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 Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a "(d) plaintiff may file a civil action against a defendant for sexual abuse suffered while the plaintiff 9 10 was under 18 years of age until the plaintiff attains 38 years of age." SECTION 2.(a) G.S. 1-52 reads as rewritten: 11 12 "§ 1-52. Three years. Within three years an action -13 14 . . . 15 (5) For criminal conversation, or for any other injury to the person or rights of another, not arising on contract and not hereafter enumerated, 16 except as provided by G.S. 1-17(d). 17 18 . . . 19 Unless otherwise provided by law, for personal injury or physical damage to (16)20 claimant's property, the cause of action, except in causes of actions referred to in G.S. 1-15(c), shall not accrue until bodily harm to the claimant or physical 21 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 accrue more than 10 years from the last act or omission of the defendant giving 25 rise to the cause of action. 26 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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(a) An-Except as provided by subsection (b) of this section, an action	n for relief not
otherwise limited by this subchapter may not be commenced more than 10 years	
of action has accrued.	
(b) A civil action for child sexual abuse is not subject to the limitation in	this section."
SECTION 4.(a) G.S. 115C-47 is amended by adding a new subdivis	
"(64) To adopt a child sexual abuse and sex trafficking training pr	
local board of education shall adopt and implement a child se	exual abuse and
sex trafficking training program for school personnel who wo	
students in grades kindergarten through 12, as required by G.S.	•
SECTION 4.(b) G.S. 115C-218.75 is amended by adding a new sub	section to read:
"(g) Child Sexual Abuse and Sex Trafficking Training Program. – A char	
adopt and implement a child sexual abuse and sex trafficking training program	
with G.S. 115C-375.20."	
SECTION 4.(c) G.S. 115C-238.66 is amended by adding a new subd	livision to read:
"(14) Child sexual abuse and sex trafficking training program. –	
directors shall adopt and implement a child sexual abuse and	
training program in accordance with G.S. 115C-375.20."	-
SECTION 4.(d) G.S. 116-239.8(b) is amended by adding a new subd	livision to read:
"(17) Child sexual abuse and sex trafficking training program. –	The chancellor
shall adopt and ensure implementation of a child sexual	abuse and sex
trafficking training program in accordance with G.S. 115C-37	
SECTION 4.(e) The title of Article 25A of Chapter 115C of the G	eneral Statutes
reads as rewritten:	
"Article 25A.	
"Special Medical Needs of Students.Students and Identification of Sexual Abuse	e of Students."
SECTION 4.(f) Article 25A of Chapter 115C of the General Statutes	s is amended by
adding a new section to read:	
"§ 115C-375.20. Child sexual abuse and sex trafficking training program re	
(a) Each local board of education shall adopt and implement a child sexual	
trafficking training program for school personnel who work directly with stud	dents in grades
kindergarten through 12 that provides education and awareness training related	
abuse and sex trafficking, including, but not limited to, the warning signs of se	
sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected	
legal responsibilities for reporting sexual abuse or sex trafficking, and available	
assistance. This training may be provided by local nongovernmental organizations	*
in these areas, local law enforcement officers, or other officers of the court. All so	*
who work with students in grades kindergarten through 12 shall receive two he	ours of training
consistent with this section biennially.	
(b) No entity required to adopt a child sexual abuse and sex trafficking tr	
by G.S. 115C-47(64), 115C-218.75(g), 115C-238.66(14), or 116-239.8(b)(17), or 116-239.8(b)(17	
employees, designees, agents, or volunteers, shall be liable in civil damages to an	
loss or damage caused by any act or omission relating to the provision of, part	
implementation of any component of a child sexual abuse and sex trafficking tra	
required by this section, unless that act or omission amounts to gross negligence, w	
or intentional wrongdoing. Nothing in this section shall be construed to impose an	• •
of care or standard of care on an entity required to adopt a child sexual abuse and	
training program by G.S. 115C-47(64), 115C-218.75(g), 115C-23	<u>38.66(14), or</u>
<u>116-239.8(b)(17).</u> "	. .
SECTION 4.(g) This section is effective when it becomes law. Each	v 1
by Section $4(a)$ (b) (c) and (d) to adopt and implement a child sexual abuse and	loov trofficlying

training program shall do so by January 1, 2020, and training shall be required for school
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.

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