

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

439V0078

SENATE BILL NO. 130

Introduced by: Senators Bradford, Begalka, Frerichs, Kirkeby, Rave, Sutton, and Tidemann
and Representatives Heinert, Campbell, Erickson, Feickert, Gibson, Hawks,
Killer, Olson (Betty), Otten (Herman), Soli, and Tyler

1 FOR AN ACT ENTITLED, An Act to reinstate certain civil actions for childhood sexual abuse
2 if subsequent legislation had the effect of limiting the plaintiff's right to recovery.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No enactment of the Legislature to amend, revise, or repeal the statute of limitations
7 pertaining to any civil action based on intentional conduct brought by any person for recovery
8 of damages for injury suffered as a result of childhood sexual abuse may be applied
9 retroactively. In every case, the statute of limitations that was applicable on the date that the
10 childhood sexual abuse occurred is the statute of limitations that governs the civil action for
11 recovery in that case.

12 Moreover, in all cases of childhood sexual abuse which occurred prior to July 1, 2010, the
13 applicable statute of limitations tolls from the effective date of this Act, if legislative
14 amendment, revision, or repeal would have been effective to limit any valid civil action at the



1 time of the amendment, revision, or repeal.