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Statute of Limitations Change in Human Trafficking Litigation for Minors

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The hospitality industry has seen an uptick in recent litigation related to human trafficking. Thus far, franchisors have been successful in certain trial and appellate courts in arguing that Trafficking Victims Protection Reauthorization Act (TVPRA) civil claims do not apply to franchisors solely because a franchise relationship exists.¹ See 18 U.S.C. § 1595(a).

Last week, President Biden signed the Eliminating Limits to Justice for Child Sex Abuse Victims Act into law, which eliminates the statute of limitations for TVPRA civil claims brought by minors. See 18 U.S.C. § 2255. Previously, the statute of limitations was 10 years after the plaintiff's 18th birthday or 10 years after the injury was discovered.

The new law is not retroactive (i.e., claims that were barred before the Act's passage remain barred). In other words, there will be no statute of limitations for TVPRA civil claims brought by any potential claimant currently under 28 years old. There is, likewise, no statute of limitations for criminal child sex abuse charges under federal law. In terms of scope, this Act applies to human trafficking as well as child sexual abuse civil claims.

While the Act may seem expansive, practically speaking, civil claims against franchisors are likely to continue to be narrowly construed by courts to achieve the primary purposes of the Act.

¹ See *Doe #1 v. Red Roof Inns, Inc.*, 21 F.4th 714 (11th Cir. 2021) (holding that the allegations did not "show that the franchisors participated in a common undertaking involving risk or profit that violated the TVPRA").