

1 AN ACT relating to childhood sexual abuse or assault.

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

3 ➔Section 1. KRS 413.249 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Childhood sexual assault" means an act or series of acts against a person less
6 than eighteen (18) years old and which meets the criteria defining a felony in
7 KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110,
8 529.100 where the offense involves commercial sexual activity, 529.110
9 where the offense involves commercial sexual activity, 530.020, 530.064,
10 531.310, or 531.320. No prior criminal prosecution or conviction of the civil
11 defendant for the act or series of acts shall be required to bring a civil action
12 for redress of childhood sexual assault;

13 (b) "Childhood sexual abuse" means an act or series of acts against a person less
14 than eighteen (18) years old and which meets the criteria defining a
15 misdemeanor in KRS 510.120, KRS 510.130, KRS 510.140, or KRS 510.150.
16 No prior criminal prosecution or conviction of the civil defendant for the act
17 or series of acts shall be required to bring a civil action for redress of
18 childhood sexual abuse;

19 (c) "Child" means a person less than eighteen (18) years old; and

20 (d) "Injury or illness" means either a physical or psychological injury or illness.

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

24 (a) Within **ten (10)**~~five (5)~~ years of the commission of the act or the last of a
25 series of acts by the same perpetrator;

26 (b) Within **ten (10)**~~five (5)~~ years of the date the victim knew, or should have
27 known, of the act; or

- 1 (c) Within ~~ten (10)~~^{five (5)} years after the victim attains the age of eighteen (18)
2 years.
- 3 (3) If a complaint is filed alleging that an act of childhood sexual assault or childhood
4 sexual abuse occurred more than ~~ten (10)~~^{five (5)} years prior to the date that the
5 action is commenced, the complaint shall be accompanied by a motion to seal the
6 record and the complaint shall immediately be sealed by the clerk of the court. The
7 complaint shall remain sealed until:
- 8 (a) The court rules upon the motion to seal;
- 9 (b) Any motion to dismiss under CR 12.02 is ruled upon, and if the complaint is
10 dismissed, the complaint and any related papers or pleadings shall remain
11 sealed unless opened by a higher court; or
- 12 (c) The defendant files an answer and a motion to seal the record upon grounds
13 that a valid factual defense exists, to be raised in a motion for summary
14 judgment pursuant to CR 56. The record shall remain sealed by the clerk until
15 the court rules upon the defendant's motion to close the record. If the court
16 grants the motion to close, the record shall remain sealed until the defendant's
17 motion for summary judgment is granted. The complaint, motions, and other
18 related papers or pleadings shall remain sealed unless opened by a higher
19 court.