

CONCURRENCE IN SENATE AMENDMENTS

AB 250 (Aguiar-Curry)

As Amended September 5, 2025

Majority vote

SUMMARY

Revives certain claims seeking damages for sexual assault, where the plaintiff also alleges that an entity engaged in a cover up of the assault, so that such actions may proceed if already pending on January 1, 2026, or, if not filed by that date, commenced between January 1, 2026 and December 31, 2027. Also clarifies that the expanded window for bringing claims applies to actions against both the perpetrator and the entity that engaged in the cover-up.

Major Provisions

- 1) Revives and extends the time for commencing claims seeking damages for sexual assault, where the plaintiff also alleges that one or more entities engaged in a cover up of the assault, so that such actions may proceed if already pending on January 1, 2026, or, if not filed by that date, are commenced between January 1, 2026 and December 31, 2027.
- 2) Specifies that the above revival period also revives claims against the person who committed the sexual assault if the plaintiff also alleges, among other things, that one or more entities or persons are legally responsible for damages arising out of the sexual assault, and that the entity or entities engaged in a cover up or attempted cover up of the sexual assault by the alleged perpetrator.
- 3) *Provides that public entities are not required to indemnify perpetrators of sexual assault, as specified.*

Senate Amendments

- 1) Make minor clarifying changes.
- 2) *Provide that public entities are not required to indemnify perpetrators of sexual assault, as specified.*

COMMENTS

In the past several years, the Legislature has passed several bills that have modified the statute of limitations (SOL) for bringing actions for damages caused by sexual assault – both childhood sexual assault and adult sexual assault. Modifications of the SOL for childhood sexual assault go back more than two decades, especially those in response to the shocking revelations of sexual assault and related cover-ups in the Catholic Church. The Legislature has extended or otherwise modified the SOL for childhood sexual assault a number of times or revived certain types of claims otherwise barred by the SOL. Most notably, AB 218 (Gonzalez) Chapter 861, Statutes of 2019, extended the SOL for childhood sexual assault actions until 22 years after the age of majority (typically 40 years of age) and revived most expired claims for a period of three years. These extensions reflected increasing awareness, and substantial evidence, that children only reluctantly report assaults or, in some cases, only recover memories of sexual assault several years later. These piecemeal and often complicated extensions of the SOL for childhood sexual

assault were finally abandoned when AB 452 (Addis) Chapter 655, Statutes of 2023, eliminated the SOL for childhood sexual assault entirely.

The SOL for adult sexual assault – the topic of this bill – has also seen periodic extensions and modifications. Prior to the enactment of AB 1619 (Berman) Chapter 939, Statutes of 2018, the statute of limitations for bringing a cause of action alleging sexual assault of an adult was two years, the same as the statute of limitations for any other tort action. The enactment of AB 1619 reflected a widespread consensus among professionals and women's advocates that survivors of sexual assault often need more than two years to process and engage with the legal system to seek a legal remedy. As such, AB 1619 created Code of Civil Procedure (CCP) Section 340.16, which expanded the time for bringing an action seeking damages for sexual assault of an adult to ten years after the date of the assault, or three years after the plaintiff discovered that an injury or illness was the result of the assault, whichever date is later. While the concept of "discovery" is an important equitable principle in SOLs, it is especially important in sexual assault cases, where memories might be repressed, or the connection between an assault and later psychological or physical manifestations may not be understood for some time.

More recently, CCP Section 340.16 – the section amended by the bill now under consideration – was amended by AB 2777 (Wicks) Chapter 442, Statutes of 2022, a complex measure that effectively revived two types of claims that otherwise would have been time-barred: (1) any claim seeking recovery of damages suffered as a result of a sexual assault alleged to have occurred on or after January 1, 2009 and commenced on or after January 1, 2019, as long as such actions are commenced no later than December 31, 2026; and (2) any claim alleging that an entity engaged in a cover-up of the sexual assault, as long as such claims were commenced between January 1, 2023, and December 31, 2023. AB 2777 did not, however, revive any claims that had been litigated to finality or reached a settlement by January 1, 2023.

This bill both clarifies and extends the revival window created by AB 2777. First, it clarifies AB 2777 in response to pleadings (and at least one court decision) in the superior courts, suggesting that the revival window created by AB 2777 only applied to actions brought against *the entity or entities* that engaged in the cover-up, but that the revival window did not apply to the perpetrator of the sexual assault. Second, the bill effectively expands the window for bringing claims against an entity that engaged in a cover-up from December 31, 2023, to December 31, 2027. As with AB 2777, this bill does not revive any claim that was litigated to finality or settled by January 1, 2026. *Finally, the bill provides that public entities are not required to indemnify perpetrators of sexual assault, as specified*

Court interpretations on the application of AB 2777. This bill was prompted at least in part by a handful of superior court rulings that raised questions, at least in their pleadings, about whether the revival window created by AB 2777 only revived actions against an entity that covered up the sexual assault, or if it also revived actions against the perpetrator of the sexual assault. Although AB 2777 only applied to cases where the plaintiff alleged that an entity had engaged in a cover up of the perpetrator's assault, it does not follow that AB 2777 did not intend to also revive the window for actions against the perpetrator whose actions the entity was covering up. Indeed, under modern pleading practice many plaintiffs would likely bring a single case naming both the perpetrator and the entity as defendants. Moreover, the rationale for extending the SOL in cases where there was a cover up is premised on the idea that the cover up was at least partly responsible for the delay; and the cover up could delay the action against the perpetrator just as much as it could delay the action against the entity. Whatever the intent of AB 2777, it is well

within the purview of the Legislature to further clarify its intent that the revival window was meant to apply to an action against the perpetrator, as well as an action against the entity, so long as there is an allegation that an entity is alleged to have engaged in a cover up. This bill expressly states that it revives claims against the perpetrator, as well as the entity. (See page 5, lines 11-16, of the bill in print.) Finally, as the Judiciary Committee's analysis of last year's AB 2587 detailed at length, the Legislature has the power to create, extend, and change statutes of limitation as it deems appropriate. (See e.g. *Duty v Abex Corp.* (1989) 214 Cal. App. 3d 742, 749 [noting that "the need for repose is not so overarching that the Legislature cannot by express legislative provision allow certain actions to be brought at any time, and it has occasionally done so."].)

According to the Author

AB 250 acknowledges that sexual assault survivors may take years to come forward and provides a limited window for them to seek justice. The bill holds perpetrators and any entities that covered up or attempted to cover up the abuse accountable for the harm inflicted on survivors. AB 250 also revives any related claims, such as wrongful termination and sexual harassment, stemming from the sexual assault. The impact of sexual assault and harassment in the workplace can force survivors out of their jobs and result in career interruption and derailment, and financial stress, as survivors seek safer environments to escape a sexualized and toxic workplace culture. AB 250 will protect survivors and send a strong message that abuse and covering up abuse is unacceptable and will not be tolerated.

Arguments in Support

The co-sponsors – California Employment Lawyers Association (CELA) and Equal Rights Advocates (ERA) – support this bill because it "protects survivors of sexual assault by holding both the perpetrator of the sexual assault and the entity who engaged in the cover up of the sexual assault accountable for the harm inflicted on survivors." To account for the fact that it takes years for sexual assault victims to come forward with allegations, especially when there has been a deliberate cover up, "AB 250 will provide a two-year window for filing any sexual assault claim, regardless of when the assault occurred, for damages suffered as a result of the attack." CELA and ERA write that "many survivors feel pressured into silence when there is an attempt to cover up the assault. AB 250 takes this reality into account by ensuring that any perpetrator and/or entity that engages in a cover up or attempts to cover up a sexual assault is held accountable."

The American Association of University Women (AAUW) and Valor US, a coalition committed to advancing equity for victims of sexual abuse, support this bill for the same reasons articulated by CELA and ERA.

Arguments in Opposition

The Civil Justice Association of California (CJAC) writes in opposition that:

[AB 250] flies in the face of long-established principles underlying statutes of limitations. As a matter of policy, statutes of limitations recognize that when claims reach too far back in time, the legal system is no longer able to find employees, other witnesses, or records from the period of the claim to evaluate what did or did not occur. This leaves juries with comparatively little evidence and leaves defendants with no basis for an appropriate response or ability to provide a meaningful defense. Moreover, the current statutes of limitations for sexual assault survivors are among the lengthiest and most flexible in the country – currently 10 years from the occurrence, or three years from the date the plaintiff discovered that he or

she was injured. The three-year discovery period permits survivors who have repressed memories to file claims three years from when those memories are revived (potentially decades later) by therapy or other triggering event. . . There will always be sympathetic plaintiffs, popular causes, and unpopular industries, but we should not disregard a key element of the civil justice system that protects the accuracy and reliability of decisions about liability and safeguards due process. In sum, CJAC concludes that current law, by providing a ten-year statute of limitations and a three-year discovery rule, "provides generous timelines for survivors to bring claims" that are consistent with important principles of "fundamental fairness."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate civil actions. Reviving otherwise expired claims will lead to additional case filings that otherwise would not have been commenced, with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

VOTES:

ASM JUDICIARY: 9-2-1

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Dixon, Essayli

ABS, ABST OR NV: Sanchez

ASM APPROPRIATIONS: 11-1-3

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Dixon

ABS, ABST OR NV: Sanchez, Ta, Tangipa

ASSEMBLY FLOOR: 56-2-21

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Connolly, Dixon, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Stefani, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NO: DeMaio, Ellis

ABS, ABST OR NV: Alvarez, Bryan, Castillo, Chen, Davies, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Nguyen, Patterson, Sanchez, Sharp-Collins, Solache, Soria, Ta, Tangipa, Ward

UPDATED

VERSION: January 15, 2025

CONSULTANT: Tom Clark / JUD. / (916) 319-2334

FN: 0001847