

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/19/21
A Bill

SENATE BILL 676

By: Senators D. Wallace, G. Leding, T. Garner
By: Representatives Gazaway, Wing, Dalby, Maddox

For An Act To Be Entitled

AN ACT TO BE KNOWN AS THE "JUSTICE FOR VULNERABLE
VICTIMS OF SEXUAL ABUSE ACT"; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS THE "JUSTICE FOR
VULNERABLE VICTIMS OF SEXUAL ABUSE ACT".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add an additional section to read as follows:

16-118-117. Civil action for vulnerable victims of sexual abuse.

(a) As used in this section:

(1) "Disabled" means that a person was determined legally disabled or determined medically disabled by a medical or mental health provider at the time of the alleged wrongful conduct and was unable to give legal consent;

(2) "Minor" means a person of under eighteen (18) years of age;

(3) "Sexual abuse" means the commission of one (1) or more of the following acts or offenses:

(A) Rape, § 5-14-103;

(B) Sexual assault in the first degree, § 5-14-124;

(C) Sexual assault in the second degree, § 5-14-125;

(D) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;

(E) Transportation of minors for prohibited sexual



conduct, § 5-27-305;

(F) Use of children in sexual performances, § 5-27-401 et seq.;

(G) Unlawful sexual contact with a vulnerable victim; and

(H) Unlawful sexually explicit conduct with a vulnerable victim;

(4) "Sexual contact" means the same as defined in § 5-14-101;

and

(5) "Sexually explicit conduct" means the same as in § 5-27-302;

and

(6) "Vulnerable victim" means a person who was either disabled, a minor, or both at the time he or she was a victim of sexual abuse.

(b)(1) Notwithstanding any other statute of limitation or any other law that may be construed to reduce the statutory period set forth in this section, before he or she reaches fifty-five (55) years of age a vulnerable victim may bring a civil action against any party who committed sexual abuse against the vulnerable victim or whose tortious conduct caused the vulnerable victim to be a victim of sexual abuse.

(2) Notwithstanding any other statute of limitation or any other law that may be construed to reduce the statutory period set forth in this section, a civil action similar to a civil action described in subdivision (b)(1) of this section, including a cause of action arising before, on, or after the effective date of this act, that was barred or dismissed due to a statute of limitation is revived, and the civil action may be commenced not earlier than six (6) months after and not later than thirty (30) months after the effective date of this act.

(c) This section does not apply to a claim that has been litigated to finality on the merits in any court of competent jurisdiction before the effective date of this act.

(d) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief in a civil action under this section.

/s/D. Wallace