

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 99
3 entitled “An act relating to repealing the statute of limitations for civil actions
4 based on childhood physical abuse” respectfully reports that it has considered
5 the 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 OR PHYSICAL
9 ABUSE

10 (a) A civil action brought by any person for recovery of damages for injury
11 suffered as a result of childhood sexual or physical abuse may be commenced
12 at any time after the act alleged to have caused the injury or condition. The
13 victim need not establish which act in a series of continuing physical abuse or
14 sexual abuse or exploitation incidents caused the injury.

15 (b) If a complaint is filed alleging an act of childhood sexual or physical
16 abuse, the complaint shall immediately be sealed by the clerk of the court. The
17 complaint shall remain sealed until the answer is served or, if the defendant
18 files a motion to dismiss under Rule 12(b) of the Vermont Rules of Civil
19 Procedure, until the court rules on that motion. If the complaint is dismissed,
20 the complaint and any related papers or pleadings shall remain sealed. Any
21 hearing held in connection with the motion to dismiss shall be in camera.

1 (c) As used in this section:

2 (1) ~~“childhood~~ “Childhood sexual abuse” means any act committed by
3 the defendant against a complainant who was ~~less than~~ under 18 years of age at
4 the time of the act and which act would have constituted a violation of a statute
5 prohibiting lewd and lascivious conduct, lewd or lascivious conduct with a
6 child, felony sexual exploitation of a minor in violation of 13 V.S.A.
7 § 3258(c), sexual assault, or aggravated sexual assault in effect at the time the
8 act was committed.

9 (2) “Childhood physical abuse” means any act other than an attempt
10 committed by the defendant against a complainant who was under 18 years of
11 age at the time of the act and which act would have constituted a violation of a
12 statute prohibiting aggravated assault in effect at the time the act was
13 committed.

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

1 (e) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to
2 childhood physical abuse that occurred prior to July 1, 2021, irrespective of
3 any statute of limitations in effect at the time the abuse occurred. In an action
4 based on childhood physical abuse that would have been barred by any statute
5 of limitations in effect on June 30, 2021, damages may be awarded against an
6 entity that employed, supervised, or had responsibility for the person allegedly
7 committing the physical abuse only if there is a finding of gross negligence on
8 the part of the entity.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2021.

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17 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE