



### Assembly Bill 218: Child Sexual Assault— Time’s Up For Child Predators, Not Victims

#### IN BRIEF

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Assembly Bill 218 would give victims of childhood sexual assault more time to bring cases in civil court due to the unique situation of these victims, and take a hard stance against individuals and entities engaged in covering up evidence.

#### BACKGROUND

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Last year, media attention around childhood sexual abuse increased with high profile cases such as Larry Nassar, the former USA Gymnastics team physician, who sexually abused over 150 young athletes, and the hundreds of underage USA swimmers who were subjected to sexual abuse at the hands of their coaches and others in positions of power. “Top USA Swimming executives, board members, top officials and coaches acknowledge [...] that they were aware of sexually predatory coaches for years, in some cases even decades, but did not take action against them”<sup>1</sup>.

Most cases are not high profile though, and occur in our own schools, churches, and communities. At a high school in the San Diego area, a teacher was investigated for improper behavior towards students multiple times and even removed from the classroom by the district. However, an investigation found a lack of records for additional complaints that were made over a 10-year period, stating “some student complaints may have never left the principal’s office”<sup>2</sup>. The former students coming forward are now are in their 20s and 30s.

At a middle school between 2008 and 2015, students tried to raise concerns about a teacher to employees of the school, but were met with unhelpful advice and no consequences for the teacher for years, until one of the former middle school students reported a rape<sup>3</sup>.

Due to the unique nature of these cases, some jurisdictions have given victims more flexibility to pursue cases. In 2007, the legislature in Delaware completely removed the civil statute of limitations for claims of childhood sexual abuse. Maine, Utah and Guam have also completely abolished a statute of limitations for claims of childhood

sexual abuse. For criminal cases of a sex offense against a minor, California has already eliminated the statute of limitations as well (SB 813 Leyva, 2016).

#### PROBLEM

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Due to psychological trauma, shame, fear, and various other reasons, it can take a long time for victims of childhood sexual assault to come forward.

Current law requires victims to make claims before age 26 or within 3 years of a delayed discovery of a psychological injury or illness resulting from the abuse. This still imposes restrictive limits on the survivors of sexual assault because many do not come forward until they are older than age 26, but are unable to prove that they only recently “discovered” the psychological injury or illness.

When victims are not able to come forward against the individuals and institutions who perpetuated and enabled sexual assault, and there are not effective deterrents for those who might cover up evidence of sexual assaults, no one is held accountable and additional children are put in a position where they might be abused.

#### SOLUTION

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AB 218 would expand access to justice for victims of childhood sexual assault by expanding the time given to victims, while increasing the amount of damages a victim may recover from those who sought to cover up the abuse.

AB 218 would:

- Expand the statute of limitations from age 26 to age 40, and period for delayed discovery actions from 3 to 5 years after discovery.
- Allow for a window of three years after enactment for the revival of past claims, which may have expired due to the statute of limitations
- In a case where a victim was sexually assaulted as a result of a cover up of past assaults, allow for the recovery of up to treble damages from the defendant who engaged in the cover up.

#### SUPPORT

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Victim Policy Institute (sponsor)

#### FOR MORE INFORMATION

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<sup>1</sup> <https://www.oregister.com/2018/02/16/investigation-usa-swimming-ignored-sexual-abuse-for-decades/>

<sup>2</sup> <https://www.voiceofsandiego.org/topics/education/women-say-complaints-unwanted-touching-la-jolla-teacher-went-largely-ignored/>

<sup>3</sup> <https://www.voiceofsandiego.org/topics/education/student-complaints-about-a-teachers-behavior-came-and-went-until-one-reported-a-rape/>