

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 37
PROPOSED COMMITTEE SUBSTITUTE H37-PCS30475-TVa-32

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

(Public)

Sponsors:

Referred to:

February 7, 2019

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 THIRTY-EIGHT
4 TO COMMENCE AN ACTION AND TO REQUIRE TRAINING ON CHILD SEX ABUSE
5 AND SEX TRAFFICKING FOR SCHOOL PERSONNEL.

6 The General Assembly of North Carolina enacts:

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

8 "(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a
9 plaintiff may file a civil action against a defendant for sexual abuse suffered while the plaintiff
10 was under 18 years of age until the plaintiff attains 38 years of age."

11 **SECTION 2.(a)** G.S. 1-52 reads as rewritten:

12 "**§ 1-52. Three years.**

13 Within three years an action -

14 ...

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

18 ...

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

27 ...

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

30"

31 **SECTION 2.(b)** Effective from January 1, 2020, until December 31, 2021, this
32 section revives any civil action for child sexual abuse otherwise time-barred under G.S. 1-52 as
33 it existed immediately before the enactment of this act.

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

35 "**§ 1-56. All other actions, 10 years.**



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1 training program shall do so by January 1, 2020, and training shall be required for school
2 personnel beginning with the 2020-2021 school year.

3 **SECTION 5.** There is appropriated from the General Fund to the Department of
4 Public Instruction the sum of fifty thousand dollars (\$50,000) for the 2019-2020 fiscal year to
5 assist local school administrative units, charter schools, regional schools, innovative schools, and
6 laboratory schools in implementing the training requirement in Section 4 of this act.

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

11 **SECTION 7.** Except as specifically provided, this act is effective when it becomes
12 law, and Section 2 of this act applies to civil actions commenced on or after that date.