



# **Review of 2019 Legislation to Expand Time Periods to Sue**

**ATRA Legislative Conference**

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**Cary Silverman, Shook Hardy & Bacon LLP  
Alida Kass, New Jersey Civil Justice Institute  
Chris Boyle, Serin Haley (Rhode Island)  
Pierce Haley, Serin Haley (Rhode Island)**

# 2019 Enacted Reviver Legislation

## New York

- Age 55.
- 1-year window opened August 14
- 427 lawsuits on Day 1. Now over 700.
- 45 judges designated to hear cases.

## Rhode Island

- Age 53 or 7 years of discovery.
- New period retroactive for perps only, except discovery period.
- Proposed entity window did not pass.

## New Jersey

- Age 55 or 7 years of discovery.
- 2-year window begins December 1.

## Arizona

- Age 30.
- 1½ year window began May 27.
- Requires clear & convincing evidence entity knew of abuse.

## Washington, D.C.

- Age 40 or 5 years of discovery.
- 2-year window for plaintiffs under age 40 began May 3, 2019.

## Montana

- Age 27 or 3 years of discovery.
- 1-year window against perp if perp is alive and admitted or convicted.
- 1-year window against entities began May 7.

## Vermont

- Eliminated civil SOL.
- Open-ended reviver with no window.
- Gross negligence required in entity claims.

## California

- Age 40 or 7 years of discovery.
- Treble damages if “cover up.”
- 3-year window begins Jan. 1, 2020.
- Applies to private & gov’t entities.
- Follows 1-year window ‘03 + 2 vetoes.

# 2019 Rejected Attempts

## Connecticut

- Rejected proposal to eliminate SOL with 2-year window for filing time-barred claims.
- Instead, amended statute to extended the SOL by 3 years (from 30 years of age 18 to 30 years of age 21)
- Established a task force to further consider the issue.

## Maryland

- Senate committee rejected bill that would have repealed a 2017 SOL extension (age 38) and instead eliminated SOL with 2-year window for revived claims.

## Rhode Island

- Rejected 3-year window reviving claims against entities.

## Pennsylvania

- Legislators have not revived time-barred claims, recognizing that doing so would violate state constitution.



# Total: 16 States + DC

1. Connecticut (2002) (not older than 48)
2. California (2003, 2019)
3. Delaware (2007) (gross negligence)
4. Oregon (2009) (knowingly allowed)
5. Hawaii (2012, renewed) (gross negligence)
6. Minnesota (2013)
7. Massachusetts (2014) (perp only)
8. Georgia (2015) (perp only)
9. Utah (2016) (perp or crim. responsible)
10. Michigan (2018) (Nasser victims)
11. DC (2019) (not older than 40)
12. New York (2019)
13. Montana (2019)
14. New Jersey (2019)
15. Arizona (2019) (knew of misconduct)
16. Vermont (2019) (gross negligence)
17. Rhode Island (2019) (perp only)



# Panel Discussion – Q & A