

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1987 & 2185
99TH GENERAL ASSEMBLY

5611H.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 537.046 and 556.037, RSMo, and to enact in lieu thereof two new sections relating to statute of limitations for certain offenses against a child.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 537.046 and 556.037, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 537.046 and 556.037, to read as follows:

537.046. 1. As used in this section, the following terms mean:

2 (1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff
3 which act occurred when the plaintiff was under the age of eighteen years and which act would
4 have been a violation of section 566.030, **566.031**, 566.040 **as it existed prior to August 28,**
5 **2013**, 566.050, 566.060, **566.061**, 566.070 **as it existed prior to August 28, 2013**, 566.080,
6 566.090 **as it existed prior to August 28, 2013**, 566.100, **566.101**, 566.110, ~~566.120~~, or
7 ~~[section]~~ 568.020;

8 (2) "Injury" or "illness", either a physical injury or illness or a psychological injury or
9 illness. A psychological injury or illness need not be accompanied by physical injury or illness.

10 2. Any action to recover damages from injury or illness caused by childhood sexual
11 abuse **that occurred prior to August 28, 2018**, in an action brought pursuant to this section
12 shall be commenced within ten years of the plaintiff attaining the age of twenty-one or within
13 three years of the date the plaintiff discovers, or reasonably should have discovered, that the
14 injury or illness was caused by childhood sexual abuse, whichever later occurs. **Any action to**
15 **recover damages from injury or illness caused by childhood sexual abuse that occurred on**
16 **or after August 28, 2018, in an action brought under this section shall be commenced**
17 **within twenty years of the plaintiff attaining the age of eighteen or within three years of**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **the date the plaintiff discovers, or reasonably should have discovered, that the injury or**
19 **illness was caused by childhood sexual abuse, whichever later occurs.**

20 ~~[3.—This section shall apply to any action commenced on or after August 28, 2004,~~
21 ~~including any action which would have been barred by the application of the statute of limitation~~
22 ~~applicable prior to that date.]~~

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful
2 sexual offenses involving a person eighteen years of age or under ~~[must be commenced within~~
3 ~~thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the~~
4 ~~first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in~~
5 ~~the first degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy~~
6 ~~in the first degree, or attempted forcible sodomy in which case such prosecutions]~~ may be
7 commenced at any time.

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