

February 13, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2282

Page 1, line 1, after "to" insert "create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to the limitation on claims for sexual assault; and to"

Page 1, line 1, remove the second "and"

Page 1, line 1, after "28-01-25.1" insert ", and 32-12.1-10, and subsection 1 of section 32-12.2-04"

Page 1, line 3, remove "; and to provide an expiration"

Page 1, line 4, replace "date" with ", and the notice requirement for claims against the state"

Page 1, line 9, remove "1."

Page 1, line 9, overstrike "The" and insert immediately thereafter "Except as provided in section 4 of this Act, the"

Page 1, line 11, remove the overstrike over "~~4.~~"

Page 1, line 11, remove "a."

Page 1, line 12, remove the overstrike over "~~2.~~"

Page 1, line 12, remove "b."

Page 1, line 13, remove the overstrike over "~~3.~~"

Page 1, line 13, remove "c."

Page 1, line 19, remove the overstrike over "~~4.~~"

Page 1, line 19, remove "d."

Page 2, line 3, remove the overstrike over "~~5.~~"

Page 2, line 3, remove "e."

Page 2, remove lines 7 through 10

Page 2, line 20, remove "If on August 1, 2023, a claim for relief that resulted from sexual assault, sexual abuse,"

Page 2, remove lines 21 and 22

Page 2, line 23, replace "commenced before August 1, 2025" with "Notwithstanding subsections 1 and 2, an action for relief that resulted from sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20 must be commenced:

- a. Within nine years after the date the act occurred; or
- b. Within twenty-one years after the date the act occurred, if the act occurred when the plaintiff was under eighteen years of age.

4. If the plaintiff was under fifteen years of age when a claim for relief resulting from sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20 occurred, the applicable twenty-one year period of limitation does not begin to run until the plaintiff has reached fifteen years of age"

Page 2, line 28, overstrike "ten" and insert immediately thereafter "twenty-one"

Page 2, line 28, overstrike "plaintiff knew or reasonably"

Page 2, line 29, overstrike "should have known that a"

Page 2, line 29, overstrike "exists"

Page 2, line 30, after "abuse" insert "accrued"

Page 3, line 1, remove "If on August 1, 2023, a claim for relief that resulted from childhood sexual abuse is"

Page 3, remove line 2

Page 3, line 3, replace "revived under this subsection must be commenced before August 1, 2025" with "If the plaintiff was under fifteen years of age when the act resulting in a potential claim for childhood sexual abuse occurred, the applicable twenty-one year period of limitation does not begin to run until the plaintiff has reached fifteen years of age"

Page 3, after line 9, insert:

"SECTION 4. A new section to chapter 28-01 of the North Dakota Century Code is created and enacted as follows:

Limitation on claims for sexual assault.

A claim for relief that resulted from sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20 must be commenced within nine years after the date of the act.

SECTION 5. AMENDMENT. Section 32-12.1-10 of the North Dakota Century Code is amended and reenacted as follows:

32-12.1-10. Statute of limitations.

An

1. Except as otherwise provided in this section, an action brought under this chapter must be commenced within three years after the claim for relief has accrued.
2. An action under this chapter for relief that resulted from sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20 must be commenced:
 - a. Within nine years after the date the act occurred; or

- b. Within twenty-one years after the date the act occurred, if the act occurred when the plaintiff was under eighteen years of age.
- 3. If the plaintiff was under fifteen years of age when a claim for relief resulting from sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20 occurred, the applicable twenty-one year period of limitation does not begin to run until the plaintiff has reached fifteen years of age.

SECTION 6. AMENDMENT. Subsection 1 of section 32-12.2-04 of the North Dakota Century Code is amended and reenacted as follows:

- 1. a. A person bringing a claim against the state or a state employee for an injury shall present to the director of the office of management and budget within one hundred eighty days after the alleged injury is discovered or reasonably should have been discovered a written notice stating the time, place, and circumstances of the injury, the names of any state employees known to be involved, and the amount of compensation or other relief demanded.
- b. The time for giving the notice does not include the time during which a person injured is incapacitated by the injury from giving the notice. If the claim is one for death, the notice may be presented by the personal representative, surviving spouse, or next of kin within one year after the alleged injury resulting in the death.
- c. The time for giving the notice is waived for a claim for relief that resulted from sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20."

Page 3, remove lines 10 and 11

Renumber accordingly