



ARIZONA HOUSE OF REPRESENTATIVES

HB 2466: civil action; assault; limitation; applicability

PRIME SPONSOR: Representative Blackman, LD 6

BILL STATUS: [Transmitted to Governor](#)

Overview

Gives victims of childhood sexual conduct or sexual contact, or of a mandatory reporter's failure to report such conduct, additional time to file a civil action.

History

An injured tort victim typically has two years to sue the tortfeasor ([A.R.S. § 12-542](#)). If the victim is a minor, the time limit does not start until the victim turns 18 years old ([A.R.S. § 12-502](#)). This means a minor victim of unprosecuted sexual conduct typically has until the age of 20 to file a lawsuit. The victim has an additional year from the final disposition of a criminal proceeding if the defendant is charged in a criminal complaint or indictment, regardless of whether the defendant is actually convicted ([A.R.S. § 12-511\(A\)](#)). An insurer has no duty to indemnify the defendant for an action brought under this one-year extension ([A.R.S. § 12-511\(B\)](#)).

With some exceptions, a person who is responsible for the care or treatment of a minor and who reasonably believes that a minor is or has been a victim of non-accidental abuse, physical injury, neglect, or deprivation of care must report the issue to a peace officer, the department of child safety, or a tribal law enforcement or social service agency ([A.R.S. § 13-3620](#)). If the report concerns someone who does not have care, custody, or control of the minor, the report must be made to a peace officer.

Provisions

1. Extends, from 2 to 12 years, the statute of limitations for an adult person injured as a minor to bring a lawsuit based on:
 - a. Negligent or intentional conduct that caused actionable sexual conduct or sexual contact to be committed against the minor; or
 - b. A mandatory reporter's failure to report such conduct (Sec. 1).
2. Revives a time-barred cause of action based on sexual conduct or sexual contact committed against the minor, or a mandatory reporter's failure to report, through December 30, 2020.
 - a. Permits a claim brought against a person who was not the perpetrator only if that person knew of or had actual notice of misconduct creating an unreasonable risk of sexual conduct or sexual contact with the minor by an employee, volunteer, representative, or agent.
 - b. Requires the plaintiff to prove a revived claim by clear and convincing evidence.
 - c. Prohibits the court from awarding punitive damages for a revived claim (Sec. 3).
3. Applies to any cause of action commenced on or after the effective date or filed before and still pending on the effective date (Sec. 3).
4. Defines *person* as an individual, the United States, this State, a public or private corporation, local government unit, public agency, partnership, association, firm, trust or estate, or any other legal entity (Sec. 1).

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

5. Defines *sexual conduct* as intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age (Secs. 1, 3).
6. Defines *sexual contact*, for the purpose of the extended statute of limitations, as any direct or indirect touching, fondling, or manipulating of any part of the genitals, anus, or female breast by any part of the body or by any object, or causing any person to engage in such contact.
 - a. Excludes direct or indirect touching or manipulating during caretaking responsibilities, or interactions with a minor or vulnerable adult that an objective, reasonable person would recognize as normal and reasonable under the circumstances (Sec. 1).
7. Defines *sexual contact*, for the purpose of revived claims, as any direct touching, fondling, or manipulating of any part of the genitals, anus, or female breast by any part of the body or by any object, or masturbation in the presence of a minor.
 - a. Excludes direct or indirect touching or manipulating during caretaking responsibilities, or interactions with a minor that an objective, reasonable person would recognize as normal and reasonable under the circumstances (Sec. 3).
8. States that it is the policy of the State that, upon final disposition of criminal proceedings, the court may notify the victim of prosecuted sexual conduct or sexual contact that civil remedies may be available to the victim (Sec. 2).