

1 TO THE HONORABLE SENATE:

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 Senate propose to the House that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

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

9 § 522. ACTIONS BASED ON CHILDHOOD SEXUAL ABUSE

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

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

1 court rules on that motion. If the complaint is dismissed, the complaint and
2 any related papers or pleadings shall remain sealed. Any hearing held in
3 connection with the motion to dismiss shall be in camera.

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

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

19 Sec. 2. EFFECTIVE DATE

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

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE