

§§2,9,10 -  
C.2A:14-2a to  
2A:14-2c  
§7 - C.59:2-1.3  
§10 - Note

P.L. 2019, CHAPTER 120, *approved May 13, 2019*  
Senate Committee Substitute for  
Senate, No. 477

1 AN ACT concerning certain civil actions, and amending and  
2 supplementing various parts of the statutory law.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2A:14-2 is amended to read as follows:

8 2A:14-2. a. **[Every]** Except as otherwise provided by law,  
9 every action at law for an injury to the person caused by the  
10 wrongful act, neglect or default of any person within this State shall  
11 be commenced within two years next after the cause of any such  
12 action shall have accrued; except that an action by or on behalf of a  
13 minor that has accrued for medical malpractice for injuries  
14 sustained at birth shall be commenced prior to the minor's 13th  
15 birthday.

16 b. In the event that an action by or on behalf of a minor that has  
17 accrued for medical malpractice for injuries sustained at birth is not  
18 commenced by the minor's parent or guardian prior to the minor's  
19 12th birthday, the minor or a person 18 years of age or older  
20 designated by the minor to act on the minor's behalf may commence  
21 such an action. For this purpose, the minor or designated person  
22 may petition the court for the appointment of a guardian ad litem to  
23 act on the minor's behalf.

24 (cf: P.L.2004, c.17, s.3)

25  
26 2. (New section) a. (1) Every action at law for an injury  
27 resulting from the commission of sexual assault, any other crime of  
28 a sexual nature, a prohibited sexual act as defined in section 2 of  
29 P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1  
30 of P.L.1992, c.109 (C.2A:61B-1) against a minor under the age of  
31 18 that occurred prior to, on or after the effective date of P.L. ,  
32 c. (C. ) (pending before the Legislature as this bill) shall be  
33 commenced within 37 years after the minor reaches the age of  
34 majority, or within seven years from the date of reasonable  
35 discovery of the injury and its causal relationship to the act,  
36 whichever date is later.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) To the extent applicable, any action for an injury that  
2 occurred prior to the effective date of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill) shall be subject to the provisions  
4 of subsection c. of section 1 of P.L.1959, c.90 (C.2A:53A-7) and  
5 P.L.2005, c.264 (C.2A:53A-7.4 et seq.), as amended by P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill).

7 b. (1) Every action at law for an injury resulting from the  
8 commission of sexual assault or any other crime of a sexual nature  
9 against a person 18 years of age or older that occurred prior to, on  
10 or after the effective date of P.L. , c. (C. ) (pending before  
11 the Legislature as this bill) shall be commenced within seven years  
12 from the date of reasonable discovery of the injury and its causal  
13 relationship to the act.

14 (2) To the extent applicable, any action for an injury that  
15 occurred prior to the effective date of P.L. , c. (C. ) (pending  
16 before the Legislature as this bill) shall be subject to the provisions  
17 of subsection c. of section 1 of P.L.1959, c.90 (C.2A:53A-7), as  
18 amended by P.L. , c. (C. ) (pending before the Legislature as  
19 this bill).

20 Nothing in this section is intended to preclude the court from  
21 finding that the statute of limitations was tolled in an action because  
22 of the plaintiff's mental state, physical or mental disability, duress  
23 by the defendant, or any other equitable grounds. Such a finding  
24 shall be made after a plenary hearing. The court may order an  
25 independent psychiatric evaluation of the plaintiff in order to assist  
26 in the determination as to whether the statute of limitations was  
27 tolled.

28 c. (1) Every action at law for an injury that is commenced  
29 pursuant to this section shall proceed on an individual basis, and not  
30 proceed on behalf of a class in a class action, due to the particular  
31 circumstances, source of injury and its discovery, and damages  
32 relating to each occurrence or occurrences of sexual assault, any  
33 other crime of a sexual nature, a prohibited sexual act as defined in  
34 section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined  
35 in section 1 of P.L.1992, c.109 (C.2A:61B-1) against either a minor  
36 under the age of 18 or a person 18 years of age or older.

37 (2) Any private, contractual arrangement intending to settle  
38 claims for occurrences described in paragraph (1) of this subsection  
39 on a class basis is against public policy and shall be void and  
40 unenforceable.

41  
42 3. Section 6 of P.L.1992, c.7 (C.2A:30B-6) is amended to read  
43 as follows:

44 6. **【Every】** In any action **【brought pursuant to this act】** for  
45 injury based on P.L.1992, c.7 (C.2A:30B-1 et seq.), the cause of  
46 action shall **【be commenced within two years after the child**  
47 reaches the age of majority】 accrue at the time of reasonable

1 discovery of the injury and its causal relationship to the act. The  
2 action shall be subject to the statute of limitations set forth in  
3 section 2 of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill).  
5 (cf: P.L.1992, c.7, s.6)

6  
7 4. Section 1 of P.L.1992, c.109 (C.2A:61B-1) is amended to  
8 read as follows:

9 1. a. As used in this act:

10 (1) "Sexual abuse" means an act of sexual contact or sexual  
11 penetration between a child under the age of 18 years and an adult.  
12 A parent, resource family parent, guardian or other person standing  
13 in loco parentis **【within the household】** who knowingly permits or  
14 acquiesces in sexual abuse by any other person also commits sexual  
15 abuse, except that it is an affirmative defense if the parent, resource  
16 family parent, guardian or other person standing in loco parentis  
17 was subjected to, or placed in, reasonable fear of physical or sexual  
18 abuse by the other person so as to undermine the person's ability to  
19 protect the child.

20 (2) "Sexual contact" means an intentional touching by the victim  
21 or actor, either directly or through clothing, of the victim's or actor's  
22 intimate parts for the purpose of sexually arousing or sexually  
23 gratifying the actor. Sexual contact of the adult with himself must  
24 be in view of the victim whom the adult knows to be present.

25 (3) "Sexual penetration" means vaginal intercourse, cunnilingus,  
26 fellatio or anal intercourse between persons or insertion of the hand,  
27 finger or object into the anus or vagina either by the adult or upon  
28 the adult's instruction.

29 (4) "Intimate parts" means the following body parts: sexual  
30 organs, genital area, anal area, inner thigh, groin, buttock or breast  
31 of a person.

32 (5) "Injury or illness" includes psychological injury or illness,  
33 whether or not accompanied by physical injury or illness.

34 b. In any civil action for injury or illness based on sexual  
35 abuse, the cause of action shall accrue at the time of reasonable  
36 discovery of the injury and its causal relationship to the act of  
37 sexual abuse. Any such action shall be **【brought within two years**  
38 **after reasonable discovery】** subject to the statute of limitations set  
39 forth in section 2 of P.L. , c. (C. ) (pending before the  
40 Legislature as this bill).

41 c. **【Nothing in this act is intended to preclude the court from**  
42 **finding that the statute of limitations was tolled in a case because of**  
43 **the plaintiff's mental state, duress by the defendant, or any other**  
44 **equitable grounds. Such a finding shall be made after a plenary**  
45 **hearing. At the plenary hearing the court shall hear all credible**  
46 **evidence and the Rules of Evidence shall not apply, except for Rule**  
47 **403 or a valid claim of privilege. The court may order an**

1 independent psychiatric evaluation of the plaintiff in order to assist  
2 in the determination as to whether the statute of limitations was  
3 tolled.】 (Deleted by amendment, P.L. , c. ) (pending before the  
4 Legislature as this bill)

5 d. (1) Evidence of the victim's previous sexual conduct shall  
6 not be admitted nor reference made to it in the presence of a jury  
7 except as provided in this subsection. When the defendant seeks to  
8 admit such evidence for any purpose, the defendant must apply for  
9 an order of the court before the trial or preliminary hearing, except  
10 that the court may allow the motion to be made during trial if the  
11 court determines that the evidence is newly discovered and could  
12 not have been obtained earlier through the exercise of due diligence.  
13 After the application is made, the court shall conduct a hearing in  
14 camera to determine the admissibility of the evidence. If the court  
15 finds that evidence offered by the defendant regarding the sexual  
16 conduct of the victim is relevant and that the probative value of the  
17 evidence offered is not outweighed by its collateral nature or by the  
18 probability that its admission will create undue prejudice, confusion  
19 of the issues, or unwarranted invasion of the privacy of the victim,  
20 the court shall enter an order setting forth with specificity what  
21 evidence may be introduced and the nature of the questions which  
22 shall be permitted, and the reasons why the court finds that such  
23 evidence satisfies the standards contained in this section. The  
24 defendant may then offer evidence under the order of the court.

25 (2) In the absence of clear and convincing proof to the contrary,  
26 evidence of the victim's sexual conduct occurring more than one  
27 year before the date of the offense charged is presumed to be  
28 inadmissible under this section.

29 (3) Evidence of the victim's previous sexual conduct shall not be  
30 considered relevant unless it is material to proving that the source  
31 of semen, pregnancy or disease is a person other than the defendant.  
32 For the purposes of this subsection, "sexual conduct" shall mean  
33 any conduct or behavior relating to sexual activities of the victim,  
34 including but not limited to previous or subsequent experience of  
35 sexual penetration or sexual contact, use of contraceptives, living  
36 arrangement and life style.

37 e. (1) The court may, on motion and after conducting a hearing  
38 in camera, order the taking of the testimony of a victim on closed  
39 circuit television at the trial, out of the view of the jury, defendant,  
40 or spectators upon making findings as provided in paragraph (2) of  
41 this subsection.

42 (2) An order under this section may be made only if the court  
43 finds that the victim is 16 years of age or younger and that there is a  
44 substantial likelihood that the victim would suffer severe emotional  
45 or mental distress if required to testify in open court. The order  
46 shall be specific as to whether the victim will testify outside the  
47 presence of spectators, the defendant, the jury, or all of them and

1 shall be based on specific findings relating to the impact of the  
2 presence of each.

3 (3) A motion seeking closed circuit testimony under paragraph  
4 (1) of this subsection may be filed by:

5 (a) The victim or the victim's attorney, parent or legal guardian;

6 (b) The defendant or the defendant's counsel; or

7 (c) The trial judge on the judge's own motion.

8 (4) The defendant's counsel shall be present at the taking of  
9 testimony in camera. If the defendant is not present, he and his  
10 attorney shall be able to confer privately with each other during the  
11 testimony by a separate audio system.

12 (5) If testimony is taken on closed circuit television pursuant to  
13 the provisions of this act, a stenographic recording of that testimony  
14 shall also be required. A typewritten transcript of that testimony  
15 shall be included in the record on appeal. The closed circuit  
16 testimony itself shall not constitute part of the record on appeal  
17 except on motion for good cause shown.

18 f. (1) The name, address, and identity of a victim or a  
19 defendant shall not appear on the complaint or any other public  
20 record as defined in P.L.1963, c.73 (C.47:1A-1 et seq.). In their  
21 place initials or a fictitious name shall appear.

22 (2) Any report, statement, photograph, court document,  
23 complaint or any other public record which states the name, address  
24 and identity of a victim shall be confidential and unavailable to the  
25 public.

26 (3) The information described in this subsection shall remain  
27 confidential and unavailable to the public unless the victim consents  
28 to the disclosure or if the court, after a hearing, determines that  
29 good cause exists for the disclosure. The hearing shall be held after  
30 notice has been made to the victim and to the defendant and the  
31 defendant's counsel.

32 (4) Nothing contained herein shall prohibit the court from  
33 imposing further restrictions with regard to the disclosure of the  
34 name, address, and identity of the victim when it deems it necessary  
35 to prevent trauma or stigma to the victim.

36 g. In accordance with R.5:3-2 of the Rules Governing the  
37 Courts of the State of New Jersey, the court may, on its own or a  
38 party's motion, direct that any proceeding or portion of a proceeding  
39 involving a victim sixteen years of age or younger be conducted in  
40 camera.

41 h. A plaintiff who prevails in a civil action pursuant to this act  
42 shall be awarded damages in the amount of \$10,000, plus  
43 reasonable attorney's fees, or actual damages, whichever is greater.  
44 Actual damages shall consist of compensatory and punitive  
45 damages and costs of suit, including reasonable attorney's fees.  
46 Compensatory damages may include, but are not limited to,  
47 damages for pain and suffering, medical expenses, emotional

1 trauma, diminished childhood, diminished enjoyment of life, costs  
2 of counseling, and lost wages.  
3 (cf: P.L.2004, c.130, s.10)  
4

5 5. Section 1 of P.L.1959, c.90 (C.2A:53A-7) is amended to  
6 read as follows:

7 1. a. No nonprofit corporation, society or association  
8 organized exclusively for religious, charitable or educational  
9 purposes or its trustees, directors, officers, employees, agents,  
10 servants or volunteers shall, except as is hereinafter set forth, be  
11 liable to respond in damages to any person who shall suffer damage  
12 from the negligence of any agent or servant of such corporation,  
13 society or association, where such person is a beneficiary, to  
14 whatever degree, of the works of such nonprofit corporation,  
15 society or association; provided, however, that such immunity from  
16 liability shall not extend to any person who shall suffer damage  
17 from the negligence of such corporation, society, or association or  
18 of its agents or servants where such person is one unconcerned in  
19 and unrelated to and outside of the benefactions of such  
20 corporation, society or association.

21 Nothing in this subsection shall be deemed to grant immunity to  
22 any health care provider, in the practice of his profession, who is a  
23 compensated employee, agent or servant of any nonprofit  
24 corporation, society or association organized exclusively for  
25 religious, charitable or educational purposes.

26 b. No nonprofit corporation, society or association organized  
27 exclusively for hospital purposes or its trustees, directors, officers  
28 or volunteers shall, except as is hereinafter set forth, be liable to  
29 respond in damages to any person who shall suffer damage from the  
30 negligence of any agent or servant of such corporation, society or  
31 association, where such person is a beneficiary, to whatever degree,  
32 of the works of such nonprofit corporation, society or association;  
33 provided, however, that such immunity from liability shall not  
34 extend to any person who shall suffer damage from the negligence  
35 of such corporation, society, or association or of its agents or  
36 servants where such person is one unconcerned in and unrelated to  
37 and outside of the benefactions of such corporation, society or  
38 association; but nothing herein contained shall be deemed to exempt  
39 the agent , employee or servant individually from their liability for  
40 any such negligence.

41 c. Nothing in this section shall be deemed to grant immunity  
42 to: (1) any nonprofit corporation, society or association organized  
43 exclusively for religious, charitable, educational or hospital  
44 purposes, or its trustee, director, officer, employee, agent, servant or  
45 volunteer, causing damage by a willful, wanton or grossly negligent  
46 act of commission or omission, including sexual assault **[and]** , any  
47 other **[crimes]** crime of a sexual nature, a prohibited sexual act as

1 defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse  
2 as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1); (2) any  
3 trustee, director, officer, employee, agent, servant or volunteer  
4 causing damage as the result of the negligent operation of a motor  
5 vehicle; or (3) an independent contractor of a nonprofit corporation,  
6 society or association organized exclusively for religious,  
7 charitable, educational or hospital purposes.  
8 (cf: P.L.1995, c.183, s.1)

9  
10 6. Section 2 of P.L.2005, c.264 (C.2A:53A-7.5) is amended to  
11 read as follows:

12 2. a. The provisions of this supplementary act, P.L.2005, c.264  
13 (C.2A:53A-7.4 et seq.), shall apply prospectively and also shall be  
14 applicable to all civil actions for which the statute of limitations has  
15 not expired as of the effective date of this act, and subsequently, not  
16 expired as of the effective date of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill), including the [statutes of  
18 limitation] statute of limitations set forth in N.J.S.2A:14-2, section  
19 2 of P.L. , c. (C. ) (pending before the Legislature as this  
20 bill), section 1 of P.L.1964, c.214 (C.2A:14-2.1), [section 1 of  
21 P.L.1992, c.109 (C.2A:61B-1)] or any other statute. These  
22 applicable actions include but are not limited to matters filed with a  
23 court that have not yet been dismissed or finally adjudicated as of  
24 the effective date of this act or P.L. , c. (C. ) (pending before  
25 the Legislature as this bill).

26 b. Notwithstanding the provisions of subsection a. of this  
27 section, the provisions of P.L.2005, c.264 (C.2A:53A-7.4 et seq.)  
28 shall apply to all civil actions for an injury resulting from an act  
29 that occurred prior to the effective date of P.L. , c. (C. )  
30 (pending before the Legislature as this bill), and these actions shall  
31 be subject to the statute of limitations set forth in section 2 of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill).  
33 (cf: P.L.2005, c.264, s.2)

34  
35 7. (New section) Notwithstanding any other provision of law  
36 to the contrary, including but not limited to the "New Jersey Tort  
37 Claims Act," N.J.S.59:1-1 et seq., a public entity is liable in an  
38 action at law for an injury resulting from the commission of sexual  
39 assault, any other crime of a sexual nature, a prohibited sexual act  
40 as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual  
41 abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1).

42  
43 8. N.J.S.59:8-3 is amended to read as follows:

44 59:8-3. Claims for damages against public entities. **[No]** a.  
45 Except as otherwise provided in this section, no action shall be  
46 brought against a public entity or public employee under this act

1 unless the claim upon which it is based shall have been presented in  
2 accordance with the procedure set forth in this chapter.

3 b. The procedural requirements of this chapter shall not apply  
4 to an action at law for an injury resulting from the commission of  
5 sexual assault, any other crime of a sexual nature, a prohibited  
6 sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or  
7 sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-  
8 1).

9 (cf: P.L.1994, c.49, s.2)

10

11 9. (New section) a. Notwithstanding the statute of limitations  
12 provisions of N.J.S.2A:14-2, section 2 of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), section 1 of P.L.1964,  
14 c.214 (C.2A:14-2.1), or any other statute, an action at law for an  
15 injury resulting from the commission of sexual assault, any other  
16 crime of a sexual nature, a prohibited sexual act as defined in  
17 section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined  
18 in section 1 of P.L.1992, c.109 (C.2A:61B-1), that occurred prior to  
19 the effective date of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill), and which action would otherwise be  
21 barred through application of the statute of limitations, may be  
22 commenced within two years immediately following the effective  
23 date.

24 b. To the extent applicable, any action brought during the two-  
25 year period pursuant to subsection a. of this section shall be subject  
26 to the provisions of subsection c. of section 1 of P.L.1959, c.90  
27 (C.2A:53A-7) and P.L.2005, c.264 (C.2A:53A-7.4 et seq.), as  
28 amended by P.L. , c. (C. ) (pending before the Legislature as  
29 this bill).

30 c. (1) Every action at law for an injury that is commenced  
31 pursuant to this section shall proceed on an individual basis, and not  
32 proceed on behalf of a class in a class action, due to the particular  
33 circumstances, source of injury and its discovery, and damages  
34 relating to each occurrence or occurrences of sexual assault, any  
35 other crime of a sexual nature, a prohibited sexual act as defined in  
36 section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined  
37 in section 1 of P.L.1992, c.109 (C.2A:61B-1) against either a minor  
38 under the age of 18 or a person 18 years of age or older.

39 (2) Any private, contractual arrangement intending to settle  
40 claims for occurrences described in paragraph (1) of this subsection  
41 on a class basis is against public policy and shall be void and  
42 unenforceable.

43

44 10. (New section) The provisions of this amendatory and  
45 supplementary act, P.L. , c. (C. ) (pending before the  
46 Legislature as this bill), shall take effect on December 1, 2019.

1 These provisions shall be inapplicable to any civil action governed  
2 solely by the statute of limitations of another jurisdiction.

3

4

5

---

6

7 Extends statute of limitations in civil actions for sexual abuse  
8 claims; expands categories of potential defendants in civil actions;  
9 creates two-year window for parties to bring previously time-barred  
10 actions based on sexual abuse.