ACT NO. 8953

BILL NO. 35-0402

THIRTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2024

An Act amending title 5 Virgin Islands Code, subtitle I, chapter 3, sections 31 and 36 extending the statute of limitations to bring a civil action involving childhood sexual abuse

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WHEREAS, the Legislature of the Virgin Islands recognizes that sexual crimes against individuals under the age of 18 are particularly sensitive and can cause severe trauma to young victims; and

WHEREAS, these crimes often go unreported due to the victim's fear of disclosing such distressing experiences, threats from the abuser, or the abuser's familial connections; and

WHEREAS, the Legislature also acknowledges that many child victims are unable to come forward sooner due to the trauma they have endured; and

WHEREAS, as adults, these victims may only begin to connect their childhood assault to its long-term effects when they seek therapeutic help years later, a phenomenon known as "Delayed Discovery"; and

WHEREAS, Delayed Discovery occurs when emotional or psychological trauma, often coupled with repression, prevents the victim from realizing the abuse until adulthood, typically after receiving counseling or therapy and many of the injuries stemming from childhood sexual abuse do not become apparent until much later in life; and

WHEREAS, the Legislature finds that criminal prosecution for sexual offenses is not restricted by the applicable statute of limitations, allowing for prosecution at any time when an adult discovers they were a victim of sexual abuse as a child under eighteen and this option remains available regardless of the time that has passed, as provided by 5 V.I.C § 3541; and

WHEREAS, however, the Legislature finds that the same flexibility does not extend to civil cases involving sexual abuse that occurred when the victim was under 18 but was only discovered in adulthood and after more than two years had passed and these cases are currently barred by the two-year statute of limitations under 5 V.I.C § 31(a)(5) and 5 V.I.C § 36(a)(1); and

WHEREAS, the Legislature finds that the expiration of the statute of limitations for child sexual abuse victims has prevented many valid civil claims, allowing perpetrators to evade civil liability and where there is sufficient evidence to establish civil liability; and

WHEREAS, the mere passage of time should not prevent child sexual abuse victims from seeking justice; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 5 Virgin Islands Code, subtitle I, chapter 3 is amended as follows:

(a) In section 31 by inserting a paragraph (7) to read as follows:

"(7) (A) There is no statute of limitation on an action brought by any person for recovery of damages for injury suffered from childhood sexual or physical abuse as described title 14 Virgin Islands Code, section 503, which may be commenced against a person, legal entity, abusers, their enablers, their aiders or abettors, those acting in concert with them and their institutions. The action may be commenced at any time after the act alleged to have caused the injury or condition. The victim need not establish which act in a series of continuing physical abuse or sexual abuse, or exploitation incidents caused the injury.

(B) Application. This paragraph applies to all actions based on alleged sexual acts against minors regardless of the date of the alleged sexual act occurred and regardless of whether the statute of limitations on these actions expired prior to the effective date of this paragraph.

(b) In section 36, subsection (a) (3) by inserting the following at the end: "except as provided in section 31 (7) of this chapter".

Thus passed by the Legislature of the Virgin Islands on November 20, 2024.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 21st day of November, A.D., 2024.

Novelle E. Francis, Jr.
President

Carla J. Joseph
Secretary

Bill No. 35-0402 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 2nd day of December 2024 A.D.

Tregenza A. Roach, Esq.
Acting Governor