



Testimony on House Bill No. 7409
The R.I. House Committee on the Judiciary
March 24, 2022

Dear Chairman Craven and Honorable Committee Members:

In its 2019 legislative session, amid extensive public debate and publicity, the General Assembly enacted an unprecedented and exceptionally long, prospective 35-year statute of limitations along with a 7-year discovery rule in recognition that minor victims may need extra time to initiate litigation. At that time House Judiciary Committee Chairman Robert Craven, stated: "*this brings justice to people who deserve it.*" (*R.I. General Assembly passes bill to extend sex-abuse statute of limitations*, Kathy Gregg, The Providence Journal, June 26, 2019). At a bill signing ceremony in August 2019, then Governor Gina Raimondo signed that bill into law ("*Sex-abuse survivors celebrate bill signing*," Brian Amaral, The Providence Journal, August 5, 2019).

Just three years later, House 7409 proposes to eviscerate all statutes of limitation – both prospectively and retroactively. Esteemed former Rhode Island Chief Justice Joseph Weisberger perhaps best summed up the balancing of an individual's right to seek redress, the need for a defendant to be allowed a fair defense, and for courts and society to have finality: "*The right to be free of stale claims in time comes to prevail over the right to prosecute them.*" *Anthony v. Abbott Laboratories*, 490 A.2d 43, 49 (R.I. 1985); see also *Farris v. Compton*, 652 A.2d 49, 57 (D.C. 1994) ("*Because time erases evidence, it becomes at some juncture fundamentally unfair to require a defendant to respond to allegations so stale that he cannot possibly marshal an effective defense to them.*").

House Bill 7409 would remove and undermine all the principles cited by Chief Justice Joseph Weisberger and other courts throughout the nation, including the United States Supreme Court, which undergird good and fair legal systems. Moreover, it is difficult to conceive of a more complete repudiation of the prevailing principles of statutes of limitations than the retroactive authorization of claims that have been barred for decades, which is what this Bill proposes. The proposal is so extreme that it is not surprising that courts have already concluded that such application would be violative of constitutional due process.

Statute of limitations are designed to enable claims to be investigated and decided fairly, while facts are fresh, memories are vivid, and relevant evidence is still available. Limitations periods also guarantee that judges and juries will not be so far removed in time from circumstances surrounding a case that they cannot interpret the evidence considering those circumstances.

Statutes of Limitations promote fairness and closure by: (i) preventing stale claims in which evidence is lost, memories change and witnesses disappear; (ii) encouraging plaintiffs to assert claims promptly; (iii) guarding against false claims; (iv) carrying out a strong public policy interest in promoting closure, allowing defendants an ability to plan for the future without uncertainty inherent in potential liability; and (v) ensuring that long-past actions will not be judged by contemporary standards. Thus, other personal injury claims are governed by a 3-year statute of limitations. See R.I. Gen. Laws 9-1-14.

For these reasons, the Rhode Island Catholic Conference expresses its serious reservations with House Bill 7409.

The Very Rev. Bernard A. Healey
Director of the RI Catholic Conference
bhealey@dioceseofprovidence.org