

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2605

2015 Carryover

(BY DELEGATES MOORE, HORNBUCKLE AND SHOTT)

[Introduced January 13, 2016;
referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating
 2 generally to limitations on civil actions accruing to persons under legal disability; and
 3 removing the limitation on actions against the perpetrator of sexual assault or sexual
 4 abuse upon a minor.

Be it enacted by the Legislature of West Virginia:

1 That §55-2-15 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.

§55-2-15. Special and general saving savings as to persons under disability.

1 (a) A personal action for damages resulting from sexual assault or sexual abuse of a
 2 person who was, at the time of the act or acts alleged, an infant may be brought against the
 3 perpetrator of the sexual assault or abuse at any time without limitation.
 4 (b) If any person to whom the right accrues to bring any ~~such~~ personal action other than
 5 an action described in subsection (a) of this section, suit or scire facias, or any ~~such~~ bill to repeal
 6 a grant, shall be, at the time the same accrues, an infant or insane, the same may be brought
 7 within the like number of years after his or her becoming of full age or sane that is allowed to a
 8 person having no such impediment to bring the same after the right accrues, or after such
 9 acknowledgment as is mentioned in section eight of this article, except that it shall in no case be
 10 brought after twenty years from the time when the right accrues.

NOTE: The purpose of this bill is to remove the time limitation for a plaintiff to bring a suit or personal action against a defendant who committed sexual assault or sexual abuse on the plaintiff when the plaintiff was a minor.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.