

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 308

By Senators Woelfel, Deeds, and Caputo

[Introduced January 12, 2024; 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 to
 2 eliminating the limitations period for a civil action based on a personal action of childhood
 3 sexual assault or abuse only for the purposes of filing claims against a bankruptcy estate.

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 against the
 3 perpetrator of the sexual assault or sexual abuse, within 18 years after reaching the age of
 4 majority, or within four years after discovery of the sexual assault or sexual abuse, whichever is
 5 longer. A personal action for damages resulting from sexual assault or sexual abuse of a person
 6 who was an infant at the time of the act or acts alleged shall be brought against a person or entity
 7 which aided, abetted, or concealed the sexual assault or sexual abuse within 18 years after
 8 reaching the age of majority.

9 (1) Only for the purposes of making claims against a bankruptcy estate, a personal action
 10 for damages resulting from sexual assault or sexual abuse of a person who was an infant at the
 11 time of the act or acts alleged, may be brought at any time after the cause of action accrues.

12 (2) For the purposes of this section, a personal action for damages resulting from sexual
 13 assault or sexual abuse of a person who was an infant at the time of the act or acts alleged,
 14 accrues upon the date on which the victim reaches the age of majority.

15 (b) If any person to whom the right accrues to bring any personal action other than an
 16 action described in subsection (a) of this section, suit, or scire facias, or any bill to repeal a grant,
 17 shall be, at the time the same accrues, an infant or insane, the same may be brought within the like
 18 number of years after his or her becoming of full age or sane that is allowed to a person having no
 19 such impediment to bring the same after the right accrues, or after such acknowledgment as is
 20 mentioned in §55-2-8 of this code, except that it shall in no case be brought after 20 years from the

21 time when the right accrues.

22 (c) The amendments to this section enacted during the 2020 Regular Session of the
23 Legislature are intended to extend the statute of limitations for all actions whether or not an earlier
24 established period of limitation has expired.

NOTE: The purpose of this bill is to eliminate the limitations period for a civil action based on a personal action of childhood sexual assault or abuse only for the purposes of filing claims against a bankruptcy estate.

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