

## Level of Comparative/Contributory Negligence and Joint and Several Liability For States with No or Long-term Civil Statute of Limitations on Sex Offenses

State	Description of Civil Statute of Limitations	Comparative/Contributory Negligence and Joint and Several Liability
Alaska	<p>Action may be brought at any time for violations of the following offenses:</p> <ul style="list-style-type: none"> <li>• Felony sexual abuse of a minor;</li> <li>• Felony sexual assault; or</li> <li>• Unlawful exploitation of a minor</li> </ul> <p>Action must be commenced within 3 years of the accrual of the claim for relief for the following offenses:</p> <ul style="list-style-type: none"> <li>• Misdemeanor sexual abuse of a minor;</li> <li>• Misdemeanor sexual assault;</li> <li>• Incest; or</li> <li>• Felony indecent exposure</li> </ul>	<p><u>Pure comparative negligence state</u></p> <p>Negligence of the claimant will reduce the claimant's recoverable damages. Calculation of recoverable damages involves reducing the damages by the proportion that the claimant's own fault bears to the total fault.</p> <p><u>Contributory negligence</u> is no longer applicable in AK.</p> <p><u>Pure Several Liability</u></p> <p>Assess damages against each party only according to its own degree of fault.</p>
Connecticut	<p>Sexual Abuse, Exploitation or Assault to a minor:</p> <ul style="list-style-type: none"> <li>• No later than 30 years from the date the person attains the age of majority</li> </ul> <p>Sexual Assault 1 or Aggravated Sexual Assault 1</p> <ul style="list-style-type: none"> <li>• Action may be brought at any time after the date of the act</li> </ul>	<p><u>Modified Comparative Negligence</u></p> <p>If the plaintiff's contributory negligence does not bar recovery (if not greater than the combined negligence of the person(s) against whom recovery is sought), damages will be diminished in proportion to the percentage of negligence attributed to the plaintiff.</p> <p><u>Comparative Fault</u></p> <p>Joint and several liability was abolished by statute. Each party against whom recovery is allowed shall be liable to the plaintiff only for such party's proportionate share of the recoverable damages.</p>

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Delaware	The Child Victim's Act of 2007 removed the statute of limitations for civil suits relating to child sexual abuse	<p><u>Comparative Negligence</u></p> <p>A plaintiff may recover damages if not more than 50% at fault; the recovery may be reduced by the percentage of plaintiff's negligence</p> <p><u>Joint Tortfeasors</u></p> <p>The joint tortfeasor statutory definition differs from the common law definition. Under common law, a finding of 1% negligence could result in the defendant paying the entire judgment. Under statute, the defendant is entitled to contribution from the other defendant(s).</p> <p>DE does recognize joint and several liability among defendants.</p>
Illinois	<p>Childhood Sexual Abuse that occurred when the person was under 18 years of age:</p> <ul style="list-style-type: none"> <li>• Within 20 years after the person attains the age of 18 years; or</li> <li>• Within 20 years of the date of discovery</li> </ul> <p>Predator Accountability<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• Within 10 years after the person attains the age of 18</li> </ul>	<p><u>Contributory Negligence</u></p> <p>If contributory negligence of the plaintiff is 51% or more of the total fault, the plaintiff will recover nothing. If the contributory negligence is 50% or less, the verdict will be reduced commensurate with the plaintiff's degree of fault.</p> <p><u>Joint and several liability</u></p> <p>All defendants found liable are jointly and severally liable for a plaintiff's medical and medically related expenses. For</p>

<sup>1</sup> The Predator Accountability Act includes the acts of 'sex trade' (i.e. promoting prostitution, exploitation of a child, child pornography, etc.) which may involved adults and youth. 740 ILCS 128/10.

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	<ul style="list-style-type: none"> <li>years; or</li> <li>• Within 10 years of the date of discover</li> </ul>	<p>non-medical damages, a defendant who is found less than 25% at fault is only severally liable for them.</p> <p>The fault to be considered for purposes of joint and several liability is the fault attributable to the plaintiff, non-settling defendants and any third-party defendant except the plaintiff's employer.</p>
Maine	There is no limitation for actions based upon sexual acts toward minors	<p><u>Modified comparative fault</u></p> <p>If a plaintiff is found to be equally or more at fault than the defendant, he/she is not entitled to recover anything. If the plaintiff's negligence is found to be less than the negligence of the defendant, the plaintiff's award may be reduced to reflect the share of fault.</p> <p>It remains an open question as to how the comparative fault provisions apply in multiple defendant actions.</p> <p><u>Joint and several liability</u></p> <p>ME imposes joint and several liability on multiple defendants' to an action.</p>
Virginia	Sexual Abuse occurring during the infancy of the person: <ul style="list-style-type: none"> <li>• Within 20 years after the cause of action accrues</li> </ul>	<p><u>Pure contributory negligence</u></p> <p>VA does not recognize comparative negligence. Any negligence on the part of the plaintiff which was the proximate cause of the accident will bar the plaintiff from recovery.</p>

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		<p><u>Joint and several liability</u></p> <p>If separate and independent acts of negligence of two defendants directly cause a single indivisible injury to a plaintiff, either or both of the defendants are responsible for the whole injury.</p> <p>If the plaintiff elects to recover from just one defendant, that defendant has the right to seek contribution from the other liable defendants. The right of contribution between joint tortfeasors means they also share the verdict rendered equally regardless of degree of negligence.</p>
Washington	<p>Childhood Sexual Abuse that occurred when the person was under the age of 18 and time is tolled until person reaches age of 18:</p> <ul style="list-style-type: none"> <li>• Within 3 years of the alleged act;</li> <li>• Within 3 years of the time discovery that injury was caused by said act; or</li> <li>• Within 3 years of the time of discovery that the act caused the injury for which the claim is brought.</li> </ul>	<p><u>Pure comparative fault</u></p> <p>Plaintiff's damages are reduced by percentage of fault. Contributory fault chargeable to the claimant proportionally diminishes the amount awarded as compensatory damages but does not bar recovery.</p> <p><u>Joint and several liability</u></p> <p>WA has abolished joint and several liability. Parties to a judgment are proportionately liable only for their share of the total fault except 1) where plaintiff was not at fault, 2) at-fault parties were acting in concert or 3) tortfeasor was an agent or servant of another party.</p>