

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 259

Short Title: Limitation Tolloed for Restitution.

(Public)

Sponsors: Representatives Kerr, Tart; Flaherty and Buchanan.

Referred to: Judiciary.

February 16, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT STATUTES OF LIMITATION AND STATUTES OF
2 REPOSE ARE TOLLED AGAINST A DEFENDANT IN A CIVIL ACTION
3 ARISING OUT OF A CRIMINAL OFFENSE FOR WHICH HE IS CONVICTED,
4 UNTIL RESTITUTION IS MADE BY THE DEFENDANT AS ORDERED BY
5 THE COURT OR AGREED TO BY THE DEFENDANT.
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7 The General Assembly of North Carolina enacts:

8 Section 1. Chapter 1 of the General Statutes is amended by adding a new
9 section to read:

10 **"§ 1-47.1. Statutes of limitation and repose for civil actions seeking to recover**
11 **damages out of a criminal act.**

12 Notwithstanding any other provision of law, if a defendant convicted of a criminal
13 offense, except for an offense established in Chapter 20 of the General Statutes, is
14 ordered by the court to pay restitution or accepts restitution as a condition of probation,
15 work release, or parole, all applicable statutes of limitation and all applicable statutes of
16 repose, except as established herein, are tolled against that defendant in a civil action for
17 damages arising out of the criminal offense for which he is convicted until the amount
18 of restitution ordered by the court or accepted by the defendant as a condition of
19 probation, work release, or parole is made by that defendant. However, in any
20 subsequent civil action for damages arising out of the criminal offense that defendant
21 has the right to contest the amount of damages, and the amount of restitution ordered or
22 accepted shall not be admissible into evidence in such civil action. All restitution
23 previously paid shall be credited against any judgment rendered against that defendant
24 in such civil action. Provided further, that in no event shall an action to recover

1 damages arising out of a criminal act be commenced more than 10 years from the last
2 act of the defendant giving rise to the cause of action."

3 Sec. 2. This act shall become effective October 1, 1989, and shall apply only
4 to those matters arising after the effective date.