

SENATE BILL NO. 2282

Introduced by

Senators Dwyer, Estenson, Vedaa

Representatives Cory, O'Brien, Pyle

1 A BILL for an Act to amend and reenact sections 28-01-18, 28-01-22.1, ~~and 28-01-25.1~~, and
2 32-12.1-10 and subsection 1 of section 32-12.2-04 of the North Dakota Century Code, relating
3 to limitations on civil actions alleging sexual assault, sexual abuse, gross sexual imposition, or
4 childhood sexual abuse and the notice requirement of claims against the state; and to provide
5 an expiration date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 28-01-18 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **28-01-18. Actions having two-year limitations.**

- 10 1. The following actions must be commenced within two years after the claim for relief
11 has accrued:
- 12 4. a. An action for libel, slander, assault, battery, or false imprisonment.
13 2. b. An action upon a statute for a forfeiture or penalty to the state.
14 3. c. An action for the recovery of damages resulting from malpractice; provided,
15 however, that the limitation of an action against a physician or licensed hospital
16 will not be extended beyond six years of the act or omission of alleged
17 malpractice by a nondiscovery thereof unless discovery was prevented by the
18 fraudulent conduct of the physician or licensed hospital. This limitation is subject
19 to the provisions of section 28-01-25.
- 20 4. d. An action for injuries done to the person of another, when death ensues from
21 such injuries, and the claim for relief must be deemed to have accrued at the time
22 of the death of the party injured; provided, however, that when death ensues as
23 the result of malpractice, the claim for relief is deemed to have accrued at the
24 time of the discovery of the malpractice. However, the limitation will not be

1 extended beyond six years of the act or omission of alleged malpractice by a
2 nondiscovery thereof unless discovery was prevented by the fraudulent conduct
3 of the physician or hospital.

4 5. e. An action for recovery of damages arising under chapter 5-01, and the claim for
5 relief is deemed to have accrued at the time of the alleged offense. This limitation
6 does not apply to any claim for relief existing at the time of the enactment of this
7 subsection.

8 2. If on August 1, 2023, a claim for relief that resulted from sexual assault, sexual abuse,
9 or gross sexual imposition, is barred because of the time limitation under this section,
10 that claim is revived. A claim revived under this subsection must be commenced
11 before August 1, 2025.

12 **SECTION 2. AMENDMENT.** Section 28-01-22.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **28-01-22.1. Actions against state - Limitation.**

15 1. When not otherwise specifically provided by law, an action against the state or its
16 employees and officials acting within the scope of their employment or office must be
17 commenced within three years after the claim for relief has accrued.

18 2. For purposes of this section, the claim for relief is deemed to have accrued at the time
19 it is discovered or might have been discovered in the exercise of reasonable diligence.
20 This may not be construed as a waiver of immunity.

21 3. If on August 1, 2023, a claim for relief that resulted from sexual assault, sexual abuse,
22 or gross sexual imposition, ~~in a public school~~ is barred because of the time limitation
23 under this section, that claim is revived. A claim revived under this subsection must be
24 commenced before August 1, 2025.

25 **SECTION 3. AMENDMENT.** Section 28-01-25.1 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **28-01-25.1. Limitation on actions alleging childhood sexual abuse.**

28 1. Notwithstanding section 28-01-25, a claim for relief resulting from childhood sexual
29 abuse must be commenced within ten years after the plaintiff knew or reasonably
30 should have known that a potential claim exists resulting from alleged childhood
31 sexual abuse.

1 2. If on August 1, 2023, a claim for relief that resulted from childhood sexual abuse is
2 barred because of the time limitation under subsection 1, that claim is revived. A claim
3 revived under this subsection must be commenced before August 1, 2025.

4 3. For purposes of this section, "childhood sexual abuse" means any act committed by
5 the defendant against the plaintiff which occurred when the plaintiff was under
6 eighteen years of age and which would have been a violation of chapter 12.1-20 or
7 12.1-27.2.

8 4. In a claim for relief under this section, the plaintiff is not required to establish which act
9 in a continuous series of sexual abuse acts by the defendant caused the injury.

10 **SECTION 4. AMENDMENT.** Section 32-12.1-10 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **32-12.1-10. Statute of limitations.**

13 1. An action brought under this chapter must be commenced within three years after the
14 claim for relief has accrued.

15 2. If on August 1, 2023, a claim for relief that resulted from sexual assault, sexual abuse,
16 or gross sexual imposition, is barred because of the time limitation under subsection 1,
17 that claim is revived. A claim revived under this subsection must be commenced
18 before August 1, 2025.

19 **SECTION 5. AMENDMENT.** Subsection 1 of section 32-12.2-04 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 1. a. A person bringing a claim against the state or a state employee for an injury shall
22 present to the director of the office of management and budget within one
23 hundred eighty days after the alleged injury is discovered or reasonably should
24 have been discovered a written notice stating the time, place, and circumstances
25 of the injury, the names of any state employees known to be involved, and the
26 amount of compensation or other relief demanded.

27 b. The time for giving the notice does not include the time during which a person
28 injured is incapacitated by the injury from giving the notice. If the claim is one for
29 death, the notice may be presented by the personal representative, surviving
30 spouse, or next of kin within one year after the alleged injury resulting in the
31 death.

1 c. The time for giving the notice is waived for a claim for relief that resulted from
2 sexual assault, sexual abuse, or gross sexual imposition which is revived under
3 subsection 3 of section 28-01-22.1.

4 **SECTION 6. EXPIRATION DATE.** This Act is effective through July 31, 2025, and after that
5 date is ineffective.