

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 585
PROPOSED COMMITTEE SUBSTITUTE H585-PCS10288-TC-22

Short Title: Extend Statute of Limitations/Child Sex Abuse.

(Public)

Sponsors:

Referred to:

April 6, 2017

1 A BILL TO BE ENTITLED
2 AN ACT EXTENDING THE STATUTE OF LIMITATIONS FOR A CIVIL ACTION FOR
3 CHILD SEXUAL ABUSE SO THAT A PLAINTIFF HAS UNTIL AGE FORTY TO
4 COMMENCE AN ACTION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 1-17 is amended by adding a new subsection to read:

7 "(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a
8 plaintiff may file a civil action against a defendant for sexual abuse suffered while the plaintiff
9 was under 18 years of age until the plaintiff attains 40 years of age."

10 SECTION 2. G.S. 1-52 reads as rewritten:

11 "§ 1-52. Three years.

12 Within three years an action -

13 ...

14 (5) For criminal conversation, or for any other injury to the person or rights of
15 another, not arising on contract and not hereafter ~~enumerated~~enumerated,
16 except as provided by G.S. 1-17(d).

17 ...

18 (16) Unless otherwise provided by law, for personal injury or physical damage to
19 claimant's property, the cause of action, except in causes of actions referred
20 to in G.S. 1-15(c), shall not accrue until bodily harm to the claimant or
21 physical damage to his property becomes apparent or ought reasonably to
22 have become apparent to the claimant, whichever event first occurs. Except
23 as provided in ~~G.S. 130A-26.3~~, G.S. 130A-26.3 or G.S. 1-17(d), no cause of
24 action shall accrue more than 10 years from the last act or omission of the
25 defendant giving rise to the cause of action.

26 ...

27 (19) For assault, battery, or false ~~imprisonment~~imprisonment, except as provided
28 by G.S. 1-17(d).

29"

30 SECTION 3. G.S. 1-56 reads as rewritten:

31 "§ 1-56. All other actions, 10 years.

32 (a) ~~An~~Except as provided by subsection (b) of this section, an action for relief not
33 otherwise limited by this subchapter may not be commenced more than 10 years after the cause
34 of action has accrued.

35 (b) A civil action against a defendant for sexual abuse suffered while the plaintiff was
36 under 18 years of age is not subject to the limitation in this section."



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1 **SECTION 4.** Effective from October 1, 2017, until September 30, 2018, this act
2 revives any civil action against a defendant for sexual abuse suffered while the plaintiff was
3 under 18 years of age otherwise time barred under G.S. 1-52 as it existed immediately before
4 the enactment of this act.

5 **SECTION 5.** If any provision of this act or its application is held invalid, the
6 invalidity does not affect other provisions or applications of this act that can be given effect
7 without the invalid provisions or application, and to this end, the provisions of this act are
8 severable.

9 **SECTION 6.** Except as specifically provided by Section 4 of this act, this act
10 becomes effective October 1, 2017, and applies to civil actions commenced on or after that
11 date.