

Date of Hearing: May 8, 2024

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2587 (Aguiar-Curry) – As Amended May 2, 2024

Policy Committee: Judiciary

Vote: 9 - 1

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill suspends, for two years, the statute of limitations on civil claims of sexual assault brought against a private entity, for claims that meet qualifying criteria.

Specifically, among other provisions, this bill:

- 1) Revives, from January 1, 2025, to December 31, 2026, a claim that is time-barred as of January 1, 2025, solely because of the statute of limitations and allows it to be filed, if the claim is filed by a plaintiff who alleges they were sexually assaulted and one of the following conditions is met:
 - a) One or more entities or persons, including the perpetrator of the sexual assault, are legally responsible for damages arising out of sexual assault by an alleged perpetrator against the plaintiff.
 - b) An entity or entities, including, but not limited to, their officers, directors, representatives, employees, or agents, engaged in a cover up or attempted a cover up of a previous instance or allegations of sexual assault by an alleged perpetrator of such abuse.

FISCAL EFFECT:

Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate cases that are time-barred by the current statute of limitation, but may be brought during the two-year revival period. Although this bill revives only one type of sexual assault claim, the short duration of the revival period could result in a large number of cases being filed in a short period of time. A significant increase in workload to the courts could result in delays of court services and prioritization of court cases might impact access to justice, and would put pressure on the General Fund to fund additional staff and resources.

The Governor's 2024-25 budget proposes \$83.1 million ongoing from the General Fund to backfill declining revenue to the Trial Court Trust Fund. According to the Legislative Analyst's Office, the General Fund faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

COMMENTS:

- 1) **Purpose.** According to the author:

This bill allows additional time for survivors to seek restitution and act on the clearer signals sent by this bill. However, nothing in the bill changes any legal standard or burden of proof with regard to any claim brought before a judge or court. Victims must still prove all the elements of their claims regardless of when the sexual assault occurred. At a moment of reckoning in the United States about sexual assault, California has made landmark policies that recognize it can take years for many survivors to come forward due to trauma, stigma, fears of backlash, or other complex factors. With this bill, California ensures survivors of sexual assault can continue to come forward while maintaining the integrity of the judicial process.

- 2) **Background.** A statute of limitations is a requirement to commence legal proceedings (either civil or criminal) within a specific period of time after the conduct that prompted the case. Statutes of limitations are tailored to the cause of action at issue – for example, cases involving injury must be brought within two years from the date of injury, cases relating to written contracts must be brought four years from the date the contract was broken, and there is no statute of limitations for murder. Statutes of limitation help preserve the integrity of the legal system and the due process rights of individuals by ensuring that cases are brought close in time to the harms that prompted them, when physical and testimonial evidence is most reliable.

The Legislature has previously extended the statute of limitations for civil cases involving sexual assault, and has authorized revival periods that allow a plaintiff to bring a case that would otherwise be barred by the statute of limitations. Most recently, in 2022, the Legislature passed AB 2777 (Wicks), Chapter 442, Statutes of 2022, which authorized a one-year revival period that allowed plaintiffs to file specified claims of sexual assault that would otherwise be time-barred by the existing statute of limitations. This bill authorizes another, two-year revival for these claims, as described above.

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