

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1108*

Short Title: Limitation/Childhood Sexual Abuse.

(Public)

Sponsors: Representatives Fitch and Michaux.

Referred to: Courts and Justice.

April 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A LIMITATION FOR CIVIL ACTIONS BASED ON
2 PERSONAL INJURY OR ILLNESS CAUSED BY CHILDHOOD SEXUAL
3 ABUSE.
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5 The General Assembly of North Carolina enacts:

6 Section 1. Article 3 of Chapter 1 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 1-15.2. Limitation for survivors of childhood sexual abuse.**

9 (a) Subject to subsection (b) of this section, a civil action for damages based on
10 personal injury or illness caused by childhood sexual abuse shall be commenced within
11 three years of the later of:

12 (1) The time the plaintiff reaches the age of majority, or

13 (2) The time the plaintiff discovers or reasonably should have discovered
14 that the injury or illness was caused by the sexual abuse.

15 (b) In no event shall an action to recover damages arising out of the childhood
16 sexual abuse be commenced after the plaintiff reaches the age of 40 years.

17 (c) The plaintiff shall not be required to establish which specific act in a series of
18 acts of childhood sexual abuse caused the injury that is the subject of the action.
19 Further, the doctrine of parental immunity shall not be available as a defense in an
20 action based on personal injury or illness caused by childhood sexual abuse committed
21 by a parent against the parent's child.

22 (d) As used in this section, 'childhood sexual abuse' means conduct that
23 constitutes one or more of the following acts committed against a victim less than 18

1 years of age at the time of the act by a defendant 18 years of age or more and at least
2 five years older than the victim:

3 (1) Vaginal or anal intercourse;

4 (2) Oral-genital contact; or

5 (3) Fondling of the genitals, buttocks, or breasts.

6 Childhood sexual abuse also means conduct that constitutes an inducement of a victim
7 less than 18 years of age to perform one or more of these acts on a defendant 18 years of
8 age or more and at least five years older than the victim."

9 Sec. 2. G.S. 1-52(16) reads as rewritten:

10 "(16) Unless otherwise provided by statute, for personal injury or physical
11 damage to claimant's property, the cause of action, except in causes of
12 actions referred to in ~~G.S. 1-15(e)~~, G.S. 1-15(c) and G.S. 1-15.2, shall
13 not accrue until bodily harm to the claimant or physical damage to his
14 property becomes apparent or ought reasonably to have become
15 apparent to the claimant, whichever event first occurs. Provided that
16 no cause of action shall accrue more than 10 years from the last act or
17 omission of the defendant giving rise to the cause of action."

18 Sec. 3. This act becomes effective October 1, 1993, and applies to all actions
19 arising on or after that date.