

HOUSE BILL 974

D3, D4
HB 687/19 – JUD

0lr2197

By: **Delegates Wilson, Hettleman, Lopez, Moon, Shetty, and Stewart**

Introduced and read first time: February 5, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Child Sexual Abuse – Definition and Statute of Limitations**
3 **(Hidden Predator Act of 2020)**

4 FOR the purpose of altering the definition of “sexual abuse”; altering the statute of
5 limitations in certain civil actions relating to child sexual abuse; repealing a certain
6 definition; repealing a statute of repose for certain civil actions relating to child sexual
7 abuse; providing for the retroactive application of this Act under certain
8 circumstances; and generally relating to child sexual abuse.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–117
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2019 Supplement)

14 BY repealing
15 Chapter 12 of the Acts of 2017
16 Section 2 and 3
17 Annotated Code of Maryland

18 BY repealing
19 Chapter 656 of the Acts of 2017
20 Section 2 and 3
21 Annotated Code of Maryland

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Courts and Judicial Proceedings**

25 5–117.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(a) (1) In this section the following words have the meanings indicated.

2 (2) “Alleged perpetrator” means the individual alleged to have committed
3 the specific incident or incidents of sexual abuse that serve as the basis of an action under
4 this section.

5 (3) “Sexual abuse” has the meaning stated in § 5–701 of the Family Law
6 Article.]

7 (A) IN THIS SECTION, “SEXUAL ABUSE” MEANS ANY ACT THAT INVOLVES:

8 (1) AN ADULT ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:

9 (I) OBSCENE PHOTOGRAPHY, FILMS, POSES, OR SIMILAR
10 ACTIVITY;

11 (II) PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES, OR
12 SIMILAR ACTIVITY; OR

13 (III) PROSTITUTION;

14 (2) INCEST;

15 (3) RAPE;

16 (4) SEXUAL OFFENSE IN ANY DEGREE;

17 (5) SODOMY; OR

18 (6) UNNATURAL OR PERVERTED SEXUAL PRACTICES.

19 (b) An action for damages arising out of an alleged incident or incidents of sexual
20 abuse that occurred while the victim was a minor [shall be filed:

21 (1) At any time before the victim reaches the age of majority; or

22 (2) Subject to subsections (c) and (d) of this section, within the later of:

23 (i) 20 years after the date that the victim reaches the age of
24 majority; or

25 (ii) 3 years after the date that the defendant is convicted of a crime
26 relating to the alleged incident or incidents under:

27 1. § 3–602 of the Criminal Law Article; or

1 2. The laws of another state or the United States that would
2 be a crime under § 3–602 of the Criminal Law Article.

3 (c) In an action brought under this section more than 7 years after the victim
4 reaches the age of majority, damages may be awarded against a person or governmental
5 entity that is not the alleged perpetrator of the sexual abuse only if:

6 (1) The person or governmental entity owed a duty of care to the victim;

7 (2) The person or governmental entity employed the alleged perpetrator or
8 exercised some degree of responsibility or control over the alleged perpetrator; and

9 (3) There is a finding of gross negligence on the part of the person or
10 governmental entity.

11 (d) In no event may an action for damages arising out of an alleged incident or
12 incidents of sexual abuse that occurred while the victim was a minor be filed against a
13 person or governmental entity that is not the alleged perpetrator more than 20 years after
14 the date on which the victim reaches the age of majority] **MAY BE FILED AT ANY TIME.**

15 **Chapter 12 of the Acts of 2017**

16 [SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
17 construed to apply retroactively to revive any action that was barred by the application of
18 the period of limitations applicable before October 1, 2017.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the statute of repose under §
20 5–117(d) of the Courts Article as enacted by Section 1 of this Act shall be construed to apply
21 both prospectively and retroactively to provide repose to defendants regarding actions that
22 were barred by the application of the period of limitations applicable before October 1,
23 2017.]

24 **Chapter 656 of the Acts of 2017**

25 [SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
26 construed to apply retroactively to revive any action that was barred by the application of
27 the period of limitations applicable before October 1, 2017.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the statute of repose under §
29 5–117(d) of the Courts Article as enacted by Section 1 of this Act shall be construed to apply
30 both prospectively and retroactively to provide repose to defendants regarding actions that
31 were barred by the application of the period of limitations applicable before October 1,
32 2017.]

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
2 apply retroactively to revive any action that was barred by the application of the period of
3 limitations applicable before October 1, 2020, if the action is filed before October 1, 2022.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.