

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 of the
2 North Dakota Century Code, relating to limitations on civil actions alleging sexual assault,
3 sexual abuse, gross sexual imposition, or childhood sexual abuse; and to provide an expiration
4 date.

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

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

8 **28-01-18. Actions having two-year limitations.**

9 1. The following actions must be commenced within two years after the claim for relief
10 has accrued:

11 1. a. An action for libel, slander, assault, battery, or false imprisonment.

12 2. b. An action upon a statute for a forfeiture or penalty to the state.

13 3. c. An action for the recovery of damages resulting from malpractice; provided,
14 however, that the limitation of an action against a physician or licensed hospital
15 will not be extended beyond six years of the act or omission of alleged
16 malpractice by a nondiscovery thereof unless discovery was prevented by the
17 fraudulent conduct of the physician or licensed hospital. This limitation is subject
18 to the provisions of section 28-01-25.

19 4. d. An action for injuries done to the person of another, when death ensues from
20 such injuries, and the claim for relief must be deemed to have accrued at the time
21 of the death of the party injured; provided, however, that when death ensues as
22 the result of malpractice, the claim for relief is deemed to have accrued at the
23 time of the discovery of the malpractice. However, the limitation will not be
24 extended beyond six years of the act or omission of alleged malpractice by a

1 nondiscovery thereof unless discovery was prevented by the fraudulent conduct
2 of the physician or hospital.

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

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

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

13 **28-01-22.1. Actions against state - Limitation.**

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

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

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

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

26 **28-01-25.1. Limitation on actions alleging childhood sexual abuse.**

27 1. Notwithstanding section 28-01-25, a claim for relief resulting from childhood sexual
28 abuse must be commenced within ten years after the plaintiff knew or reasonably
29 should have known that a potential claim exists resulting from alleged childhood
30 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. EXPIRATION DATE.** This Act is effective through July 31, 2025, and after that
11 date is ineffective.