

Bill number: [HB 1398](#)

Concerning The Statute Of Limitations For Commencing A Civil Action In Tort

To Recover Damages For An Act Of Domestic Violence

House Sponsors: Representative Gray, Representative Wist

Senate Sponsors: Senator Gardner



Adult victims of domestic violence who wish to bring a civil lawsuit against their abusers are hindered by the current statute of limitations (SOL) which is currently only **one year**. Not every victim will choose to pursue a civil lawsuit; however, for those that do, a reasonable timeframe for bringing a civil action provides victims a more realistic remedy to address the devastating financial consequences of domestic violence.

What the Bill Does

- Raises the statute of limitations for civil cases involving domestic violence to 6 years.
- Allows time for victims to recover from significant injuries and assess for long term physical and financial impacts of domestic violence before filing a civil claim.
- **Mirrors existing statutory protections in both time frame and language** as currently found in civil actions resulting from sexual assault. This clarifies the time frame and acknowledges the prevalence of sexual assault within intimate partner relationships.

Why We Need This Change

Raising the statute of limitations (SOL) for civil torts resulting from domestic violence will allow for the conclusion of criminal prosecutions and other civil cases such as divorce and allocation of parental responsibilities. Criminal cases for felony level assaults common in domestic violence relationships may not be subject to a SOL, while the civil counterparts to felony assaults such as strangulation, or those assaults causing serious bodily injury, are currently limited to three years.

Most civil filings involving domestic violence are filed as assault and battery with a 12-month statute of limitations. Most victims report being advised by attorneys to wait until the conclusion of other cases before considering a civil tort. Depending on the judicial district, a felony criminal case can last up to a year or longer; and domestic relations cases can run well over a year, creating a false choice for victims. **Extending the civil statute of limitations to a time frame longer than the criminal statute for most domestic violence crimes gives the victim time to collect medical bills, assess personal damages and decide if they want to move forward, and it recognizes the serious and complex nature of domestic violence.** Research indicates that financial abuse occurs in 99% of domestic violence cases, leaving victims to face overwhelming odds in obtaining long-term security and safety.¹

Victims of strangulation and serious bodily injury do not currently have time to medically recover or understand the economic impact of their injuries within 12 months after an act of domestic violence. Recovery from traumatic brain injuries and strokes resulting from repeated physical assaults is possible, but often takes time. Allowing time for a victim to access the full impact of the trauma and self-determine if they want to file a civil suit, as we currently do for victims of sexual assault, is good policy.

Additionally, civil lawsuits can be empowering for victims as they are in control of a civil lawsuit as the petitioning party (unlike criminal prosecutions where victims do not have legal standing and are not technically represented by the district attorney). Many victims have found what they self-identity as justice through the civil courts, allowing them to gain independence, safety, and long-term security.

¹ CFS Research Brief 2011-5.6 at <https://centerforfinancialsecurity.files.wordpress.com/2015/04/adams2011.pdf>

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