

1 **H. B. 4618**

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3 (By Delegate D. Poling (By Request)
4 [Introduced February 20, 2012; referred to the
5 Committee on the Judiciary.]
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10 A BILL to amend and reenact §55-2-12 of the Code of West Virginia,
11 1931, as amended, relating to limitations of actions and
12 suits; and providing for an extension of limitations to file
13 a civil action for a claim of sexual abuse against a minor
14 causing psychological injury or illness.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §55-2-12 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.**

19 **§55-2-12. Personal actions not otherwise provided for.**

20 (a) Every personal action for which no limitation is otherwise
21 prescribed shall be brought: ~~(a)~~ (1) Within two years next after
22 the right to bring the same shall have accrued, if it be for damage
23 to property; ~~(b)~~ (2) within two years next after the right to bring

1 the same shall have accrued if it be for damages for personal
2 injuries; and ~~(c)~~ (3) within one year next after the right to bring
3 the same shall have accrued if it be for any other matter of such
4 nature that, in case a party die, it could not have been brought at
5 common law by or against his or her personal representative.

6 (b) Notwithstanding any other provision of this code to the
7 contrary, a personal action for the claim of sexual abuse to a
8 minor causing psychological injury or illness shall be brought
9 within three years of the date that the plaintiff discovers or
10 reasonably should have discovered that psychological injury or
11 illness occurred, and after reaching the age of majority.

NOTE: The purpose of this bill is to extend the statute of limitations, to file a civil action for a claim of sexual abuse against a minor causing psychological injury or illness, to within three years after plaintiff discovers or reasonably should have discovered the psychological injury or illness, after reaching the age of majority.

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