

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1002

By: Bush of the House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to civil procedure; amending 12 O.S.
12 2011, Section 95, as last amended by Section 1,
13 Chapter 378, O.S.L. 2017 (12 O.S. Supp. 2020, Section
14 95), which relates to limitations of civil actions;
15 modifying time limitations for civil actions based on
16 childhood sexual abuse incidents; allowing victims
17 who were previously time-barred to file actions for
18 childhood sexual abuse; and providing an effective
19 date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 12 O.S. 2011, Section 95, as last
22 amended by Section 1, Chapter 378, O.S.L. 2017 (12 O.S. Supp. 2020,
23 Section 95), is amended to read as follows:

24 Section 95. A. Civil actions other than for the recovery of
real property can only be brought within the following periods,
after the cause of action shall have accrued, and not afterwards:

- 1 1. Within five (5) years: An action upon any contract,
2 agreement, or promise in writing;
- 3 2. Within three (3) years: An action upon a contract express
4 or implied not in writing; an action upon a liability created by
5 statute other than a forfeiture or penalty; and an action on a
6 foreign judgment;
- 7 3. Within two (2) years: An action for trespass upon real
8 property; an action for taking, detaining, or injuring personal
9 property, including actions for the specific recovery of personal
10 property; an action for injury to the rights of another, not arising
11 on contract, and not hereinafter enumerated; an action for relief on
12 the ground of fraud - the cause of action in such case shall not be
13 deemed to have accrued until the discovery of the fraud;
- 14 4. Within one (1) year: An action for libel, slander, assault,
15 battery, malicious prosecution, or false imprisonment; an action
16 upon a statute for penalty or forfeiture, except where the statute
17 imposing it prescribes a different limitation;
- 18 5. An action upon the official bond or undertaking of an
19 executor, administrator, guardian, sheriff, or any other officer, or
20 upon the bond or undertaking given in attachment, injunction,
21 arrest, or in any case whatever required by the statute, can only be
22 brought within five (5) years after the cause of action shall have
23 accrued;
- 24

1 6. a. An action ~~based on intentional conduct brought by any~~
2 ~~person~~ for the recovery of damages for injury suffered
3 as a result of childhood sexual abuse ~~incidents~~ or
4 exploitation, as defined by paragraph 2 of Section 1-
5 1-105 of Title 10A of the Oklahoma Statutes ~~or incest~~
6 ~~against the actual perpetrator shall,~~ may be commenced
7 ~~by the forty-fifth birthday of the alleged victim. If~~
8 ~~the person committing the act~~ against any person at
9 any time and shall not be time-barred. For purposes
10 of this subsection, if the child sexual abuse or
11 exploitation first occurs prior to eighteen (18) years
12 of age and continues into adulthood, the victim may
13 commence a civil action against the repeat perpetrator
14 at any time and shall not be time-barred. The victim
15 need not establish which act in a continuing series of
16 sexual abuse or exploitation caused the injury of
17 which the victim complains.

18 b. An action for the recovery of damages for injury
19 suffered as a result of childhood sexual abuse against
20 ~~a child was employed by~~ or exploitation, as defined by
21 paragraph 2 of Section 1-1-105 of Title 10A of the
22 Oklahoma Statutes, may be commenced against an entity,
23 institution, organization, agency, firm, business, or
24 corporation ~~or other public or private legal entity~~

1 ~~that owed a duty of care to the victim, or the accused~~
2 ~~and the child were engaged in some activity over which~~
3 ~~the legal entity had some degree of responsibility or~~
4 ~~control, the action must be brought against such~~
5 ~~employer or legal entity, whether for profit or~~
6 ~~nonprofit, within two (2) thirty (30) years; provided,~~
7 ~~that the time limit for commencement of an action of~~
8 ~~the last act committed against the victim or within~~
9 ~~five (5) years of when the victim knew or should have~~
10 ~~known of the last act of the perpetrator, whichever is~~
11 ~~longer; provided, that the time limit for commencement~~
12 ~~of an action pursuant to this ~~paragraph~~ subparagraph~~
13 ~~is tolled for a child until the child reaches the age~~
14 ~~of eighteen (18) years. No action may be brought~~
15 ~~against the alleged perpetrator or the estate of the~~
16 ~~alleged perpetrator after the death of such alleged~~
17 ~~perpetrator, unless the perpetrator was convicted of a~~
18 ~~crime of sexual abuse involving the claimant. An~~
19 ~~action pursuant to this paragraph must be based upon~~
20 ~~objective, verifiable evidence in order for the victim~~
21 ~~to recover damages for injuries suffered by reason of~~
22 ~~such sexual abuse, exploitation, or incest. The~~
23 ~~victim need not establish which act in a continuing~~
24 ~~series of ~~continuing~~ sexual abuse incidents, or~~

1 exploitation ~~incidents, or incest~~ caused the injury
2 ~~complained of~~ which the victim complains.

3 c. For a period of five (5) years beginning November 1,
4 2021, any victim who was previously time-barred prior
5 to November 1, 2021, shall be permitted to file an
6 action pursuant to subparagraph a or b of this
7 paragraph;

8 7. An action based on intentional conduct brought by any person
9 for recovery of damages for injury suffered as a result of criminal
10 actions, as defined by the Oklahoma Statutes, may be brought against
11 any person incarcerated or under the supervision of a state, federal
12 or local correctional facility on or after November 1, 2003:

13 a. at any time during the incarceration of the offender
14 for the offense on which the action is based, or

15 b. within five (5) years after the perpetrator is
16 released from the custody of a state, federal or local
17 correctional facility, if the defendant was serving
18 time for the offense on which the action is based;

19 8. An action to establish paternity and to enforce support
20 obligations can be brought any time before the child reaches the age
21 of eighteen (18);

22 9. An action to establish paternity can be brought by a child
23 in accordance with Section 7700-606 of Title 10 of the Oklahoma
24 Statutes;

1 10. Court-ordered child support is owed until it is paid in
2 full and it is not subject to a statute of limitations;

3 11. All actions filed by an inmate or by a person based upon
4 facts that occurred while the person was an inmate in the custody of
5 one of the following:

6 a. the State of Oklahoma,

7 b. a contractor of the State of Oklahoma, or

8 c. a political subdivision of the State of Oklahoma,

9 to include, but not be limited to, the revocation of earned credits
10 and claims for injury to the rights of another, shall be commenced
11 within one (1) year after the cause of action shall have accrued;
12 and

13 12. An action for relief, not hereinbefore provided for, can
14 only be brought within five (5) years after the cause of action
15 shall have accrued.

16 B. Collection of debts owed by inmates who have received damage
17 awards pursuant to Section 566.1 of Title 57 of the Oklahoma
18 Statutes shall be governed by the time limitations imposed by that
19 section.

20 SECTION 2. This act shall become effective November 1, 2021.

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
23 02/18/2021 - DO PASS, As Amended and Coauthored.
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