

Senate Bill No. 129—Senators Krasner, Spearman, Seevers Gansert, Buck, Titus; Dondero Loop, Hansen, D. Harris, Lange, Ohrenschall, Pazina, Scheible and Stone

Joint Sponsors: Assemblywomen Bilbray-Axelrod, Thomas; and Kasama

CHAPTER.....

AN ACT relating to civil actions; eliminating the statute of limitations for certain civil actions involving sexual assault; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

In general, existing law requires a civil action to recover damages for injuries arising from the wrongful act of another person to be commenced within 2 years after the date on which the wrongful act occurred. (NRS 11.190) Existing law exempts certain civil actions from this requirement, including a civil action to recover damages for sexual abuse or sexual exploitation, if the sexual abuse or exploitation occurred when the plaintiff was less than 18 years of age. For purposes of this exemption, existing law defines sexual abuse to include sexual assault. Therefore, under existing law, a civil action to recover damages for a sexual assault that occurred when the plaintiff was less than 18 years of age may be commenced at any time after the sexual assault occurred. (NRS 11.215) **Section 2** of this bill similarly exempts a civil action to recover damages for a sexual assault that occurred when the plaintiff was 18 years of age or older from the generally applicable 2-year statute of limitation prescribed by existing law. **Section 1** of this bill provides that a civil action to recover damages for a sexual assault that occurred when the plaintiff was 18 years of age or older may be commenced at any time after the sexual assault occurred.

Section 3 of this bill provides that the changes in this bill apply retroactively to any act constituting sexual assault that occurred when the plaintiff was 18 years of age or older for which a person would be liable, even if the statute of limitations that was in effect at the time of the act has expired, which means that a civil action that would otherwise be time-barred by the former statute of limitations is revived by this bill.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An action to recover damages for an injury to a person arising from the sexual assault of the plaintiff which occurred when the plaintiff was 18 years of age or older may be commenced against the alleged perpetrator or person convicted of the sexual assault at any time after the sexual assault occurred. In such an



action, if the alleged injury to the plaintiff is the result of a series of two or more acts constituting sexual assault, the plaintiff is not required to identify which specific act in the series of acts caused the alleged injury.

2. As used in this section, "sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 2. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it



at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215 ~~§~~ **or section 1 of this act**, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.



(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 3. The amendatory provisions of this act apply retroactively to any act constituting sexual assault as defined in section 1 of this act that occurred before the effective date of this act, regardless of any statute of limitations that was in effect at the time the act constituting sexual assault occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

