

1 ENGROSSED HOUSE
2 BILL NO. 1470

By: Bush, McDugle, Osborn
(Leslie), West (Josh) and
Derby of the House

3
4 and

Holt of the Senate
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8 An Act relating to civil procedure; amending 12 O.S.
9 2011, Section 95, which relates to the statute of
10 limitations for civil actions; deleting time
11 limitations for civil actions based on childhood
12 sexual abuse incidents; establishing new time
13 limitation for civil actions; providing for the award
14 of damages against legal entities under certain
15 circumstances; deleting evidentiary and discovery
16 requirements; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 12 O.S. 2011, Section 95, is
19 amended to read as follows:

20 Section 95. A. Civil actions other than for the recovery of
21 real property can only be brought within the following periods,
22 after the cause of action shall have accrued, and not afterwards:

23 1. Within five (5) years: An action upon any contract,
24 agreement, or promise in writing;

2. Within three (3) years: An action upon a contract express
or implied not in writing; an action upon a liability created by

1 statute other than a forfeiture or penalty; and an action on a
2 foreign judgment;

3 3. Within two (2) years: An action for trespass upon real
4 property; an action for taking, detaining, or injuring personal
5 property, including actions for the specific recovery of personal
6 property; an action for injury to the rights of another, not arising
7 on contract, and not hereinafter enumerated; an action for relief on
8 the ground of fraud - the cause of action in such case shall not be
9 deemed to have accrued until the discovery of the fraud;

10 4. Within one (1) year: An action for libel, slander, assault,
11 battery, malicious prosecution, or false imprisonment; an action
12 upon a statute for penalty or forfeiture, except where the statute
13 imposing it prescribes a different limitation;

14 5. An action upon the official bond or undertaking of an
15 executor, administrator, guardian, sheriff, or any other officer, or
16 upon the bond or undertaking given in attachment, injunction,
17 arrest, or in any case whatever required by the statute, can only be
18 brought within five (5) years after the cause of action shall have
19 accrued;

20 6. An action based on intentional conduct brought by any person
21 for recovery of damages for injury suffered as a result of childhood
22 sexual abuse incidents or exploitation as defined by Section 1-1-105
23 of Title 10A of the Oklahoma Statutes or incest ~~can only be brought~~
24 ~~within the latter of the following periods:~~

- 1 a. ~~within two (2) years of the act alleged to have caused~~
2 ~~the injury or condition, or~~
- 3 b. ~~within two (2) years of the time the victim discovered~~
4 ~~or reasonably should have discovered that the injury~~
5 ~~or condition was caused by the act or that the act~~
6 ~~caused the injury for which the claim is brought.~~

7 ~~Provided, however, that the time limit for commencement of an action~~
8 ~~pursuant to this paragraph is tolled for a child until the child~~
9 ~~reaches the age of eighteen (18) years or until five (5) years after~~
10 ~~the perpetrator is released from the custody of a state, federal or~~
11 ~~local correctional facility or jail, whichever is later against the~~
12 ~~actual perpetrator shall be commenced by the forty-fifth birthday of~~
13 ~~the alleged victim. If the person committing the act of sexual~~
14 ~~abuse against a child was employed by an institution, agency, firm,~~
15 ~~business, corporation or other public or private legal entity that~~
16 ~~owed a duty of care to the victim, or the accused and the child were~~
17 ~~engaged in some activity over which the legal entity had some degree~~
18 ~~of responsibility or control, the action must be brought against~~
19 ~~such employer or legal entity within two (2) years; provided, that~~
20 ~~the time limit for commencement of an action pursuant to this~~
21 ~~paragraph is tolled for a child until the child reaches the age of~~
22 ~~eighteen (18) years, and damages against the legal entity shall be~~
23 ~~awarded only if there is a finding of gross negligence on the part~~
24 ~~of the legal entity.~~ No action may be brought against the alleged

1 perpetrator or the estate of the alleged perpetrator after the death
2 of such alleged perpetrator, unless the perpetrator was convicted of
3 a crime of sexual abuse involving the claimant. An action pursuant
4 to this paragraph must be based upon objective verifiable evidence
5 in order for the victim to recover damages for injuries suffered by
6 reason of such sexual abuse, exploitation, or incest. ~~The evidence
7 should include both proof that the victim had psychologically
8 repressed the memory of the facts upon which the claim was
9 predicated and that there was corroborating evidence that the sexual
10 abuse, exploitation, or incest actually occurred. The victim need
11 not establish which act in a series of continuing sexual abuse
12 incidents, exploitation incidents, or incest caused the injury
13 complained of, but may compute the date of discovery from the date
14 of discovery of the last act by the same perpetrator which is part
15 of a common scheme or plan of sexual abuse, exploitation, or incest.
16 Provided further, any action based on intentional conduct specified
17 in paragraph 7 of this section must be commenced within twenty (20)
18 years of the victim reaching the age of eighteen (18);~~

19 7. An action based on intentional conduct brought by any person
20 for recovery of damages for injury suffered as a result of criminal
21 actions, as defined by the Oklahoma Statutes, may be brought against
22 any person incarcerated or under the supervision of a state, federal
23 or local correctional facility on or after November 1, 2003:

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- 1 a. at any time during the incarceration of the offender
2 for the offense on which the action is based, or
3 b. within five (5) years after the perpetrator is
4 released from the custody of a state, federal or local
5 correctional facility, if the defendant was serving
6 time for the offense on which the action is based;

7 8. An action to establish paternity and to enforce support
8 obligations can be brought any time before the child reaches the age
9 of eighteen (18);

10 9. An action to establish paternity can be brought by a child
11 in accordance with Section 7700-606 of Title 10 of the Oklahoma
12 Statutes;

13 10. Court-ordered child support is owed until it is paid in
14 full and it is not subject to a statute of limitations;

15 11. All actions filed by an inmate or by a person based upon
16 facts that occurred while the person was an inmate in the custody of
17 one of the following:

- 18 a. the State of Oklahoma,
19 b. a contractor of the State of Oklahoma, or
20 c. a political subdivision of the State of Oklahoma,

21 to include, but not be limited to, the revocation of earned credits
22 and claims for injury to the rights of another, shall be commenced
23 within one (1) year after the cause of action shall have accrued;
24 and

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12. An action for relief, not hereinbefore provided for, can only be brought within five (5) years after the cause of action shall have accrued.

B. Collection of debts owed by inmates who have received damage awards pursuant to Section 566.1 of Title 57 of the Oklahoma Statutes shall be governed by the time limitations imposed by that section.

SECTION 2. This act shall become effective November 1, 2017.

Passed the House of Representatives the 20th day of March, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2017.

Presiding Officer of the Senate