

Senate Bill No. 1939

CHAPTER 123

An act to amend Section 340.15 of the Code of Civil Procedure, relating to limitation of actions.

[Approved by Governor July 9, 1998. Filed with Secretary of State July 10, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1939, Alpert. Commencement of actions: domestic violence.

Existing law provides that the time for commencement for an action for injury or death suffered as a result of domestic violence, as specified, is 3 years from the date of the last act of domestic violence by the defendant against the plaintiff that gave rise to the cause of action.

This bill would revise existing law by providing that commencement of an action for recovery of damages suffered as a result of domestic violence shall be either within 3 years from the date of the last act of domestic violence by the defendant against the plaintiff or within 3 years of the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from an act of domestic violence, whichever occurs last.

The people of the State of California do enact as follows:

SECTION 1. Section 340.15 of the Code of Civil Procedure is amended to read:

340.15. (a) In any civil action for recovery of damages suffered as a result of domestic violence, the time for commencement of the action shall be the later of the following:

(1) Within three years from the date of the last act of domestic violence by the defendant against the plaintiff.

(2) Within three years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from an act of domestic violence by the defendant against the plaintiff.

(b) As used in this section, "domestic violence" has the same meaning as defined in Section 6211 of the Family Code.

