

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2021

H. B. 22- 2

A BILL FOR AN ACT

To amend the Commonwealth Code to authorize civil claims for child sexual abuse to be commenced at any time; and for other purposes.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that sexual crimes
2 committed against persons under the age of eighteen (18) are very sensitive cases
3 that can severely traumatize young victims. Often times, these incidents are left
4 unreported due to the victim's fear of revealing such disturbing information, threats
5 made by the abuser, or familial connections of the abuser.

6 The Legislature finds that for many child victims, the trauma itself prevents
7 them from coming forward earlier. As adults, victims may not connect the assault
8 to its long-lasting impact until they seek therapeutic help years later often referred
9 to as delayed discovery. Delayed discovery is a result of emotional or psychological
10 trauma that is often accompanied with repression in a person's memory that the
11 abuse actually took place, in which the psychological injuries are not realized until

1 adulthood after undergoing counseling or therapy. Many of the injuries associated
2 with childhood sexual abuse do not manifest themselves until much later in life.

3 The Legislature further finds that criminal prosecution is not barred by a
4 statute of limitation and prosecution may be pursued at any time for a case in which
5 an adult discovers that he or she was a victim of sexual abuse as a child under the
6 age of eighteen. The criminal prosecution option remains open regardless of the
7 passage of time pursuant to 6 CMC § 107(a). However, the same option is not
8 available for civil cases involving sexual abuse of victims that occurred when they
9 were under 18 years of age; however, such victims realized or discovered the sexual
10 abuse during their adulthood after more than 6 six years have elapsed. This type of
11 case, if pursued through civil litigation, is barred by the current six-years statute of
12 limitation under 7 CMC § 2505.

13 The Legislature finds that the expiration of applicable statute of limitations
14 for child sexual abuse victims during this period resulted in barring many
15 meritorious civil claims. This has allowed many child sexual abusers to escape civil
16 liability. If evidence is sufficient to prove civil liability, the mere passage of time
17 should not prevent child sexual abuse victims from seeking justice.

18 Furthermore, eliminating the time limitation for civil actions involving
19 sexual abuse of minors will prove to be beneficial for it will give the victims,
20 regardless of age and duration since the alleged incident, the opportunity to build
21 their confidence and report such incidents knowing that they can begin at any time

1 regardless of the time duration since the victim reached the age of eighteen (18)
2 and still be made whole. Therefore, the purpose of this Act is to amend Title 7 of
3 the Commonwealth Code to add a new section to authorize civil claims for child
4 sexual abuse to be commenced at any time.

5 **Section 2. Amendment.** Title 7, Division 2, Chapter 5 of the
6 Commonwealth Code is amended by adding a new section 2515 to read as follows:

7 “§ 2515. No Limit for Child Sexual Abuse.

8 (a) Any claim arising from an incident of child sexual abuse may
9 be commenced against a person, a legal entity, abusers, their enablers, their
10 aiders or abettors, those acting in concert with them and their institutions at
11 any time.

12 (b) Any claim arising from an incident of child sexual abuse that
13 occurred in the Commonwealth of the Northern Mariana Islands which has
14 been barred by virtue of the expiration of the previous civil statute of
15 limitations shall be permitted to be filed in any court of competent
16 jurisdiction.”


17 **Section 3. Severability.** If any provision of this Act or the application of
18 any such provision to any person or circumstance should be held invalid by a court
19 of competent jurisdiction, the remainder of this Act or the application of its
20 provisions to persons or circumstances other than those to which it is held invalid
21 shall not be affected thereby.

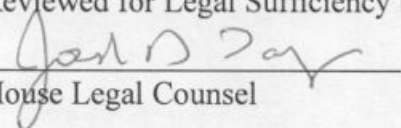
1 **Section 4. Savings Clause.** This Act and any repealer contained herein
2 shall not be construed as affecting any existing right acquired under contract or
3 acquired under statutes repealed or under any rule, regulation or order adopted
4 under the statutes. Repealers contained in this Act shall not affect any proceeding
5 instituted under or pursuant to prior law. The enactment of this Act shall not have
6 the effect of terminating, or in any way modifying, any liability civil or criminal,
7 which shall already be in existence at the date this Act becomes effective.


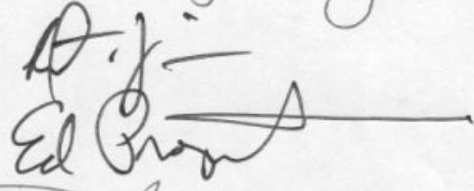
8 **Section 5. Effective Date.** This Act shall take effect upon its approval by
9 the Governor or upon its becoming law without such approval.

Prefiled: Jan. 22, 2021

Date: _____

Introduced by: 
Rep. Joseph Leepan T. Guerrero

Reviewed for Legal Sufficiency by:

House Legal Counsel



Denita Yangetmai
Ed Brown
