



# HOUSE BILL 37: Child Sex Abuse/Extend Statute of Limitations.

2019-2020 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	June 14, 2019
<b>Introduced by:</b>	Reps. Riddell, White, Torbett, B. Turner	<b>Prepared by:</b>	Tawanda N. Foster
<b>Analysis of:</b>	Second Edition		Staff Attorney

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**OVERVIEW:** *House Bill 37 does the following:*

- *Extends the statute of limitations for a civil action for child sexual abuse so that a plaintiff has until age thirty-eight to commence an action; and*
- *Requires training related to child sexual abuse and sex trafficking for school personnel.*

**CURRENT LAW:** Civil procedure statutes govern when an action or special proceeding may be filed and the remedies available to petitioners in those actions. G.S. 1-17 sets forth the application of the statutes of limitations for a person entitled to commence an action who is under a disability at the time the cause of action occurs. The current law provides that person may bring his or her action within the time limits in the General Statutes, after the disability is removed, except in cases related to real property, when the person must commence his or her action, or make the entry, within three years next after the removal of the disability. A person is under a disability if the person is 1) under the age of 18 years; 2) insane; or 3) incompetent.

Chapter 115C contains the provisions related to maintaining a general and uniform system of free public schools governed by the State Board of Education. These statutes apply to local public schools, charter schools, and optional programs, such as innovative and regional schools. University of North Carolina (UNC) Laboratory Schools are governed by Chapter 116 of the General Statutes.

## **BILL ANALYSIS:**

**Section 1** extends the statute of limitations for a civil action for child sexual abuse so that a plaintiff has until age 38 to commence the action.

**Section 2** makes conforming changes to the statute of limitations for criminal conversation, personal injury, assault, battery, and false imprisonment to extend the statute of limitations in those causes of action so that a plaintiff has until age 38 to commence the action. This section also allows any civil action for child sexual abuse that has been otherwise time-barred under the current law to be revived from January 1, 2020, through December 31, 2021.

**Section 3** makes conforming changes to extend the statute of limitations.

**Section 4** requires all school personnel who work directly with students in grades kindergarten through 12 to receive 2 hours of training biennially related to child sexual abuse and child sex trafficking to include: the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex

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trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance.

**Section 5** appropriates fifty thousand dollars (\$50,000.00) for the 2019-2020 fiscal year to assist local school administrative units, charter schools, regional schools, innovative schools, and laboratory schools in implementing the training requirement in Section 4.

**Section 6** contains a severability clause.

**EFFECTIVE DATE:** This act is effective when it becomes law and Section 2 of this act applies to civil actions commenced on or after that date.