

**SENATE
STATE OF MINNESOTA
SPECIAL SESSION**

S.F. No. 79

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DATE
06/12/2020

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Introduction and first reading
Referred to Rules and Administration

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; tolling the civil statute of limitations during investigations of

1.4 peace officers; amending Minnesota Statutes 2018, sections 541.073, subdivision

1.5 2; 573.02, subdivision 1; proposing coding for new law in Minnesota Statutes,

1.6 chapter 541.

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

1.8 Section 1. Minnesota Statutes 2018, section 541.073, subdivision 2, is amended to read:

1.9 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for

1.10 damages based on sexual abuse: (1) must be commenced within six years of the alleged

1.11 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may

1.12 be commenced at any time in the case of alleged sexual abuse of an individual under the

1.13 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the

1.14 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused

1.15 a minor when that natural person was under 14 years of age.

1.16 (b) An action for damages based on sexual abuse may be commenced at any time in the

1.17 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision

1.18 1, paragraph (c).

1.19 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse

1.20 acts by the defendant caused the injury.

1.21 ~~(e)~~ (d) This section does not affect the suspension of the statute of limitations during a

1.22 period of disability under section 541.15.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action that arise on or after that date; causes of action that arose before that date if the limitations period has not expired; and, notwithstanding any statutory or common law to the contrary, retroactively to any causes of action that arose before that date.

Sec. 2. [541.155] PERIODS OF INVESTIGATION OF PEACE OFFICER NOT COUNTED.

(a) For purposes of this section, "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

(b) Any of the following, arising anytime after a cause of action accrued and during the period of limitation, shall suspend the running of the period of limitation until the same is removed:

(1) a criminal investigation of a peace officer for any conduct giving rise to the cause of action;

(2) a criminal prosecution of a peace officer for any conduct giving rise to the cause of action; or

(3) investigation by any political subdivision, state law enforcement agency, or the Board of Peace Officer Standards and Training into allegations of misconduct by a peace officer giving rise to the cause of action.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action that arise on or after that date; causes of action that arose before that date if the limitations period has not expired; and, notwithstanding any statutory or common law to the contrary, retroactively to any causes of action that arose before that date.

Sec. 3. Minnesota Statutes 2018, section 573.02, subdivision 1, is amended to read:

Subdivision 1. Death action. When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had the decedent lived, for an injury caused by the wrongful act or omission. An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall be commenced within three years of the date of death, but in no event shall be commenced

beyond the time set forth in section 541.076. An action to recover damages for a death caused by an intentional act constituting murder may be commenced at any time after the death of the decedent. An action to recover damages for a death caused by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), may be commenced at any time after the death of the decedent. Any other action under this section may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission. The recovery in the action is the amount the jury deems fair and just in reference to the pecuniary loss resulting from the death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as provided in section 549.20.

If an action for the injury was commenced by the decedent and not finally determined while living, it may be continued by the trustee for recovery of damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing the continuance and directing pleadings to be made and issues framed as in actions begun under this section.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action that arise on or after that date; causes of action that arose before that date if the limitations period has not expired; and, notwithstanding any statutory or common law to the contrary, retroactively to any causes of action that arose before that date.