

119TH CONGRESS
2D SESSION

S. _____

To amend title 18, United States Code, to create a civil cause of action for certain crimes and to eliminate the statute of limitations for civil actions relating to certain crimes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to create a civil cause of action for certain crimes and to eliminate the statute of limitations for civil actions relating to certain crimes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Virginia’s Law”.

5 **SEC. 2. CIVIL REMEDIES.**

6 (a) SEXUAL ABUSE.—

1 (1) IN GENERAL.—Chapter 109A of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 2249. Civil remedy**

5 “(a) An individual who is a victim of a violation of
6 this chapter may bring a civil action against the perpe-
7 trator (or whoever knowingly benefits, or attempts or con-
8 spires to benefit, financially or by receiving anything of
9 value from participation in a venture which that person
10 knew or should have known has engaged in an act in viola-
11 tion of this chapter) in any district court of the United
12 States that has jurisdiction to hear a criminal prosecution
13 arising out of the same conduct or occurrence and may
14 recover damages and reasonable attorneys fees.

15 “(b)(1) Any civil action filed under subsection (a)
16 shall be stayed during the pendency of any criminal action
17 arising out of the same occurrence in which the claimant
18 is the victim.

19 “(2) In this subsection, the term ‘criminal action’ in-
20 cludes investigation and prosecution and is pending until
21 final adjudication in the trial court.

22 “(c)(1) Subject to paragraph (2), no action may be
23 maintained under subsection (a) unless it is commenced
24 not later than the later of—

1 “(A) 10 years after the cause of action arose;

2 or

3 “(B) 10 years after the victim reaches 18 years

4 of age, if the victim was a minor at the time of the

5 alleged offense.

6 “(2) There shall be no time limit for the filing of a

7 complaint commencing an action under this section relat-

8 ing to an alleged violation of section 2241, 2242, or

9 2243.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-

11 tions for chapter 109A of title 18, United States

12 Code, is amended by adding at the end the fol-

13 lowing:

“2249. Civil remedy.”.

14 (b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIV-

15 ITY AND RELATED CRIMES.—

16 (1) IN GENERAL.—Chapter 117 of title 18,

17 United States Code, is amended by adding at the

18 end the following:

19 **“§ 2430. Civil remedy**

20 “(a) An individual who is a victim of a violation of

21 this chapter may bring a civil action against the perpe-

22 trator (or whoever knowingly benefits, or attempts or con-

23 spires to benefit, financially or by receiving anything of

24 value from participation in a venture which that person

25 knew or should have known has engaged in an act in viola-

tion of this chapter) in any district court of the United States that has jurisdiction to hear a criminal prosecution arising out of the same conduct or occurrence and may recover damages and reasonable attorneys fees.

“(b)(1) Any civil action filed under subsection (a) shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

“(2) For purposes of this subsection, a ‘criminal action’—

“(A) includes investigation and prosecution;
and

“(B) is pending until final adjudication in the trial court.

“(c)(1) Except as provided in paragraph (2), no action may be maintained under subsection (a) unless it is commenced not later than the later of—

“(A) 10 years after the cause of action arose;
or

“(B) 10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the alleged offense.

“(2) There shall be no time limit for the filing of a complaint commencing an action under this section relat-

1 ing to an alleged violation of section 2421, 2422, or
2 2423.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for chapter 117 of title 18, United States
5 Code, is amended by adding at the end the fol-
6 lowing:

“2430. Civil remedy.”.

7 **SEC. 3. ELIMINATION OF STATUTE OF LIMITATIONS.**

8 Section 1595 of title 18, United States Code, is
9 amended—

10 (1) in subsection (a), by striking “an appro-
11 priate district court of the United States” and in-
12 serting “any district court of the United States that
13 has jurisdiction to hear a criminal prosecution aris-
14 ing out of the same conduct or occurrence”; and

15 (2) in subsection (c)—

16 (A) by redesignating paragraphs (1) and
17 (2) as subparagraphs (A) and (B), respectively,
18 and adjusting the margins accordingly;

19 (B) in the matter preceding subparagraph
20 (B), as so redesignated, by striking “(c) No ac-
21 tion” and inserting the following:

22 “(c)(1) Subject to paragraph (2), no action”; and

23 (C) by adding at the end the following:

24 “(2) There shall be no time limit for the filing of a
25 complaint commencing an action under this section relat-

1 ing to an alleged violation of section 1589, 1590, or
2 1591.”.

3 **SEC. 4. APPLICABILITY.**

4 (a) IN GENERAL.—Subject to subsection (b), this Act
5 and the amendments made by this Act shall apply to—

6 (1) any claim or action that, as of the date of
7 enactment of this Act, would not have been barred
8 under section 1595(c) of title 18, United States
9 Code, as in effect on the day before the date of en-
10 actment of this Act; and

11 (2) any claim or action arising on or after the
12 date of enactment of this Act.

13 (b) 1-YEAR LOOK BACK PERIOD.—

14 (1) COVERED ACTION DEFINED.—In this sub-
15 section, the term “covered action”—

16 (A) means—

17 (i) a civil action that could have been
18 brought on the day before the date of en-
19 actment of this Act under section 2249 or
20 2430 of title 18, United States Code, as
21 added by this Act, if that section had been
22 in effect on that day; and

23 (ii) a civil action under section 1595
24 of title 18, United States Code, relating to
25 an alleged violation of section 1589, 1590,

1 or 1591 of that title that was barred under
2 section 1595(c) of that title as in effect on
3 the day before the date of enactment of
4 this Act; and

5 (B) includes a civil action described in sub-
6 paragraph (A)(ii) that was dismissed before the
7 date of enactment of this Act on the basis of
8 the time limit imposed on commencing an ac-
9 tion under section 1595(c) of title 18, United
10 States Code, as in effect on the day before the
11 date of enactment of this Act.

12 (2) FILING PERIOD.—Notwithstanding any
13 other provision of law, a covered action may be com-
14 menced during the 1-year period beginning on the
15 date of enactment of this Act.