

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2021

(SENATE AUTHORS: PAPPAS)

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Introduction and first reading
 Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to judiciary; extending the civil statute of limitations for certain actions
 1.3 by peace officers; amending Minnesota Statutes 2020, sections 541.073, subdivision
 1.4 2; 573.02, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

1.7 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for
 1.8 damages based on sexual abuse: (1) must be commenced within six years of the alleged
 1.9 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may
 1.10 be commenced at any time in the case of alleged sexual abuse of an individual under the
 1.11 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the
 1.12 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused
 1.13 a minor when that natural person was under 14 years of age.

1.14 (b) An action for damages based on sexual abuse may be commenced at any time in the
 1.15 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision
 1.16 1, paragraph (c).

1.17 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse
 1.18 acts by the defendant caused the injury.

1.19 ~~(e)~~ (d) This section does not affect the suspension of the statute of limitations during a
 1.20 period of disability under section 541.15.

2.1 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.
2.2 Except as provided in paragraph (b), this section applies to actions that were not time-barred
2.3 before the effective date.

2.4 (b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of
2.5 an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision
2.6 1, paragraph (c), if the action would otherwise be time-barred under a previous version of
2.7 Minnesota Statutes, section 541.073, or other time limit, an action for damages against a
2.8 peace officer may be commenced no later than five years following the effective date of
2.9 this section.

2.10 Sec. 2. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

2.11 Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission
2.12 of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
2.13 an action therefor if the decedent might have maintained an action, had the decedent lived,
2.14 for an injury caused by the wrongful act or omission. An action to recover damages for a
2.15 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
2.16 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
2.17 be commenced within three years of the date of death, but in no event shall be commenced
2.18 beyond the time set forth in section 541.076. An action to recover damages for a death
2.19 caused by an intentional act constituting murder may be commenced at any time after the
2.20 death of the decedent. An action to recover damages for a death caused by a peace officer,
2.21 as defined in section 626.84, subdivision 1, paragraph (c), may be commenced at any time
2.22 after the death of the decedent. Any other action under this section may be commenced
2.23 within three years after the date of death provided that the action must be commenced within
2.24 six years after the act or omission. The recovery in the action is the amount the jury deems
2.25 fair and just in reference to the pecuniary loss resulting from the death, and shall be for the
2.26 exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary
2.27 loss severally suffered by the death. The court then determines the proportionate pecuniary
2.28 loss of the persons entitled to the recovery and orders distribution accordingly. Funeral
2.29 expenses and any demand for the support of the decedent allowed by the court having
2.30 jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as
2.31 provided in section 549.20.

2.32 (b) If an action for the injury was commenced by the decedent and not finally determined
2.33 while living, it may be continued by the trustee for recovery of damages for the exclusive
2.34 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally

3.1 suffered by the death. The court on motion shall make an order allowing the continuance
3.2 and directing pleadings to be made and issues framed as in actions begun under this section.

3.3 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.

3.4 Except as provided in paragraph (b), this section applies to actions that were not time-barred
3.5 before the effective date.

3.6 (b) Notwithstanding any other provision of law, in the case of a death caused by a peace
3.7 officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if
3.8 the action would otherwise be time-barred under a previous version of Minnesota Statutes,
3.9 section 573.02, or other time limit, an action for damages against a peace officer may be
3.10 commenced no later than five years following the effective date of this section.