

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 37

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

Sponsors: Representatives Riddell, White, Torbett, and B. Turner (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary Subcommittee on Criminal Matters, if favorable, Rules, Calendar, and Operations of the House

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 FORTY-FIVE 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 45 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 to
20 in G.S. 1-15(c), shall not accrue until bodily harm to the claimant or physical
21 damage to his property becomes apparent or ought reasonably to have become
22 apparent to the claimant, whichever event first occurs. Except as provided in
23 ~~G.S. 130A-26.3, G.S. 130A-26.3~~ G.S. 1-17(d), no cause of action shall
24 accrue more than 10 years from the last act or omission of the defendant giving
25 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.



1 (b) A civil action for child sexual abuse is not subject to the limitation in this section."

2 **SECTION 4.** Effective from January 1, 2020, until December 31, 2020, this act
3 revives any civil action for child sexual abuse otherwise time-barred under G.S. 1-52 as it existed
4 immediately before the enactment of this act.

5 **SECTION 5.** Except as specifically provided by Section 4 of this act, this act is
6 effective when it becomes law and applies to civil actions commenced on or after that date.