

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

382W0143

## HOUSE BILL NO. 1163

Introduced by: Representatives Hickey, Conzet, Gibson, Killer, Kirschman, Munsterman, Schaefer, and Tulson and Senators Heinert, Frerichs, Holien, Olson, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to reinstate certain civil actions for childhood sexual abuse.

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

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

5 The Legislature intends to shield entities from vicarious liability for suits based on child  
6 sexual abuse brought beyond the period provided in chapter 15-2. However, no enactment of  
7 the Legislature to amend, revise, or repeal the statute of limitations pertaining to any civil action  
8 based on intentional conduct, asserting vicarious liability or direct liability, brought by any  
9 person for recovery of damages for an injury suffered as a result of childhood sexual abuse may  
10 be applied retroactively. In each case, the statute of limitations that was applicable on the date  
11 that the action was filed is the statute of limitations that governs the civil action for recovery in  
12 that case.

13 Moreover, in each case of childhood sexual abuse that occurred prior to July 1, 2010, the  
14 applicable statute of limitations tolls from the effective date of this Act, if legislative



- 1 amendment, revision, or repeal would have been effective to limit any valid civil action at the
- 2 time of the amendment, revision, or repeal.