

1 H.17

2 Introduced by Representatives Jewett of Ripton, Grad of Moretown, Marek of
3 Newfane and Pellett of Chester

4 Referred to Committee on

5 Date:

6 Subject: Crimes; court procedure; statute of limitations for child sexual abuse

7 Statement of purpose: This bill proposes to eliminate prospectively the statute
8 of limitations for criminal sexual offenses committed upon persons under the
9 age of 18, and proposes to eliminate retroactively the statute of limitations for
10 civil actions based on childhood sexual abuse.

11 AN ACT RELATING TO ELIMINATING THE STATUTE OF
12 LIMITATIONS FOR SEXUAL OFFENSES COMMITTED UPON A
13 CHILD

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 12 V.S.A. § 522 is amended to read:

16 § 522. ACTIONS BASED ON CHILDHOOD SEXUAL ABUSE

17 (a) A civil action brought by any person for recovery of damages for injury
18 or condition suffered as a result of childhood sexual abuse ~~shall be commenced~~
19 ~~within six years of~~ may be commenced at any time after the act alleged to have
20 caused the injury or condition, ~~or six years of the time the victim discovered~~
21 ~~that the injury or condition was caused by that act, whichever period expires~~

1 ~~later.~~ The victim need not establish which act in a series of continuing sexual
2 abuse or exploitation incidents caused the injury or condition.

3 (b) ~~If a complaint is filed alleging an act of childhood sexual abuse which~~
4 ~~occurred more than six years prior to the date the action is commenced, the~~
5 ~~complaint shall immediately be sealed by the clerk of the court. The complaint~~
6 ~~shall remain sealed until the answer is served or, if the defendant files a motion~~
7 ~~to dismiss under Rule 12(b) of the Vermont Rules of Civil Procedure, until the~~
8 ~~court rules on that motion. If the complaint is dismissed, the complaint and~~
9 ~~any related papers or pleadings shall remain sealed. Any hearing held in~~
10 ~~connection with the motion to dismiss shall be in camera.~~

11 (e) As used in this section, “childhood sexual abuse” means any act
12 committed by the defendant against a complainant who was less than 18 years
13 of age at the time of the act and which act would have constituted a violation
14 of a statute prohibiting lewd and lascivious conduct, lewd or lascivious
15 conduct with a child, sexual assault, or aggravated sexual assault in effect at
16 the time the act was committed.

17 (c) This section shall apply retroactively to all causes of action based on
18 childhood sexual abuse occurring before July 1, 2009.

19 Sec. 2. 13 V.S.A. § 4501(c) is amended to read:

20 (c)(1) Prosecutions For offenses committed prior to July 1, 2009,
21 prosecutions for sexual assault, lewd and lascivious conduct, and lewd or

1 lascivious conduct with a child, alleged to have been committed against a child
2 16 years of age or under, shall be commenced within the earlier of the date the
3 victim attains the age of 24 or six years from the date the offense is reported,
4 and not after. For purposes of this subsection, an offense is reported when a
5 report of the conduct constituting the offense is made to a law enforcement
6 officer by the victim.

7 (2) For offenses committed on or after July 1, 2009, prosecutions for sexual
8 assault, lewd and lascivious conduct, and lewd or lascivious conduct with a
9 child alleged to have been committed against a child 18 years of age or under
10 may be commenced at any time after the commission of the offense.

11 Sec. 3. REPEAL

12 12 V.S.A. § 560 (childhood sexual abuse) is repealed.