

2017 Bill 2

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 2

**AN ACT TO REMOVE BARRIERS
FOR SURVIVORS OF SEXUAL
AND DOMESTIC VIOLENCE**

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 2

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2017

AN ACT TO REMOVE BARRIERS FOR SURVIVORS OF SEXUAL AND DOMESTIC VIOLENCE

(Assented to , 2017)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cL-12

1 The *Limitations Act* is amended by this Act.

2 Section 3(1) is amended by striking out “section 11” and
substituting “sections 3.1 and 11”.

Explanatory Notes

1 Amends chapter L-12 of the Revised Statutes of Alberta 2000.

2 Section 3(1) presently reads:

3(1) Subject to subsections (1.1) and (1.2) and section 11, if a claimant does not seek a remedial order within

(a) 2 years after the date on which the claimant first knew, or in the circumstances ought to have known,

(i) that the injury for which the claimant seeks a remedial order had occurred,

(ii) that the injury was attributable to conduct of the defendant, and

(iii) that the injury, assuming liability on the part of the defendant, warrants bringing a proceeding,

or

3 The following is added after section 3:

No limitation period

3.1(1) There is no limitation period in respect of

- (a) a claim that relates to a sexual assault or battery,
- (b) a claim that relates to any misconduct of a sexual nature, other than a sexual assault or battery, if, at the time of the misconduct,
 - (i) the person with the claim was a minor,
 - (ii) the person with the claim was in an intimate relationship with the person who committed the misconduct, or
 - (iii) the person with the claim was dependent, whether financially, emotionally, physically or otherwise, on the person who committed the misconduct,

or

- (c) a claim that relates to an assault or battery, other than a sexual assault or battery, if, at the time of the assault or battery,
 - (i) the person with the claim was a minor,
 - (ii) the person with the claim was in an intimate relationship with the person who committed the assault or battery, or
 - (iii) the person with the claim was dependent, whether financially, emotionally, physically or otherwise, on the person who committed the assault or battery.

(b) 10 years after the claim arose,

whichever period expires first, the defendant, on pleading this Act as a defence, is entitled to immunity from liability in respect of the claim.

3 No limitation period.

(2) Subsection (1) applies to a claim in respect of an act that occurred before or after the coming into force of this section, regardless of the expiry of any previously applicable limitation period set out in section 3 or a predecessor of this Act.

RECORD OF DEBATE

Stage	Date	Member	From	To
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