civil SOL Ranking by State²⁸⁷

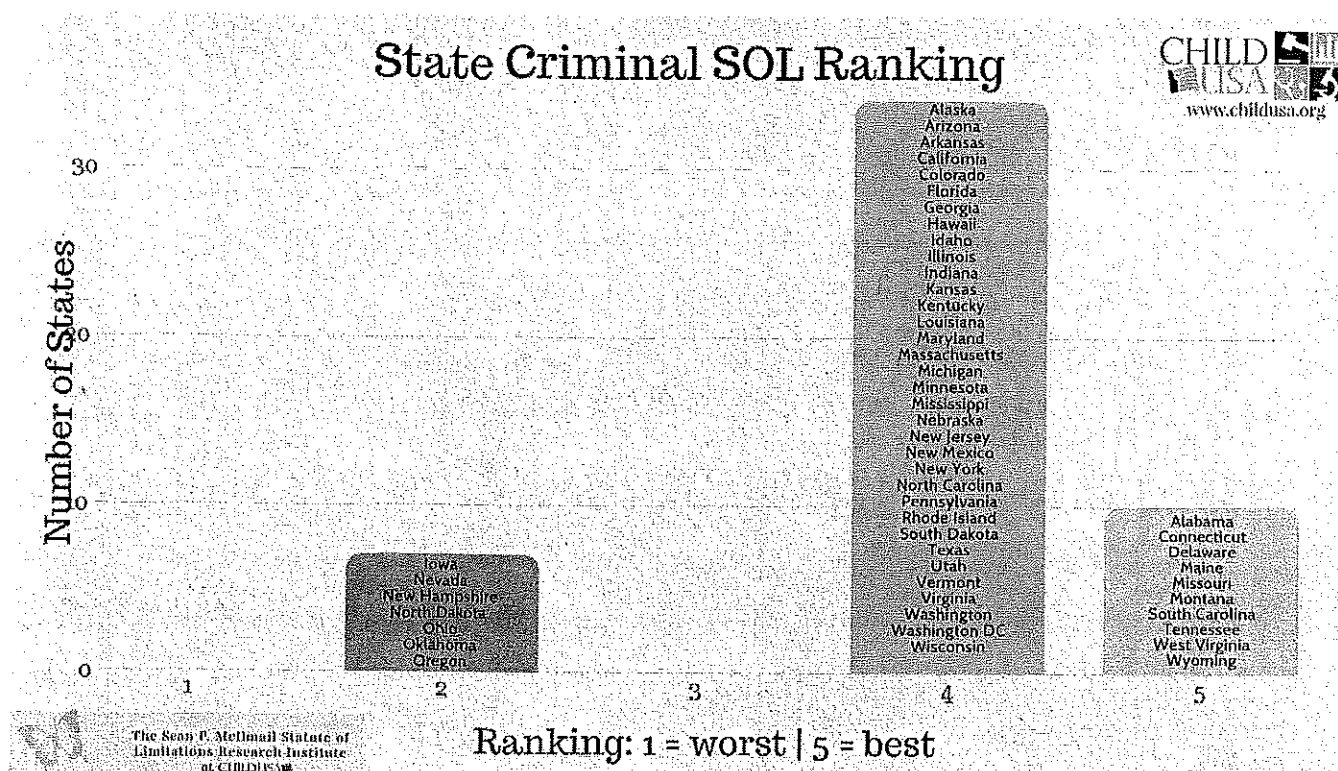
State Civil SOL Ranking



²⁸⁷ Civil Ranking Guide:

- 1 = Age 30 and under;
 - 2 = Age 30 and under and a discovery rule;
 - 3 = Above age 30 and/or discovery rule over 2 years;
 - 4 = Window applied to perpetrators and institutions without forward elimination, revived expired claims against perpetrators and institutions up to a certain age, or eliminated civil SOL prospectively;
 - 5 = Window applicable to perpetrators and institutions and eliminated the civil SOL prospectively.
- The Georgia and Utah windows that only apply to perpetrators were not factored in given that they generated so few cases (Georgia with 14 and Utah with 1); they amount to a null set.

B. Criminal SOL Ranking by State²⁸⁸

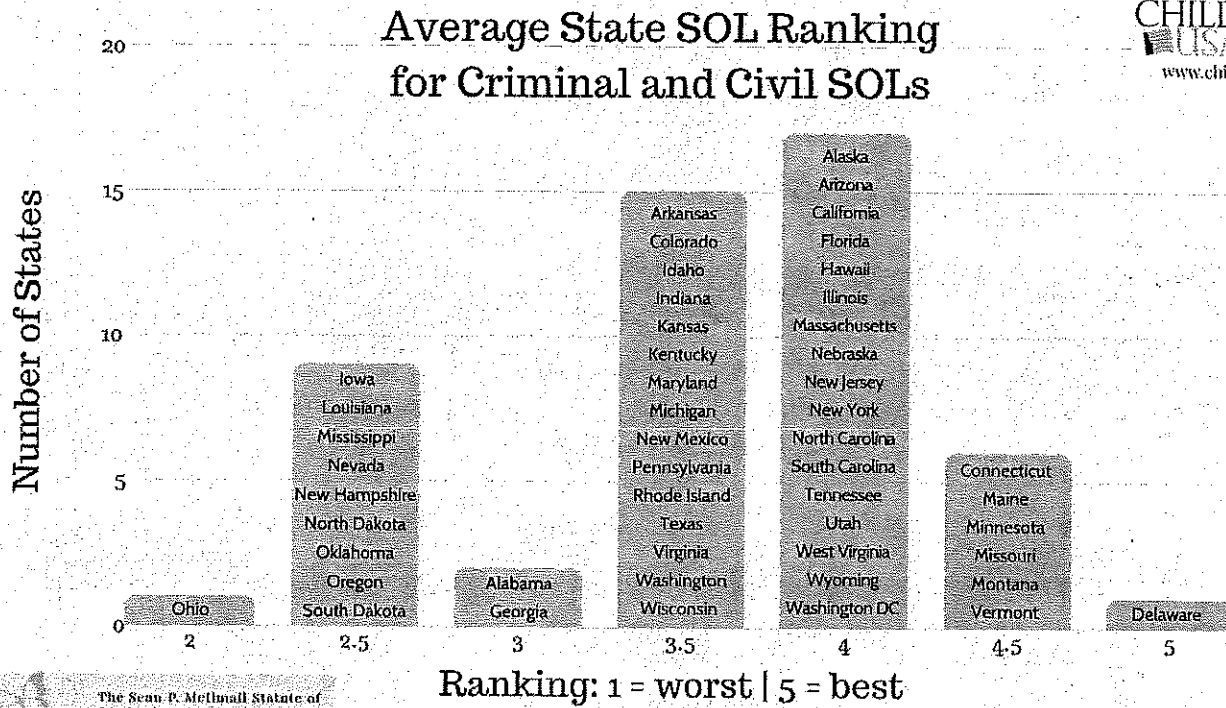


²⁸⁸ Criminal Ranking Guide:

- 1 = Under age 30;
- 2 = Age 30 to 50;
- 3 = Above age 50;
- 4 = Eliminated for felonies only;
- 5 = Eliminated for felonies and misdemeanors.

The criminal SOL rankings do not include provisions that extend the SOL if there is DNA evidence.

C. Average SOL Ranking by State²⁸⁹



²⁸⁹ This graph provides the average ranking for each state by adding together each state's SOL ranking score for criminal and civil and then determining the average. For example, Oregon has a criminal ranking of 2 and a civil ranking of 3, so its average SOL score is a 2.5. While the ranking system is from 1 to 5 from worst to best, the lowest average SOL was a 2.

VI. CONCLUSION

Child sex abuse SOL reform has been very active across the United States since January 2002 when the *Boston Globe*'s Spotlight team first disclosed institution-based sex abuse in a trusted institution, the Boston Archdiocese. The movement has been mobilized by the appearance in the public square of victims of child sex abuse who were previously invisible to the public. With 1 in 4 girls and 1 in 6 boys sexually abused, there are millions in the United States and most that even today have not disclosed their abuse to the public. While the opposition to victims' greater access to justice remains strong from certain corners,²⁹⁰ it is apparent that with the #MeToo movement and a new wave of child sex abuse victims coming forward, lawmakers are likely to continue to focus on SOL reform. The rapid pace of change is unlikely to slow down anytime soon.

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²⁹⁰ Chris Glorioso and Evan Stulberger, I-Team: Insurance Industry Helped Squash Child Sex Abuse Law in New York, NBC NEW YORK, (Mar. 29, 2018, 3:30 P.M.), <https://www.nbcnewyork.com/news/local/Child-Victims-Act-Sex-Abuse-Law-Insurance-Industry-New-York-Albany-478315153.html>.

