

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3406

By: Bush

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6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2021, Section 95, which relates to statute of
9 limitations; providing exception; modifying who an
10 action may be brought against; modifying conduct
sufficient to give rise to an action; modifying age
action must be brought by; providing for retroactive
application; and providing an effective date.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 12 O.S. 2021, Section 95, is
15 amended to read as follows:

16 Section 95. A. Civil actions other than for the recovery of
17 real property can only be brought within the following periods,
18 after the cause of action shall have accrued, and not afterwards,
19 except as provided by paragraph 6 of this subsection:

20 1. Within five (5) years: An action upon any contract,
21 agreement, or promise in writing;

22 2. Within three (3) years: An action upon a contract express
23 or implied not in writing; an action upon a liability created by
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1 statute other than a forfeiture or penalty; and an action on a
2 foreign judgment;

3 3. Within two (2) years: An action for trespass upon real
4 property; an action for taking, detaining, or injuring personal
5 property, including actions for the specific recovery of personal
6 property; an action for injury to the rights of another, not arising
7 on contract, and not hereinafter enumerated; an action for relief on
8 the ground of fraud - the cause of action in such case shall not be
9 deemed to have accrued until the discovery of the fraud;

10 4. Within one (1) year: An action for libel, slander, assault,
11 battery, malicious prosecution, or false imprisonment; an action
12 upon a statute for penalty or forfeiture, except where the statute
13 imposing it prescribes a different limitation;

14 5. An action upon the official bond or undertaking of an
15 executor, administrator, guardian, sheriff, or any other officer, or
16 upon the bond or undertaking given in attachment, injunction,
17 arrest, or in any case whatever required by the statute, can only be
18 brought within five (5) years after the cause of action shall have
19 accrued;

20 6. An action against any party based on intentional or
21 negligent conduct brought by any person for recovery of damages for
22 injury suffered as a result of childhood sexual abuse incidents or
23 exploitation as defined by Section 1-1-105 of Title 10A of the
24 Oklahoma Statutes or incest against ~~the actual perpetrator~~ any party

1 shall be commenced by the ~~forty-fifth~~ fifty-fifth birthday of the
2 alleged victim. If the person committing the act of sexual abuse
3 against a child was employed by an institution, agency, firm,
4 business, corporation or other public or private legal entity that
5 owed a duty of care to the victim, or the accused and the child were
6 engaged in some activity over which the legal entity had some degree
7 of responsibility or control, the action must be brought against
8 such employer or legal entity within two (2) years; provided, that
9 the time limit for commencement of an action pursuant to this
10 paragraph is tolled for a child until the child reaches the age of
11 eighteen (18) years. No action may be brought against the alleged
12 perpetrator ~~or~~, the estate of the alleged perpetrator, or any other
13 party after the death of such alleged perpetrator, unless the
14 perpetrator was convicted of a crime of sexual abuse, exploitation,
15 or incest involving the claimant. An action pursuant to this
16 paragraph must be based upon objective verifiable evidence in order
17 for the victim to recover damages for injuries suffered by reason of
18 such sexual abuse, exploitation, or incest. The victim need not
19 establish which act in a series of continuing sexual abuse
20 incidents, exploitation incidents, or incest caused the injury
21 complained of.

22 Notwithstanding any other provisions of law, this paragraph
23 shall apply retroactively to childhood sexual abuse, exploitation,
24 or incest that occurred prior to the effective date of this act,

1 irrespective of any statute of limitations in effect at the time the
2 sexual abuse, exploitation, or incest of a minor occurred;

3 7. An action based on intentional conduct brought by any person
4 for recovery of damages for injury suffered as a result of criminal
5 actions, as defined by the Oklahoma Statutes, may be brought against
6 any person incarcerated or under the supervision of a state, federal
7 or local correctional facility on or after November 1, 2003:

8 a. at any time during the incarceration of the offender
9 for the offense on which the action is based, or

10 b. within five (5) years after the perpetrator is
11 released from the custody of a state, federal or local
12 correctional facility, if the defendant was serving
13 time for the offense on which the action is based;

14 8. An action to establish paternity and to enforce support
15 obligations can be brought any time before the child reaches the age
16 of eighteen (18);

17 9. An action to establish paternity can be brought by a child
18 in accordance with Section 7700-606 of Title 10 of the Oklahoma
19 Statutes;

20 10. Court-ordered child support is owed until it is paid in
21 full and it is not subject to a statute of limitations;

22 11. All actions filed by an inmate or by a person based upon
23 facts that occurred while the person was an inmate in the custody of
24 one of the following:

- 1 a. the State of Oklahoma,
- 2 b. a contractor of the State of Oklahoma, or
- 3 c. a political subdivision of the State of Oklahoma,

4 to include, but not be limited to, the revocation of earned credits
5 and claims for injury to the rights of another, shall be commenced
6 within one (1) year after the cause of action shall have accrued;
7 and

8 12. An action for relief, not hereinbefore provided for, can
9 only be brought within five (5) years after the cause of action
10 shall have accrued.

11 B. Collection of debts owed by inmates who have received damage
12 awards pursuant to Section 566.1 of Title 57 of the Oklahoma
13 Statutes shall be governed by the time limitations imposed by that
14 section.

15 SECTION 2. This act shall become effective November 1, 2022.

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17 58-2-9218 CMA 12/20/21