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AB-250 Sexual assault: statute of limitations. (2025-2026)

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Assembly Bill No. 250

CHAPTER 682

An act to amend Section 340.16 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 250, Aguiar-Curry. Sexual assault: statute of limitations.

Existing law revives certain claims seeking to recover damages suffered as a result of a sexual assault that occurred on or after the plaintiff's 18th birthday when one or more entities are legally responsible for damages and the entity or their agents engaged in a cover up, as defined, that would otherwise be barred prior to January 1, 2023, solely because the applicable statute of limitations has or had expired. Existing law authorizes a cause of action for any such claim to proceed if already pending in court on January 1, 2023, or, if not filed by that date, to be commenced between January 1, 2023, and December 31, 2023. Existing law revives such claims brought by a plaintiff who alleges all of the following: (1) the plaintiff was sexually assaulted, (2) one or more entities are legally responsible for damages arising out of the assault, and (3) the entity or entities engaged in a cover up or attempted cover up, as defined, of a previous instance or allegations of sexual assault.

This bill would extend the eligibility period for revival of claims of the type described above to include claims that would otherwise be barred prior to January 1, 2026, because the applicable statute of limitations has or had expired. The bill would instead require a revived claim against an entity, as defined, to allege that the plaintiff was sexually assaulted and that (1) one or more entities or persons are legally responsible for damages arising out of sexual assault by an alleged perpetrator against the plaintiff, and (2) an entity or entities, including their specified representatives, engaged in a cover up or attempted a cover up of a previous instance or allegations of sexual assault by an alleged perpetrator. The bill would additionally revive a claim against the person who committed the sexual assault brought by a plaintiff who alleges, among other things, that one or more entities or persons are legally responsible for damages arising out of the sexual assault. The bill would specify that failure to allege a cover up as to one entity does not affect revival of a claim or claims against any other entity or person, including the perpetrator. The bill would permit a cause of action for any such claim to proceed if already pending in court on the effective date of the bill or, if not filed by that date, to be commenced between January 1, 2026, and December 31, 2027. The bill would exempt public entities from these provisions and would provide that public entities are not required to indemnify perpetrators of sexual assault, as specified. The bill would make conforming changes.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 340.16 of the Code of Civil Procedure is amended to read:

340.16. (a) In any civil action for recovery of damages suffered as a result of sexual assault, where the assault occurred on or after the plaintiff's 18th birthday, the time for commencement of the action shall be the later of the following:

(1) Within 10 years from the date of the last act, attempted act, or assault with the intent to commit an act, of sexual assault 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, attempted act, or assault with the intent to commit an act, of sexual assault against the plaintiff.

(b) (1) As used in this section, "sexual assault" means any of the crimes described in Section 243.4, 261, 264.1, 286, 287, or 289, or former Sections 262 and 288a, of the Penal Code, assault with the intent to commit any of those crimes, or an attempt to commit any of those crimes.

(2) For the purpose of this section, it is not necessary that a criminal prosecution or other proceeding have been brought as a result of the sexual assault or, if a criminal prosecution or other proceeding was brought, that the prosecution or proceeding resulted in a conviction or adjudication. This subdivision does not limit the availability of causes of action permitted under subdivision (a), including causes of action against persons or entities other than the alleged person who committed the crime.

(3) This section applies to any action described in subdivision (a) that is based upon conduct that occurred on or after January 1, 2009, and is commenced on or after January 1, 2019, that would have been barred solely because the applicable statute of limitations has or had expired. Such claims are hereby revived and may be commenced until December 31, 2026. This subdivision does not revive any of the following claims:

(A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2023.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2023.

(c) (1) Notwithstanding any other law, any claim seeking to recover more than two hundred fifty thousand dollars (\$250,000) in damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician occurring at a student health center between January 1, 1988, and January 1, 2017, that would otherwise be barred before January 1, 2020, solely because the applicable statute of limitations has or had expired, is hereby revived and, a cause of action may proceed if already pending in court on October 2, 2019, or, if not filed by that date, may be commenced between January 1, 2020, and December 31, 2020.

(2) This subdivision does not revive any of the following claims:

(A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2020.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2020.

(C) A claim brought against a public entity.

(3) An attorney representing a claimant seeking to recover under this subdivision shall file a declaration with the court under penalty of perjury stating that the attorney has reviewed the facts of the case and consulted with a mental health practitioner, and that the attorney has concluded on the basis of this review and consultation that it is the attorney's good faith belief that the claim value is more than two hundred fifty thousand dollars (\$250,000). The declaration shall be filed upon filing the complaint, or for those claims already pending, by December 1, 2019.

(d) (1) Notwithstanding any other law, any claim seeking to recover damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician while employed by a medical clinic owned and operated by the University of California, Los Angeles, or a physician who held active privileges at a hospital owned and operated by the University of California, Los Angeles, at the time that the sexual assault or other inappropriate contact, communication, or activity of a sexual nature occurred, between January 1, 1983, and January 1, 2019, that would otherwise be barred before January 1, 2021, solely because the applicable statute of limitations has or had expired, is hereby revived, and a cause of action may proceed if already pending in court on January 1, 2021, or, if not filed by that date, may be commenced between January 1, 2021, and December 31, 2021.

(2) This subdivision does not revive either of the following claims:

(A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2021.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2021.

(e) (1) Notwithstanding any other law, any claim seeking to recover damages suffered as a result of a sexual assault that occurred on or after the plaintiff's 18th birthday that would otherwise be barred before January 1, 2026, solely because the applicable statute of limitations has or had expired, is hereby revived, and a cause of action may proceed if already pending in court on January 1, 2026, or, if not filed by that date, may be commenced between January 1, 2026, and December 31, 2027.

(2) This subdivision revives claims against an entity brought by a plaintiff who alleges that the plaintiff was sexually assaulted and both of the following:

(A) One or more entities or persons, including, but not limited to, the perpetrator of the sexual assault, are legally responsible for damages arising out of sexual assault by an alleged perpetrator against the plaintiff.

(B) An entity or entities, including, but not limited to, their officers, directors, representatives, employees, or agents, engaged in a cover up or attempted a cover up of a previous instance or allegations of sexual assault by an alleged perpetrator of such abuse.

(3) This subdivision revives claims against the perpetrator of the sexual assault brought by a plaintiff who alleges that the plaintiff was sexually assaulted and that one or more entities or persons, including, but not limited to, the perpetrator of the sexual assault, are legally responsible for damages arising out of the sexual assault against the plaintiff.

(4) Failure to allege a cover up as required by subparagraph (B) of paragraph (2) as to one entity does not affect revival of the plaintiff's claim or claims against any other entity or person, including the perpetrator of the sexual assault.

(5) For purposes of this subdivision:

(A) "Cover up" means a concerted effort to hide evidence relating to a sexual assault that incentivizes individuals to remain silent or prevents information relating to a sexual assault from becoming public or being disclosed to the plaintiff, including, but not limited to, the use of nondisclosure agreements or confidentiality agreements.

(B) "Entity" means a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity, other than a public entity.

(C) "Legally responsible" means that the person, entity, or entities are liable under any theory of liability established by statute or common law, including, but not limited to, negligence, intentional torts, and vicarious liability.

(6) This subdivision revives any related claims, including, but not limited to, wrongful termination and sexual harassment, arising out of the sexual assault that is the basis for a claim pursuant to this subdivision.

(7) This subdivision does not revive any of the following claims:

(A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2026.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2026.

(C) A claim, including a direct claim, derivative claim, and a vicarious liability claim, brought against a public entity. For any claim against the perpetrator or other persons, a public entity shall not have a duty to indemnify the perpetrator or other persons under Section 825 of the Government Code or any other law.

(8) This subdivision shall not be construed to alter the otherwise applicable burden of proof, as defined in Section 115 of the Evidence Code, that a plaintiff has in a civil action subject to this section.

(9) Nothing in this subdivision precludes a plaintiff from bringing an action for sexual assault pursuant to subdivisions (a) and (b).