

Klemin, Lawrence R.

From: Joseph, Christopher
Date: Tuesday, March 21, 2023 12:23 PM
To: Klemin, Lawrence R.
Subject: Senate Bill No. 2282 (sexual assault)

Good afternoon Rep. Klemin,

This email is in response to your request for a section-by-section explanation of Engrossed Senate Bill No. 2282 (2023).

Section 1:

The general statute of limitation on civil actions alleging sexual assault is currently two years. This is reflected on page 1, lines 12-13. Section 1 carves out an exception to the general statute of limitation. The exception is provided in Section 4 of Senate Bill No. 2282.

Section 4:

Section 4 of Senate Bill No. 2282 carves out an exception to the general statute of limitation on civil actions alleging sexual assault. A general claim for relief for sexual assault (also abuse or gross sexual imposition) would now be nine years from the date the assault occurred.

Section 2:

Civil claim against the state (or its employees and officials acting within the scope of their employment or office) must in all cases be commenced within three years after the claim for relief has accrued. Section 2 carves out an exception to the three year statute of limitation for sexual assault claims. Under section 2, a claim for sexual assault would now have nine years from the date the assault occurred or twenty-one years from the date the assault occurred if the victim was under the age of eighteen when the assault occurred. In addition, if the victim was under the age of fifteen when the assault occurred, the aforementioned twenty-one year statute of limitation would not start until the victim turns fifteen years old.

Section 3:

Remember, the general statute of limitation on civil actions alleging sexual assault being two years (*see section 1 of the bill*)? Well, the statute of limitation for childhood sexual abuse is an exception to the general statute of limitation. The current limitation for childhood sexual abuse is within ten years after the victim knew or reasonably should have known that a potential claim exists resulting from alleged childhood sexual abuse. Section 3 would change the ten year limitation to twenty-one years. However, if the victim was under the age of fifteen when he assault occurred, the twenty-one year limitation would not begin to run until the victim reaches the age of fifteen.

Section 5:

Civil actions against a political subdivision must be commenced within three years. Section 5 of Senate Bill No. 2282 carves out an exception for sexual assault claims, and makes the limitation for such claims against a political subdivision the same as the limitation proposed against the state under Section 2 of the bill.

Section 6:

Currently, a person that brings an action against the state (or a state employee) for an injury must provide notice of the time, place, circumstances of the injury, the names of any state employee involved, and the amount of compensation sought within 180 days of the injury. Section 6 waives this 180 notice requirement for sexual assault claims.

Hope this breakdown helps Rep. Klemin! If you need additional information or have any other questions related to this topic, please do not hesitate to contact me.

Sincerely,

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