

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

2

HOUSE BILL 37
Committee Substitute Favorable 6/12/19

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.**



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

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

5 **SECTION 4.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

6 "(64) To adopt a child sexual abuse and sex trafficking training program. – Each
7 local board of education shall adopt and implement a child sexual abuse and
8 sex trafficking training program for school personnel who work directly with
9 students in grades kindergarten through 12, as required by G.S. 115C-375.20."

10 **SECTION 4.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

11 "(g) Child Sexual Abuse and Sex Trafficking Training Program. – A charter school shall
12 adopt and implement a child sexual abuse and sex trafficking training program in accordance
13 with G.S. 115C-375.20."

14 **SECTION 4.(c)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

15 "(14) Child sexual abuse and sex trafficking training program. – The board of
16 directors shall adopt and implement a child sexual abuse and sex trafficking
17 training program in accordance with G.S. 115C-375.20."

18 **SECTION 4.(d)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

19 "(17) Child sexual abuse and sex trafficking training program. – The chancellor
20 shall adopt and ensure implementation of a child sexual abuse and sex
21 trafficking training program in accordance with G.S. 115C-375.20."

22 **SECTION 4.(e)** The title of Article 25A of Chapter 115C of the General Statutes
23 reads as rewritten:

24 "Article 25A.

25 "Special Medical Needs of ~~Students~~ Students and Identification of Sexual Abuse of Students."

26 **SECTION 4.(f)** Article 25A of Chapter 115C of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 115C-375.20. Child sexual abuse and sex trafficking training program required.**

29 (a) Each local board of education shall adopt and implement a child sexual abuse and sex
30 trafficking training program for school personnel who work directly with students in grades
31 kindergarten through 12 that provides education and awareness training related to child sexual
32 abuse and sex trafficking, including, but not limited to, the warning signs of sexual abuse and
33 sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed,
34 legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for
35 assistance. This training may be provided by local nongovernmental organizations with expertise
36 in these areas, local law enforcement officers, or other officers of the court. All school personnel
37 who work with students in grades kindergarten through 12 shall receive two hours of training
38 consistent with this section biennially.

39 (b) No entity required to adopt a child sexual abuse and sex trafficking training program
40 by G.S. 115C-47(64), 115C-218.75(g), 115C-238.66(14), or 116-239.8(b)(17), or its members,
41 employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any
42 loss or damage caused by any act or omission relating to the provision of, participation in, or
43 implementation of any component of a child sexual abuse and sex trafficking training program
44 required by this section, unless that act or omission amounts to gross negligence, wanton conduct,
45 or intentional wrongdoing. Nothing in this section shall be construed to impose any specific duty
46 of care or standard of care on an entity required to adopt a child sexual abuse and sex trafficking
47 training program by G.S. 115C-47(64), 115C-218.75(g), 115C-238.66(14), or
48 116-239.8(b)(17)."

49 **SECTION 4.(g)** This section is effective when it becomes law. Each entity required
50 by Section 4(a), (b), (c), and (d) to adopt and implement a child sexual abuse and sex trafficking

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.