ASSEMBLY, No. 190

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

Eliminates statute of limitations for civil actions arising from sexual assault and other crimes and offenses of a sexual nature committed against a person 18 years of age or older.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the statute of limitations in certain civil actions and amending N.J.S.2A:14-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2A:14-2 is amended to read as follows:

2A:14-2. a. Every action at law for an injury to the person caused by the wrongful act, neglect or default of any person within this State shall be commenced within two years next after the cause of any such action shall have accrued; except that: (1) an action by or on behalf of a minor that has accrued for medical malpractice for injuries sustained at birth shall be commenced prior to the minor's 13th birthday; and (2) an action for injuries sustained as a result of sexual assault or any other crime or offense of a sexual nature committed against a person 18 years of age or older may be commenced at any time.

b. In the event that an action by or on behalf of a minor that has accrued for medical malpractice for injuries sustained at birth is not commenced by the minor's parent or guardian prior to the minor's 12th birthday, the minor or a person 18 years of age or older designated by the minor to act on the minor's behalf may commence such an action. For this purpose, the minor or designated person may petition the court for the appointment of a guardian ad litem to act on the minor's behalf.

(cf: P.L.2004, c.17, s.3)

2. This act shall take effect immediately and shall apply to any action filed on or after the effective date, including but not limited to matters where the statute of limitations has expired and matters filed with a court have not yet been dismissed with prejudice or finally adjudicated as of the effective date. The provisions of this act shall also revive any action that was previously dismissed on grounds that the applicable statute of limitations had expired but shall not revive any action previously dismissed on any other grounds or revive any action that has been finally adjudicated.

STATEMENT

This bill would eliminate the statute of limitations for civil actions alleging sexual assault or other crimes or offenses of a sexual nature committed against a person 18 years of age or older. Under current law, generally every personal injury lawsuit must be commenced within two years after the cause of action has accrued.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

There is an exception to this two-year statute of limitations for medical malpractice actions by or on behalf of minors for injuries sustained at the minor's birth.

This bill would provide that in the case of lawsuits for injuries sustained as a result of sexual assault or any other crime or offense of a sexual nature committed against a person 18 years of age or older, there would be no statute of limitations and the lawsuit may be commenced at any time.

The bill would be retroactive, applying to matters where the statute of limitations has expired and matters filed with a court that have not yet been dismissed with prejudice or finally adjudicated as of the effective date. The provisions of the bill would also revive any action that was previously dismissed on grounds that the applicable statute of limitations had expired. The bill would not revive any action previously dismissed on any other grounds or revive any action that has been finally adjudicated.