



HOUSE BILL 585: Extend Statute of Limitations/Child Sex Abuse.

2017-2018 General Assembly

Committee:	House Judiciary IV	Date:	April 19, 2017
Introduced by:	Reps. Riddell, Boswell, B. Turner, Williams	Prepared by:	Kara McCraw
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *HB 585 would allow plaintiffs to file a civil action against a defendant for sexual abuse suffered while the plaintiff was under 18 years of age until the plaintiff attains 40 years of age.*

CURRENT LAW: Individuals may bring various civil actions, including claims for personal injury, assault, battery, false imprisonment, and intentional infliction of emotional distress, based on damages suffered as a result of child sexual abuse. These civil actions are subject to various statutes of limitations that require claims to be filed within a certain period of time.

Many of these civil actions must be brought within the 3 year statute of limitations established by G.S. 1-52. These include the following:

- Claims for other injuries not arising out of contract and not otherwise enumerated.
- Claims of assault, battery, and false imprisonment.
- Claims for personal injury. For these claims, the cause of action does not accrue until bodily harm to the claimant becomes apparent, or ought reasonably to have become apparent to the claimant, whichever occurs first, but the cause of action is limited by a statute of repose, providing that no cause of action accrues more than 10 years from the last act or omission of the defendant giving rise to the cause of action.

Actions for relief not otherwise covered are limited by G.S. 1-56, and may not be commenced more than 10 years after the cause of action has accrued.

However these statutes of limitations are tolled when an individual is under a statutory disability under G.S. 1-17. Under that statute of limitations, an individual who is 18 or less when a cause of action accrues is allowed to bring that action from the time the disability is lifted (the individual turns 18) until the statute of limitations runs out. For example, an individual who was sexually abused at the age of fourteen would be able to bring a claim for personal injury for three years after the individual's 18th birthday, until the individual turns 21.

BILL ANALYSIS:

Section 1: G.S. 1-17 would be amended to allow a plaintiff to file a civil action against a defendant for sexual abuse suffered while the plaintiff was under 18 years of age until the plaintiff attains 40 years of age.

Section 2: No statute of limitations or repose would apply to civil action against a defendant for sexual abuse suffered under the age of 18, other than the new limitation established in G.S. 1-17 under Section 1.

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Section 3: The 10 year statute of limitations would not apply to civil actions against a defendant for sexual abuse suffered under the age of 18.

Section 4: From October 1, 2017, until September 30, 2018, any civil action against a defendant for sexual abuse suffered under the age of 18 otherwise time barred by G.S. 1-52 would be revived as it existed immediately before the enactment of the bill, and a claim could be filed without dismissal under the statute of limitations.

Section 5: Would provide that the provisions of the act are severable, in the event of a legal challenge.

EFFECTIVE DATE: Except as provided by Section 4, HB 585 would become effective October 1, 2017, and apply to civil actions commenced on or after that date.