

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 709

BY SENATORS HAMILTON, PREZIOSO, ROMANO, BALDWIN,

LINDSAY, AND WOELFEL

[Introduced February 5, 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 removing the limitation on actions for damages due to sexual assault or sexual abuse
 3 upon a minor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. LIMITATION 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 at anytime without
 3 limitation ~~against the perpetrator of the sexual assault or abuse within four years after reaching~~
 4 ~~the age of majority or within four years after discovery of the sexual assault or sexual abuse,~~
 5 ~~whichever is longer~~ a person or organization who was a cause of the plaintiff's damages either
 6 by: Committing sexual assault or sexual abuse against the plaintiff; or by negligence.

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