

SENATE BILL NO. 129—SENATORS KRASNER, SPEARMAN,
SEEVERS GANSERT, BUCK, TITUS; AND SCHEIBLE

FEBRUARY 9, 2023

JOINT SPONSORS: ASSEMBLYWOMEN BILBRAY-AXELROD,
THOMAS; AND KASAMA

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain civil actions
involving sexual assault. (BDR 2-573)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~for mitted material~~ is material to be omitted.

AN ACT relating to civil actions; eliminating the statute of
limitations for certain civil actions involving sexual
assault; and providing other matters properly relating
thereto.

Legislative Counsel’s Digest:

1 In general, existing law requires a civil action to recover damages for injuries
2 arising from the wrongful act of another person to be commenced within 2 years
3 after the date on which the wrongful act occurred. (NRS 11.190) Existing law
4 exempts certain civil actions from this requirement, including a civil action to
5 recover damages for sexual abuse or sexual exploitation, if the sexual abuse or
6 exploitation occurred when the plaintiff was less than 18 years of age. For purposes
7 of this exemption, existing law defines sexual abuse to include sexual assault.
8 Therefore, under existing law, a civil action to recover damages for a sexual assault
9 that occurred when the plaintiff was less than 18 years of age may be commenced
10 at any time after the sexual assault occurred. (NRS 11.215) **Section 2** of this bill
11 similarly exempts a civil action to recover damages for a sexual assault that
12 occurred when the plaintiff was 18 years of age or older from the generally
13 applicable 2-year statute of limitation prescribed by existing law. **Section 1** of this
14 bill provides that a civil action to recover damages for a sexual assault that occurred
15 when the plaintiff was 18 years of age or older may be commenced at any time
16 after the sexual assault occurred.

17 **Section 3** of this bill provides that the changes in this bill apply retroactively to
18 any act constituting sexual assault that occurred when the plaintiff was 18 years of
19 age or older for which a person would be liable, even if the statute of limitations



20 that was in effect at the time of the act has expired, which means that a civil action
21 that would otherwise be time-barred by the former statute of limitations is revived
22 by this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 11 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. An action to recover damages for an injury to a person***
4 ***arising from the sexual assault of the plaintiff which occurred***
5 ***when the plaintiff was 18 years of age or older may be commenced***
6 ***against the alleged perpetrator or person convicted of the sexual***
7 ***assault at any time after the sexual assault occurred. In such an***
8 ***action, if the alleged injury to the plaintiff is the result of a series***
9 ***of two or more acts constituting sexual assault, the plaintiff is not***
10 ***required to identify which specific act in the series of acts caused***
11 ***the alleged injury.***

12 ***2. As used in this section, "sexual assault" has the meaning***
13 ***ascribed to it in NRS 200.366.***

14 **Sec. 2.** NRS 11.190 is hereby amended to read as follows:

15 11.190 Except as otherwise provided in NRS 40.4639,
16 125B.050 and 217.007, actions other than those for the recovery of
17 real property, unless further limited by specific statute, may only be
18 commenced as follows:

19 1. Within 6 years:

20 (a) Except as otherwise provided in NRS 62B.420 and 176.275,
21 an action upon a judgment or decree of any court of the United
22 States, or of any state or territory within the United States, or the
23 renewal thereof.

24 (b) An action upon a contract, obligation or liability founded
25 upon an instrument in writing, except those mentioned in the
26 preceding sections of this chapter.

27 2. Within 4 years:

28 (a) An action on an open account for goods, wares and
29 merchandise sold and delivered.

30 (b) An action for any article charged on an account in a store.

31 (c) An action upon a contract, obligation or liability not founded
32 upon an instrument in writing.

33 (d) Except as otherwise provided in NRS 11.245, an action
34 against a person alleged to have committed a deceptive trade
35 practice in violation of NRS 598.0903 to 598.0999, inclusive, but
36 the cause of action shall be deemed to accrue when the aggrieved
37 party discovers, or by the exercise of due diligence should have
38 discovered, the facts constituting the deceptive trade practice.



1 3. Within 3 years:

2 (a) An action upon a liability created by statute, other than a
3 penalty or forfeiture.

4 (b) An action for waste or trespass of real property, but when the
5 waste or trespass is committed by means of underground works
6 upon any mining claim, the cause of action shall be deemed to
7 accrue upon the discovery by the aggrieved party of the facts
8 constituting the waste or trespass.

9 (c) An action for taking, detaining or injuring personal property,
10 including actions for specific recovery thereof, but in all cases
11 where the subject of the action is a domestic animal usually included
12 in the term "livestock," which has a recorded mark or brand upon it
13 at the time of its loss, and which strays or is stolen from the true
14 owner without the owner's fault, the statute does not begin to run
15 against an action for the recovery of the animal until the owner has
16 actual knowledge of such facts as would put a reasonable person
17 upon inquiry as to the possession thereof by the defendant.

18 (d) Except as otherwise provided in NRS 112.230 and 166.170,
19 an action for relief on the ground of fraud or mistake, but the cause
20 of action in such a case shall be deemed to accrue upon the
21 discovery by the aggrieved party of the facts constituting the fraud
22 or mistake.

23 (e) An action pursuant to NRS 40.750 for damages sustained by
24 a financial institution or other lender because of its reliance on
25 certain fraudulent conduct of a borrower, but the cause of action in
26 such a case shall be deemed to accrue upon the discovery by the
27 financial institution or other lender of the facts constituting the
28 concealment or false statement.

29 4. Within 2 years:

30 (a) An action against a sheriff, coroner or constable upon
31 liability incurred by acting in his or her official capacity and in
32 virtue of his or her office, or by the omission of an official duty,
33 including the nonpayment of money collected upon an execution.

34 (b) An action upon a statute for a penalty or forfeiture, where the
35 action is given to a person or the State, or both, except when the
36 statute imposing it prescribes a different limitation.

37 (c) An action for libel, slander, assault, battery, false
38 imprisonment or seduction.

39 (d) An action against a sheriff or other officer for the escape of a
40 prisoner arrested or imprisoned on civil process.

41 (e) Except as otherwise provided in NRS 11.215 **§** or **section 1**
42 **of this act**, an action to recover damages for injuries to a person or
43 for the death of a person caused by the wrongful act or neglect of
44 another. The provisions of this paragraph relating to an action to



1 recover damages for injuries to a person apply only to causes of
2 action which accrue after March 20, 1951.

3 (f) An action to recover damages under NRS 41.740.

4 5. Within 1 year:

5 (a) An action against an officer, or officer de facto to recover
6 goods, wares, merchandise or other property seized by the officer in
7 his or her official capacity, as tax collector, or to recover the price or
8 value of goods, wares, merchandise or other personal property so
9 seized, or for damages for the seizure, detention or sale of, or injury
10 to, goods, wares, merchandise or other personal property seized, or
11 for damages done to any person or property in making the seizure.

12 (b) An action against an officer, or officer de facto for money
13 paid to the officer under protest, or seized by the officer in his or her
14 official capacity, as a collector of taxes, and which, it is claimed,
15 ought to be refunded.

16 **Sec. 3.** The amendatory provisions of this act apply
17 retroactively to any act constituting sexual assault as defined in
18 section 1 of this act that occurred before the effective date of this
19 act, regardless of any statute of limitations that was in effect at the
20 time the act constituting sexual assault occurred, including, without
21 limitation, any civil action that would have been barred by the
22 statute of limitations that was in effect before the effective date of
23 this act.

24 **Sec. 4.** This act becomes effective upon passage and approval.

