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New Jersey Senate Passes Bill Expanding Statute of Limitations for Sexual Abuse Civil Actions

The New Jersey State legislature is close to enacting a new law that would drastically extend the statute of limitations for civil lawsuits to be filed by victims of sexual assault/abuse. The proposed legislation, S-477, would permit victims to file civil action claims until they turn age 55, or seven years from the time they become aware of the injury, whichever comes later. This is a significant expansion of the current statute of limitations which allows civil claims to be filed within two years after a victim turns age 18, or within two years from the time they become aware of the injury.

The proposed bill would also create a one-time, two-year window for civil action claims to be filed by any adults who were previously time-barred from filing a civil lawsuit under the present statute of limitations. This means that any individuals who were not able to reasonably and objectively establish that they filed claims within two years of learning of the injuries sustained under the previous "tolling provision" established by the New Jersey Supreme Court in *RJ v. Voytac*, 199 N.J. 285, 971 A.2d 1074 (N.J. Supreme Court 1999), will now be permitted a time period of two years from the date the bill goes into effect to file these claims. S-477 has received overwhelming approval in the New Jersey State Senate's Judiciary Committee with an 8-1 vote in favor. The bill will next go to the full assembly of the New Jersey Senate for a vote, after which Governor Phil Murphy has already declared he will sign it.

Similarly, New York recently passed the Child Victims Act, which changed the statute of limitations for victims of child sexual abuse/assault, permitting those victims to bring civil lawsuits until they turn age 55. Also, the New York Child Victims Act includes a one-year "look-back" window that will permit those who may have not had a civil remedy under the previous statute to take advantage of the new law. Pennsylvania law currently permits the filing of civil claims of child sexual abuse/assault for 12 years from the victim's 18th birthday. Legislation continues to be proposed in Pennsylvania to expand the statute of limitations.

Comment: In the likely event the New Jersey bill is signed into law, it will open the door to far more claims of sexual abuse/assault not just against alleged abusers, but the institutions that employed them. Since the bill as presently drafted also permits a two-year period of time after enactment to file claims that may have been previously barred, institutions need to be ready to address new claims that were previously thought to be barred by the tolling statute. Although S-477 has not yet become law, there are a few things to consider such as taking note and record-keeping of any incidents, even those that may go back decades, and ensuring that record-keeping is in order and secure. We will keep you updated on any impending change in the pending New Jersey pending legislation.

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