

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2018-D034
TITLE: Amend Canon IV.19.4 - Suspending Statute of Limitations
PROPOSER: The Rev. Dr. Molly James
TOPIC: Canons

Directly Related: (Attached)

2015-A144 On the Topic of Amending Canon IV.19.4 [Of General Provisions] (Rejected)
2009-A185 Amend Title IV.19.4(a) [Ecclesiastical Discipline]

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

1994-A019 Amend Canon IV [Ecclesiastical Discipline]

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.

D034 Amend Canon IV.19.4 - Suspending Statute of Limitations

Proposer	The Rev. Dr. Molly James
Endorsed by	Getz, Ms. Pauline; Montagno, The Rev. Karen
Sponsored by	Perschall, Ms. Amanda ; Hamilton, Mr. Curtis
Page numbers	Blue Book: p. N/A; Constitution & Canons: p. 166-167
HiA / Leg. Cttee	HD / 03 - Safeguarding and Title IV
Current Status	Pre-Filed Resolution
Version	Original (as filed)
Review Status	Not yet reviewed

RESOLUTION TEXT

- 1 *Resolved*, the House of _____ concurring, That the 79th General Convention amend Canon IV.19.4 to read as follows:
 - 2 Sec. 4(a) A Member of the Clergy shall not be subject to proceedings under this Title for acts committed more than ten years before the initiation of proceedings except:
 1. if a Member of the Clergy is convicted in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving immorality, proceedings may be initiated at any time within three years after the conviction or judgment becomes final;
 2. if an alleged Injured Person was under the age of twenty-one years at the time of the alleged acts, proceedings may be initiated at any time prior to the alleged Injured Person's attaining the age of twenty-five years; or
 3. if an alleged Injured Person is otherwise under disability at the time of the alleged acts, or if the acts alleged were not discovered, or the effects thereof were not realized, during the ten years immediately following the date of the acts alleged, the time within which proceedings may be initiated shall be extended to two years after the disability ceases or the alleged Injured Person discovers or realizes the effects of the acts alleged; provided, however, the time within which proceedings may be initiated shall not be extended beyond fifteen years from the date the acts are alleged to have been committed.
 - 3 (b) The time limits of Subsection (a) above shall not apply with respect to persons whose acts include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Injured Person was under the age of twenty-one years; in any such case, proceedings under this Title may be initiated at any time.
 - 4 (c) *The time limits of Subsection (a) above shall not apply with respect to persons whose acts include sexual misconduct, provided proceedings are initiated under this Title between December 2, 2018 and December 31, 2021.*
 - 5 (e d) Except as provided in Subsection (b) above, the time limitations for initiation of proceedings in this Section shall be retroactive only to January 1, 1996.
 - 6 (d e) No proceedings under this Title shall be initiated for acts which are alleged to violate Canon IV.3.1(a) or to constitute a breach of Canon IV.4.1(b), (c), (e) or (h)(2) unless the acts were

committed within or continued up to two years immediately preceding the time the proceedings are initiated.

- 7 (e f) For purposes of this Section 4, proceedings are initiated under this Title with respect to a particular Offense when specific allegations of the commission of that Offense are made to the Intake Officer.

EXPLANATION

Given the renewed efforts to mitigate the damage caused by sexual harassment and abuse in the church, it seems only fitting that the church, in turn, equip survivors courageous enough to share their stories with all possible tools in seeking justice. This would include lifting the statute of limitations for a season on sexual harassment and abuse to allow survivors who wish to do so, to pursue disciplinary action



Resolution Number: 2015-A144
Title: On the Topic of Amending Canon IV.19.4 [Of General Provisions]
Legislative Action Taken: Rejected [Died with adjournment]
Text of Resolution:

Resolved, the House of Deputies concurring, That Canon IV.19.4(b) be amended to read as follows:

(b) The time limits of Subsection (a) above shall not apply with respect to persons whose acts include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Injured Person was under the age of twenty-one years; in any such case, proceedings under this Title may be initiated at any time. *This provision excepting the time limits of Subsection (a) shall apply to: (1) the actual perpetrators of physical violence, sexual abuse, or sexual exploitation and (2) any other adults who aided and abetted such violence, sexual abuse, or sexual exploitation.*



Resolution Number: 2009-A185
Title: Amend Title IV [Ecclesiastical Discipline]
Legislative Action Taken: Concurred as Amended
Final Text:

[*Resolved*, that Canon IV.19.4 be amended to read as follows:]

Sec. 4.

(a) A Member of the Clergy shall not be subject to proceedings under this Title for acts committed more than ten years before the initiation of proceedings except:

(1) if a Member of the Clergy is convicted in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving immorality, proceedings may be initiated at any time within three years after the conviction or judgment becomes final;

(2) if an alleged Injured Person was under the age of twenty-one years at the time of the alleged acts, proceedings may be initiated at any time prior to the alleged Injured Person's attaining the age of twenty-five years; or

(3) if an alleged Injured Person is otherwise under disability at the time of the alleged acts, or if the acts alleged were not discovered, or the effects thereof were not realized, during the ten years immediately following the date of the acts alleged, the time within which proceedings may be initiated shall be extended to two years after the disability ceases or the alleged Injured Person discovers or realizes the effects of the acts alleged; *provided, however*, the time within which proceedings may be initiated shall not be extended beyond fifteen years from the date the acts are alleged to have been committed.

(b) The time limits of Subsection (a) above shall not apply with respect to persons whose acts include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Injured Person was under the age of twenty-one years; in any such case, proceedings under this Title may be initiated at any time.

(c) Except as provided in Subsection (b) above, the time limitations for initiation of proceedings in this Section shall be retroactive only to January 1, 1996.

(d) No proceedings under this Title shall be initiated for acts which are alleged to violate Canon IV.3.1(a) or to constitute a breach of Canon IV.4.1(b), (c), (e) or (h)(2) unless the acts were committed within or continued up to two years immediately preceding the time the proceedings are initiated.

(e) For purposes of this Section 4, proceedings are initiated under this Title with respect to a particular Offense when specific allegations of the commission of that Offense are made to the Intake Officer.

Citation: Canon IV.19.4 is excerpted from the Final Text of 2009-A185, which revised Canon IV. See General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 2009* (New York: General Convention, 2009), pp. 227-266.