TO THE HOUSE OF REPRESENTATIVES:

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 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. [Repealed.]

(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, 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 occurred prior to
the effective date of this act, 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.

OR

Sec. 2. APPLICABILITY TO TIME-BARRED ACTIONS

A civil action brought by any person for recovery of damages for injury
suffered as a result of childhood sexual abuse as defined in 12 V.S.A. § 522(c)
that would have been barred by any statute of limitations in effect on June 30,
2019, may, notwithstanding any applicable limitations period, be brought in
the Civil Division of the Superior Court on or before July 1, 2021, and not
after. In an action brought pursuant to this section, 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. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: ____________)

_______________________
Representative __________

FOR THE COMMITTEE