

AN ACT relating to civil actions involving sexual misconduct.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 413 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Injury or illness" means either a physical or psychological injury or illness;*

(b) *"Sexual abuse" means an act or series of acts against a person which meets the criteria defining a misdemeanor in KRS 510.120, 510.130, 510.140, or 510.150; and*

(c) *"Sexual assault" means an act or series of acts against a person which meets the criteria defining a felony in KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 529.100 where the offense involves commercial sexual activity, 529.110 where the offense involves commercial sexual activity, 530.020, 530.064, 531.310, or 531.320.*

(2) *A civil action for recovery of damages for injury or illness suffered as a result of sexual abuse or sexual assault shall be brought before whichever of the following periods last expires:*

(a) *Within five (5) years of the commission of the act or the last of a series of acts by the same perpetrator; or*

(b) *Within five (5) years of the date the victim knew, or should have known, of the act.*

(3) *No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action under this section for redress of sexual abuse or sexual assault.*

(4) *If a complaint is filed alleging that an act of sexual abuse or sexual assault occurred more than five (5) years prior to the date that the action is commenced,*

the complaint shall be accompanied by a motion to seal the record and the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until:

- (a) The court rules upon the motion to seal;
- (b) Any motion to dismiss under CR 12.02 is ruled upon, and if the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed unless opened by a higher court; or
- (c) The defendant files an answer and a motion to seal the record upon grounds that a valid factual defense exists, to be raised in a motion for summary judgment pursuant to CR 56. The record shall remain sealed by the clerk until the court rules upon the defendant's motion to close the record. If the court grants the motion to close, the record shall remain sealed until the defendant's motion for summary judgment is granted. The complaint, motions, and other related papers or pleadings shall remain sealed unless opened by a higher court.