

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4559

BY DELEGATES SHOTT, BYRD, PUSHKIN, S. BROWN,

FAST, STEELE AND N. BROWN

[Introduced January 28, 2020; 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 to modifying the limitations on civil actions against the perpetrator of sexual assault or
3 sexual abuse upon a minor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. LIMITATIONS OF ACTIONS AND SUITS.

§55-2-15. Special and general 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 an infant at the time of the act or acts alleged, shall be brought against the
3 perpetrator of the sexual assault or abuse within ~~four~~ 10 years after reaching the age of majority
4 or within ~~four~~ 10 years after discovery of the sexual assault or sexual abuse, whichever is longer.

5 (b) If any person to whom the right accrues to bring any personal action other than an
6 action described in subsection (a) of this section, suit or *scire facias*, or any bill to repeal a grant,
7 shall be, at the time the same accrues, an infant or insane, the same may be brought within the
8 like number of years after his or her becoming of full age or sane that is allowed to a person
9 having no such impediment to bring the same after the right accrues, or after such
10 acknowledgment as is mentioned in section eight of this article, except that it shall in no case be
11 brought after 20 years from the time when the right accrues.

NOTE: The purpose of this bill is to extend the time limitation to 10 years for a plaintiff to bring a civil 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 a heading or the present law and underscoring indicates new language that would be added.