

1 TO THE HOUSE OF REPRESENTATIVES:

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

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

8 § 522. ACTIONS BASED ON CHILDHOOD SEXUAL ABUSE

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

16 (b) If a complaint is filed alleging an act of childhood sexual abuse which  
17 occurred more than six years prior to the date the action is commenced, the  
18 complaint shall immediately be sealed by the clerk of the court. The complaint  
19 shall remain sealed until the answer is served or, if the defendant files a motion  
20 to dismiss under Rule 12(b) of the Vermont Rules of Civil Procedure, until the  
21 court rules on that motion. If the complaint is dismissed, the complaint and any

1 related papers or pleadings shall remain sealed. Any hearing held in connection  
2 with the motion to dismiss shall be in camera. ~~Repealed.~~

3 (c) As used in this section, “childhood sexual abuse” means any act  
4 committed by the defendant against a complainant who was less than 18 years  
5 of age at the time of the act and which act would have constituted a violation  
6 of a statute prohibiting lewd and lascivious conduct, lewd or lascivious  
7 conduct with a child, sexual assault, or aggravated sexual assault in effect at  
8 the time the act was committed.

9 ~~(d) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to~~  
10 ~~childhood sexual abuse that occurred prior to the effective date of this act,~~  
11 ~~irrespective of any statute of limitations in effect at the time the abuse~~  
12 ~~occurred. In an action based on childhood sexual abuse that occurred prior to~~  
13 ~~the effective date of this act, damages may be awarded against an entity that~~  
14 ~~employed, supervised, or had responsibility for the person allegedly~~  
15 ~~committing the sexual abuse only if there is a finding of gross negligence on~~  
16 ~~the part of the entity.~~

17 **OR**

18 Sec. 2. APPLICABILITY TO TIME-BARRED ACTIONS

19 A civil action brought by any person for recovery of damages for injury  
20 suffered as a result of childhood sexual abuse as defined in 12 V.S.A. § 522(c)  
21 that would have been barred by any statute of limitations in effect on June 30,

1 2019, may, notwithstanding any applicable limitations period, be brought in  
2 the Civil Division of the Superior Court on or before July 1, 2021, and not  
3 after. In an action brought pursuant to this section, damages may be awarded  
4 against an entity that employed, supervised, or had responsibility for the person  
5 allegedly committing the sexual abuse only if there is a finding of gross  
6 negligence on the part of the entity.

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on July 1, 2019.

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(Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE