TO THE HONORABLE SENATE:

The Committee on Judiciary to which was referred House Bill No. 330 entitled “An act relating to repealing the statute of limitations for civil actions based on childhood sexual abuse” respectfully reports that it has considered the same and recommends that the Senate propose to the House that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 522. ACTIONS BASED ON CHILDHOOD SEXUAL ABUSE

(a) A civil action brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall may be commenced within six years of at any time after the act alleged to have caused the injury or condition, or six years of the time the victim discovered that the injury or condition was caused by that act, whichever period expires later. The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury.

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

(c) As used in this section, “childhood sexual abuse” means any act
committed by the defendant against a complainant who was less than 18 years
of age at the time of the act and which act would have constituted a violation
of a statute prohibiting lewd and lascivious conduct, lewd or lascivious
conduct with a child, felony sexual exploitation of a minor in violation of 13
V.S.A. § 3258(c), sexual assault, or aggravated sexual assault in effect at the
time the act was committed.

(d) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to
childhood sexual abuse that occurred prior to the effective date of this act,
irrespective of any statute of limitations in effect at the time the abuse
occurred. In an action based on childhood sexual abuse that would have been
barred by any statute of limitations in effect on June 30, 2019, damages may be
awarded against an entity that employed, supervised, or had responsibility for
the person allegedly committing the sexual abuse only if there is a finding of
gross negligence on the part of the entity.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2019.
(Committee vote: ____________)


Senator _________________

FOR THE COMMITTEE