

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

369B0426

## HOUSE BILL NO. 1269

Introduced by: Representatives St John, Bordeaux, Dennert, Goodwin, Lesmeister, Livermont, Marty, McCleerey, Pischke, Pourier, Ring, Saba, and Smith (Jamie) and Senators Nelson, DiSanto, Foster, Heinert, and Youngberg

1 FOR AN ACT ENTITLED, An Act to temporarily revise the statute of limitations for bringing  
2 a civil action for certain cases of child sexual abuse.

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

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

5 Notwithstanding any other provision of law, in the case of alleged sexual abuse of a person  
6 under the age of eighteen, as defined in § 26-10-29, if the action would otherwise be time-barred  
7 under § 26-10-25 or other time limit, an action for damages against a person, as defined in § 2-  
8 14-2, may be commenced no later than July 1, 2021. This section applies only to actions  
9 pending on or commenced on or after the effective date of this Act.

10 Section 2. That § 26-10-25 be amended to read:

11 26-10-25. Any civil action based on intentional conduct brought by any person or entity for  
12 recovery of damages for injury suffered as a result of childhood sexual abuse shall be  
13 commenced within three years of the act alleged to have caused the injury or condition, or three  
14 years of the time the victim discovered or reasonably should have discovered that the injury or



1 condition was caused by the act, whichever period expires later. ~~However, no~~ No person who  
2 has reached the age of forty years may recover damages from any person or entity other than the  
3 person who perpetrated the actual act of sexual abuse, except as allowed under section 1 of this  
4 Act.